Mr. SMITH of Michigan: Petition of C. S. Veeder and 83 citizens of Hillsdale, Mich., and vicinity, protesting against House bill 20357, Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. STAFFORD: Petition of members of the Wisconsin Branch of the National Security League, favoring the enactment of legislation for universal military training; to the Committee on Military Affairs.

Also, petition indorsed by 20 citizens of the fifth Wisconsin district, urging the enactment of legislation for national military training; to the Committee on Military Affairs.

SENATE.

SATURDAY, *March 3, 1917.*

(Legislative day of Friday, March 2, 1917.)

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

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Fletcher	McLean	Sherman
Borah	Hardwick	Martin, Va.	Smith, Ga.
Brady	Hitchcock	Myers	Smith, S. C.
Brandegee	Hollis	Nelson	Smoot
Bryan	Husting	Norris	Sterling
Chamberlain	James	Oliver	Stone
Culberson	Jones	Overman	Sutherland
Curtis	Kenyon	Page	Swanson
Dillingham	La Follette	Pomerene	Thomas
Fall	Lea, Tenn.	Reed	Wadsworth
Fernald	McCumber	Sheppard	

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is detained from the Senate by reason of illness in his family.

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

The Secretary called the names of absent Senators, and Mr. KIRBY, Mr. THOMPSON, Mr. TILLMAN, Mr. WEEKS, and Mr. WILLIAMS answered to their names when called.

Mr. SHAFROTH, Mr. CLAPP, Mr. ROBINSON, Mr. MARTINE of New Jersey, and Mr. WORKS entered the Chamber and answered to their names.

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

Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] had the floor when the recess was taken.

Mr. THOMAS. Will the Senator yield to me for a very important matter that will take only a moment?

Mr. BRANDEGEE. I will yield if I can do so without losing the floor.

The VICE PRESIDENT. If no Senator raises the question the Chair will not raise it.

Mr. BRANDEGEE. I could not yield on that condition, because some one may raise the question. I will be perfectly willing to yield the floor if I can do so without losing it.

Mr. THOMAS. I certainly would not under any circumstances have the Senator lose the floor.

The VICE PRESIDENT. The Chair will rule that the Senator from Connecticut has not lost the floor.

Mr. BRANDEGEE. I yield to the Senator on that basis.

GUY A. RICHARDS AND OTHERS.

Mr. THOMAS. The last number upon the calendar is Order of Business No. 1019, the bill (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox. It is a bill for the relief of five homesteaders, two in Colorado and three living in Nebraska, located upon quarter sections on the border line between the two States. When they were ready to prove up and receive their patents a new survey practically wiped out their location by destroying the surveys which embraced this ground. It is the purpose of the bill to permit them to make selections in the same acreage elsewhere upon the unappropriated public domain. It is a case of great importance to them in the exigency with which they are confronted. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Let me ask the Senator a question. In selecting the land in lieu of that taken before are they allowed to locate anywhere in any State?

Mr. THOMAS. They are allowed to select lands where they can secure them and apply upon those lands the residence which they have heretofore had upon these quarter sections. It is one of the most meritorious cases that was ever presented to the consideration of the Senate for the relief of a private citizen.

Mr. SMOOT. I have no objection to the bill, but it does seem to me that we ought to limit them to entering lands within the States in which they originally located.

Mr. THOMAS. I will say to the Senator I am informed that they have already made selections in Colorado and in Nebraska. That information is second hand.

Mr. NORRIS. They ought not to be limited to the public lands in a single State. They made that entrance, and by reason of surveys they have not any land. They ought to be allowed to go anywhere where there are public lands.

Mr. THOMAS. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

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

Be it enacted, etc., That Guy A. Richards, of Cambridge, Nebr.; Jesse L. Robbins, of Lamont, Nebr.; Isaac M. C. Grimes, of Lamont, Nebr.; William L. Irvine, of Witherbee, Colo.; and David Cox, of Holyoke, Colo., who made entries under the homestead laws in accordance with the official plat of survey approved November 23, 1881, of public lands shown by said plat to be a part of township 5 north, range 42 west of the sixth principal meridian, and prior to the resurvey of said township evidenced by plat approved January 30, 1915, which resurvey and plat thereof show the nonexistence of the land as entered and described by said parties, be, and they are hereby, authorized to make individual selections, within one year from the date of approval of this act, of unappropriated, surveyed, nonmineral public land, in area approximately equal to that entered by them and shown not to exist.

SEC. 2. That upon filing formal relinquishment of all right and claim asserted under said original homestead entries and making proof satisfactory to the Commissioner of the General Land Office of having so complied with the requirements of the homestead laws in connection with their original entries as would have entitled them to patents therefor, patent shall isue for the land selected: *Provided*, That if any of said parties is unable to show that he had earned title to the land formerly entered he shall perfect said selection as a homestead and receive credit for residence and improvements had in connection with such former entry.

SEC. 3. That the right of selection hereby granted shall not be assignable, but must be exercised by the said parties in person or, in case of death, by or in behalf of the decedent's heirs: *Provided*, That the land selected shall be of similar character to that actually claimed and occupied by the said parties under their original entries; but if selection is made of lands designated as subject to entry under the stock-raising homestead act approved December 29, 1916, double the area embraced by said original entries may be selected: *Provided further*, That the selections hereby authorized may be made subject to existing laws relating to surface entry, with reservation of minerals to the United States.

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

Mr. THOMAS. I am very grateful, indeed, to the Senator from Connecticut.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. Will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. On the same condition.

The VICE PRESIDENT. The Chair will not allow the Senator from Connecticut to lose the floor, unless the Senate overrules him.

Mr. OVERMAN. I ask for action on the conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes. There was only one item in dispute, and I ask for the adoption of the report.

Mr. NORRIS. I wish to inquire of the Senator if the item in dispute was that in regard to salaries?

Mr. OVERMAN. Yes, sir.

Mr. NORRIS. It is the same rate as in the Indian appropriation bill?

Mr. OVERMAN. Yes; the same provision that is contained in all the bills.

Mr. NORRIS. I understand that the Post Office appropriation bill, which has been passed, does not have the same provision.

Mr. OVERMAN. I do not know anything about that. I know that some of the others have it.

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Mr. NORRIS. The reason in that case, I understand, was that the salary increases were not in conference. It was impossible to put them in.

Mr. SMOOT. I will say to the Senator from Nebraska that when the Post Office appropriation bill passed the House there was no provision whatever increasing the salary of Government employees provided for in that bill. It came to the Senate, and the Senate adopted the so-called Smoot amendment, increasing the salaries provided for in the bill. It went back to the House, and conferees were appointed, and in conference the amendment agreed to by the Senate was adopted by the House.

Mr. NORRIS. That means that there was only one item in dispute in conference, and that was the Smoot amendment.

Mr. SMOOT. Yes.

Mr. NORRIS. The conferees would have had power, of course, to cut that down, because the House had provided for no increase whatever, but the conferees were powerless to increase it. So in that case, unless we pass a joint resolution to exchange it, or something of the kind, it will be an impossibility for them to give to those clerks the increase in this bill, unless it should be claimed as to a certain class of them that, for instance, up to $480 under the Smoot amendment a greater amount was given than by the House amendment.

Mr. SMOOT. Mr. President, they could have done exactly the same as they did upon the Indian appropriation bill. There was no increase provided on the Indian appropriation bill as it passed the House, but the Smoot amendment was put upon that bill in the Senate, and the conferees went even so far as to adopt the House provision on the Indian bill, which, under the same rule, they could have adopted on the Post Office appropriation bill.

Mr. NORRIS. Yes; but that would have been subject to a point of order; and I suppose, in view of the opposition particularly to that bill, a point of order would have been made.

Mr. SMOOT. I understand, of course, that the point of order would not have lain; but I understand that objection would have been made to it. Of course, we could have taken a vote of the Senate upon it.

Mr. NORRIS. That only emphasizes, as it seems to me, what the condition now is in regard to these increases. The increases as provided for in the bill as it originally passed the House—I do not remember now what bill it was——

Mr. SMOOT. The Indian appropriation bill.

Mr. NORRIS. Well, what is known as the House provision went into the Indian appropriation bill; it went into the District appropriation bill; and it has gone into all the appropriation bills so far, except the Post Office appropriation bill. In the Post Office appropriation bill there is the so-called Smoot amendment, that has been agreed to. That means that employees of the Government in the Post Office Department doing the same work as employees of the Government in another and different department of the Government will get a different salary for the coming fiscal year.

Mr. OVERMAN. That is true, and the salaries ought to be the same.

Mr. NORRIS. They ought to be the same, it seems to me; and Congress ought to correct it. I should myself have objected to the consideration of the Post Office appropriation bill had I known at that time that that provision was not in it; but I assumed, in accordance with what I understood to be the universal understanding in both Houses of Congress, that when this matter of salaries was thrashed out and had been once agreed to by both Houses in one bill, all the conferees after that, by unanimous consent, would embody provisions in regard to the salaries in each bill such as were agreed to on that bill. The matter was explained to me by one of the conferees; and but for that explanation I should have made a motion to reconsider. From his explanation I reached the conclusion that the matter in the Post Office appropriation bill was really not in conference, and that if they brought in an amendment the same as we had adopted in the other appropriation bills, it would have been subject to a point of order, because the conferees would have exceeded their authority. That, however, does not do away with the fact that there is an injustice now among the employees. I do not know of any other way to change it now, unless we pass a joint resolution.

Mr. REED. Is it not true that there is a difference in the pay of the post-office employees and other employees of the Government in this, that post-office employees get increased pay through longevity, as it is called; that is, that there is an increased pay to at least certain of the post-office employees because of the length of time they have served; and that in some of the other departments that is not generally true, and that therefore they do not come within the same equity? Therefore, to state it better, the equity to which the Senator appeals does not apply to these other employees.

Mr. NORRIS. That may be; I am not well enough versed in the matter to know; but I think the Senator from Missouri will agree with me that there are at least a good many employees to whom that inequity will apply.

Mr. REED. I am not saying otherwise. I ask the Senator from Utah if I am correct in my statement?

Mr. SMOOT. The Senator from Missouri is correct, so far as certain employees of the Government are concerned, beginning with those who are receiving a salary of $800; then, for each additional year they serve in the department they are increased $100 per annum until they reach $1,200 per annum. But I was going to say to the Senator from Nebraska [Mr. NORRIS] that the amount of increased cost to the Government under the House provision, if it had applied to the Post Office appropriation bill, would have been one-half of all the cost to the Government if the salaries of all the employees of the Government had been increased. So we must remember that in accepting the Smoot amendment on the appropriation bill, with the amendment which was adopted to it—which was offered by the Senator from Florida [Mr. BRYAN], and which I was compelled to accept, or else my amendment would have gone out on a point of order—one-half of the expense to the Government was wiped out in that one department.

Mr. NORRIS. In the Post Office Department?

Mr. SMOOT. In the Post Office Department.

Mr. NORRIS. If that be true, it only demonstrates the fact that there must be somewhere in the departments a large number of employees who will not be provided for by this amendment.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

The VICE PRESIDENT. The Senator from Connecticut has the floor.

Mr. HARDWICK. Will the Senator from Connecticut yield to me for just a moment?

Mr. BRANDEGEE. I yield to the Senator on condition that I do not lose the floor.

Mr. HARDWICK. I ask unanimous consent for the present consideration of Order of Business 850, being the bill (H. R. 14826) for the relief of F. M. Barfield. It is a small post-office claims bill, and I know that it is all right. My illness at an earlier stage of the session prevented an earlier consideration of it. It is a unanimous report both from the Senate committee and from the House committee.

Mr. SMOOT. That may be; but I ask the Senator from Georgia for what purpose is the claim?

Mr. HARDWICK. The post office was burglarized.

Mr. SMOOT. All of those claims have been objected to in the past because of the fact that they have gone to the Claims Committee, and the Claims Committee have held them up for years.

Mr. HARDWICK. That is not true as to this case.

Mr. SMOOT. Not this one; but I will say to the Senator that there have been at least 50 claims of exactly the same character.

Mr. HARDWICK. But the Senator does not want to object to this claim, surely?

Mr. SMOOT. I want all claims to be treated alike.

Mr. HARDWICK. I am perfectly willing for them all to be treated alike; but wherever they are just they ought to be paid, and I know all about this one. The Senator therefore ought not to give trouble in reference to its consideration.

Mr. SMOOT. I will ask the Senator to let it go over now. I will read the report, and then, if the claim is all right, I shall not object.

Mr. HARDWICK. I may not have another chance to get the bill up, as the Senator knows, at this stage of the session.

Mr. SMOOT. Oh, yes; the Senator will.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Yes.

Mr. HITCHCOCK. I ask the Senator to yield that I may offer an amendment to the pending bill. The amendment consists of the text of the Senate bill with two merely verbal amendments. I suppose it ought to be read so as to be before the Senate.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of $100,000,000 is hereby appropriated, to be expended by the President of the United States for the purpose of carrying into effect the foregoing provisions, the said sum to be available until the first day of January, 1918.

SEC. 3. That for the purpose of meeting the expenditures herein authorized the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at a rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulation privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

SEC. 5. That the President is authorized to transfer so much of the amount herein appropriated as he may deem necessary, not exceeding $25,000,000, to the Bureau of War-Risk Insurance, created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

Mr. SMOOT. Mr. President, may I ask the Senator from Nebraska a question?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Utah?

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

Mr. SMOOT. I desire to ask a question in relation to this amendment which has been offered. Do I understand that the Senator from Nebraska offers this as an amendment to Senate bill 8322?

Mr. HITCHCOCK. No; it is offered as an amendment to the House bill which is now before the Senate. I am offering the text of the Senate bill as an amendment.

Mr. NELSON. Mr. President, may I ask——

Mr. BRANDEGEE. I yield to the Senator.

Mr. NELSON. May I ask the Senator from Nebraska if the substitute he has offered is identical with the Senate bill?

Mr. HITCHCOCK. It is, with two exceptions. The words "fore and aft," referred to by the Senator from Massachusetts [Mr. LODGE] yesterday, effecting a limitation, are stricken out and the word "thereon" has been inserted, so as to limit the protection of citizens of the United States to those upon American ships.

Mr. NELSON. Those are the only changes?

Mr. HITCHCOCK. Those are the only changes.

Mr. OLIVER. Mr. President——

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

Mr. BRANDEGEE. I yield.

Mr. OLIVER. My purpose is to call for the regular order.

Mr. BRANDEGEE. I will yield if unanimous consent is given.

The VICE PRESIDENT. The Chair is going to protect the Senator during the morning hour.

Mr. BRANDEGEE. If any Senator objects to my yielding, I will not do so.

Mr. OLIVER. If the Chair is going to protect the Senator, I will not call for the regular order; but we are engaged in perhaps the most important legislation that has demanded the attention of the American Congress in years. I therefore think we ought to proceed with its consideration and prosecute it to a conclusion, and I do not think any other business ought to be allowed to interfere with it.

Mr. WEEKS. I ask unanimous consent that I may be permitted to have printed in the RECORD a telegram, written by C. C. Carstens and many others, relating to the international question which is now under discussion.

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

BOSTON, MASS., *March 1, 1917.*

Hon. JOHN W. WEEKS,
Senate Chamber, Washington, D. C.:

Because Germany, by its deliberate acts, is not only driving American commerce from the seas but is killing our fellow citizens, therefore we, the undersigned, with no love for war but with a sense of the Nation's duty, pledge our unswerving support to the Government in immediate and forcible measures of defense.

C. C. Carstens, Dorothy M. Bailey, Fannie E. Barnes, Edith M. H. Bayler, Mary Beard, Mattie L. Beattie, Florence W. Birchard, Meyer Bloomfield, Richard C. Cabot, M. D., Margaret Caswell, Jessie E. Catton, Ernst H. Cole, Emily T. Collins, Michael Davis, jr., Mary S. Doran, Helen B. Fenilon, Henry Copley Greene, R. S. Hardwick, Carrington Howard, Ray S. Hubbard, Charlotte M. Huntoon, Fred R. Johnson, Philip W. Carter, Jeffery R. Backett, Elanor L. Boutelle, Elizabeth L. Holbrook, Harriet A. Benton, Ida E. Ridgeway, Almeda F. Cree, Parker B. Field, Mattie J. Floyd, Jennie F. I. Dixon, Katharine P. Hewins, Amy Woods, Mabell B. Blake, Ruth V. Emerson, Edith M. Baker, Katharine S. Crothers, Alida Winklemann, Dorothy White, James W. Holland, Charles O. Currie, James R. Lowell, Frances Jefferson, Myrtle L. Noyes, Alfred F. Whitman, Elizabeth Piera, Magie B. Blake, Elizabeth Spring, H. G. Maxted, Sally E. Batchelder, Carrie E. White, Mary L. Birtwell, Jane E. Kemp, Fred H. Knight, Horatio A. Lamb, George S. Mansfield, Rina Mathewson, J. Prentiss Murphy, Grace O'Bryan, William H. Pear, Mabel H. Pratt, Clifford W. Reed, Bertha C. Reynolds, Mary Grant Skinner, Seymour H. Stone, Anna H. Strong, Helen P. Tafton, Marion S. Tewksbury, Evelyn Towne, Eleanor Woods, Robert A. Woods, Cornelia Wright, Lucy Wright, Walter E. Young, Annie F. Wilson, George M. Smith, Benjamin C. Weakley, Jessie L. Warner, Ada E. Sheffield, Edith R. Gale, F. Leslie Hayford, Thekla Andren, Edith M. Mason, Elizabeth W. Simpson, Agnes L. Johnson, E. Mabel Locke, Ida M. Cannon, Amy B. Edmond, Elizabeth Tyler, Hazel Thorpe, Edith Byrnes, E. S. Kavanagh, Harrison G. Wagner, N. S. Butler, Maria C. Butler, Mary T. Baker, Walter C. Bell, Helen E. Gilbert, Helen L. Marsters, Martha E. Lovell, M. D., Dorothea P. Coe, Marie H. Rockwood, Elizabeth F. Chase, Annie R. Walford, Charles W. Birtwell.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Yes.

Mr. THOMPSON. I should like to present, in support of the question now before the Senate, a resolution from the Chamber of Commerce of Pittsburg, Kans., and to have it printed in the RECORD; also a letter from Mr. George B. Kinkead, dean of Salina, Kans.; and a letter from Mrs. H. E. Hembling, of Emporia, Kans.; and a letter from Hon. Frank Doster, former justice of the supreme court, of Topeka, Kans.

I think these letters and resolution fairly present the opinion of the patriotic American citizens of Kansas and the Nation on this vital international issue. I shall therefore support the bill as reported from the committee.

Mr. SIMMONS. Mr. President, I call for the regular order. I do not know whether the Senator from Kansas has unanimous consent or not. If he has, I can not enforce my demand; but otherwise I call for the regular order.

Mr. THOMPSON. I am not going to read the letters, but simply ask to have them printed in the RECORD, as largely expressing my views on the important question we are now discussing. Of course, if the Senator objects I shall read the letters as a part of my remarks on the subject.

Mr. SIMMONS. Very well; but after that I shall call for the regular order.

The VICE PRESIDENT. Without objection, the request of the Senator from Kansas is granted.

The matter referred to is as follows:

THE CHAMBER OF COMMERCE,
Pittsburg, Kans.

Resolutions.

Whereas the relations between the United States and the Imperial Government of Germany became such that President Wilson saw fit, in his judgment, to sever diplomatic relations with Germany; and

Whereas there is no room in this Nation for a divided allegiance, but all have one flag and one country, whenever and wherever the sovereignty of our Nation is challenged: Therefore be it

Resolved—

First. That we, the Chamber of Commerce of Pittsburg, Kans., in regular meeting assembled do hereby indorse and approve the action of President Wilson in severing diplomatic relations with Germany, and hereby pledge to him our unqualified support and fealty.

Second. That we hereby indorse and commend the action taken by the United States Senate in upholding and sustaining the President's action.

Third. That a copy of these resolutions be forwarded to President Wilson and to our Senators and our Representative in Congress.

Adopted February 13, 1917.

SALINA, KANS., *February 13, 1917.*

MY DEAR SENATOR THOMPSON: In a great crisis such as that which our country now faces, you naturally will desire to be informed of the state of mind of your constituency.

There are two states of mind, so far as I have been able to observe. The first, that of those of German extraction, who are in favor of peace at any price, who are very enthusiastic about the fatherland, and while, in their speeches and their letters, they proclaim themselves for "America first and last," they are in reality interested only in Germany. The rest of us, loyal Americans, are deeply chagrined at the humiliating way that Germany has played with us from first to last, and now finally has filled the cup to overflowing by giving us orders depriving us of the right to travel on the high seas. We not only feel that the President is justified in breaking relations with Germany, but we feel that Germany has again and again produced a "casus belli," and that we as consistently have run away.

We look to you, as our representative, to bring influence to bear to remove the disgrace and the shame that is being heaped upon our country by this policy of weakness and eternally seeking peace, regardless as to whether or not that peace is being bought at the price of shame and dishonor. It were infinitely better that we, as a nation, should die fighting than that we should die of moral inanition.

I think that this can fairly be said to represent the opinion of a very large number of the citizens, an opinion which has been slow in crystallizing, and which has not been held by many of them in times past. So far as I can see, however, those of us who are not of German birth are firmly of the opinion that the time is overripe to accept the declaration of war that Germany has made in fact if not in words.

I trust sincerely that you will hold above all else to the honor and dignity of this Nation, and that you will omit nothing in deed which will protect our nationals while they are traveling in accord with the rights of international law.

Faithfully, yours, GEORGE B. KINKEAD,
Dean of Salina.

BELLEVILLE, N. J., *March 1, 1917.*

Senator WILLIAM THOMPSON,
Washington, D. C.

MY DEAR SIR: As one of your constituents, I write to urge your aid of all measures of defense against the machinations of German militarism and world imperialism. Life is not so dear nor peace so sweet as to be purchased at such a price as democracy would have to pay later. We would suggest that Congress retain its right to declare war unless Congress is certain that the prerogatives will be exercised by our patient President at the right time should it become imperative. Immediate defensive action in behalf of human rights and democracy we plead.

Sincerely, yours, Mrs. H. E. HEMBLING,
(Emporia, Kans.)

PASADENA, CAL., *February 9, 1917.*

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.

DEAR SENATOR: Temporarily domiciled here in California, I am still a Kansan, and as such I am making bold to write to all our Representatives, both in the Senate and House, and asking them to be outspoken in support of the attitude the President is now taking toward the German conduct of the war.

There is much in England's political past to be reprobated, but notwithstanding this she is now, I think, engaged in a battle for what we Americans hold sacred—the right of self-government. This European conflict is a struggle between modern democracy and the theory of the divinity of kings. It is more than a contest for commercial supremacy, more than one for freedom of the seas or for international right; it is one between the medieval conception of man as the obedient vassal of rulers and man as a free political agent—sovereign himself. German philosophy, German militarism, German subserviency to autocratic power, German "kultur," in short, are utterly opposed to the democratic ideal, and in this war have challenged to the death the vital principles of popular government.

The governing authorities of this country should not hesitate to express as the sense of the American people that Germany's vast military organization; her sedulously inculcated military spirit; her world-wide system of espionage; her shameless flouting of treaty obligations; her brutal enslavement of the people of the countries her armies have overrun constitute a menace to the peace and liberty of the world and justify the employment against her of the armed power of this country.

These are not alone my own sentiments, but out here in California I believe them to be shared by an overwhelming majority. I shall hope the Kansas delegation in Congress will be of a mind to express the same feelings when the occasion comes.

Sincerely. yours, FRANK DOSTER,
(Topeka, Kans.)

GLACIER NATIONAL PARK.

The VICE PRESIDENT. The regular order has been called for.

Mr. MYERS. Mr. President, will the Senator from Connecticut yield to me for half a minute?

Mr. BRANDEGEE. I would be glad to do so, but the Senator from North Carolina——

Mr. MYERS. I do not want to ask anything for myself.

Mr. BRANDEGEE. I should be glad to yield, but the Senator from North Carolina has demanded the regular order. I have no control of that situation. If I can yield to the Senator, I cheerfully do so.

Mr. MYERS. Let me say that I have sat here while 30 other Senators were granted permission to transact business of more or less importance, and the Senator from North Carolina——

Mr. SIMMONS. I withdraw my objection, because I think the Senator was cut off unduly a day or two ago.

Mr. MYERS. I was cut off unduly this morning, right now.

Mr. BRANDEGEE. I did not cut the Senator off.

Mr. MYERS. No; the Senator from Connecticut did not.

Mr. BRANDEGEE. I am yielding to the Senator.

Mr. MYERS. The Senator from North Carolina did. I will ask the Senator from Connecticut if he will yield to me in a matter that will not take any time and about which there is no dispute?

Mr. BRANDEGEE. So far as I am concerned, I will yield, if I do not lose the floor.

Mr. MYERS. I ask that the amendments of the House to Senate bill 778 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park, which will be read.

The SECRETARY. On page 1, line 10, after the word "park," insert "within townships 32 and 33 north, ranges 18 and 19 west of Montana principal meridian"; on page 2, line 3, after "Montana," strike out all down to and including "States," in line 7; on page 3, line 2, strike out all after "receipts" down to and including the word "State" in line 5; and on page 3, line 20, after "forests," insert "*Provided further*, That the Secretary of Agriculture and Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made."

Mr. SUTHERLAND. Mr. President, I want to ask the Senator from Montana whether or not this bill provides for a lease of these lands?

Mr. MYERS. It certainly does not. I will make a brief statement, if the Senator will give me an opportunity, about the nature of the bill. I desire to say that it is not my bill, and if Senators vote for the motion it will be no accommodation to me whatever. This is a bill of my colleague [Mr. WALSH] providing for the exchange of privately owned lands in the Glacier National Park for Government lands of equal value outside of the park. The House put on two or three little amendments, the principal one of which was to limit it to certain sections and not let it be so general. It also made two or three other amendments limiting the scope of the bill, so that it is not quite so general. I have no personal interest in this matter whatever. The Secretary of the Interior favors the changes, my colleague [Mr. WALSH] favors them, and I am simply making this motion on his behalf because I am chairman of the Committee on Public Lands. I move that the House amendments be concurred in.

The VICE PRESIDENT. The question is on that motion.

The motion was agreed to.

FLOOD CONTROL (S. DOC. NO. 740).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting estimate of appropriations required by the War Department for the service of the fiscal year ending June 30, 1918, for prosecuting the work of flood control on the Mississippi and Sacramento Rivers in accordance with the provisions of the flood-control act approved March 1, 1917, $4,500,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

GILA RIVER FLOOD CONTROL.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting pursuant to law a special report on the Gila River flood control in Graham County, Ariz., which, with the accompanying report, was referred to the Committee on Indian Affairs.

MOUNT M'KINLEY NATIONAL PARK (S. DOC. NO. 742).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting a supplemental estimate of appropriation in the sum of $10,000 for the protection and improvement of Mount McKinley National Park, created by the act of February 26, 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Public Utilities Commission of the District of Columbia, stating pursuant to law that the balance sheets for the year ended December 31, 1916, and other information required by the Public Utilities Commission of the various utilities under its jurisdiction which have been received since February 1, 1917, have been submitted to the Speaker of the House of Representatives, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, 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, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts managers at the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution of the Senate authorizing the Secretary of the Senate to insert the words "act of" after the word "the," where it first occurs in line 12 in the enrollment of the bill (S. 135), for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

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

H. R. 20872. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 21069. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

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

S. 135. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863;

S. 778. An act to authorize an exchange of lands with owners of private holdings within the Glacier National Park;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes;

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be inserted in the RECORD.

The telegram is as follows:

KANSAS CITY, *March 3, 1917.*

The UNITED STATES SENATE,
Care of Vice President MARSHALL, *Washington, D. C.:*

The following was adopted at mass meeting of citizens held at 612 Main Street to-night:

"*Resolved*, That we consider preposterous the idea of a foreign invasion of America and demand protection from the high cost of living and the exploitation of traitors at home."

INTERNATIONAL BROTHERHOOD WELFARE ASSN.,
ED RAY, *Acting Secretary.*

Mr. OLIVER presented petitions of sundry citizens of New Castle and Punxsutawney, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 1046, United Mine Workers of America, of Tyre, Pa., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of the Garfield Board of Trade, of Pittsburgh, Pa., praying for the construction of a national system of highways, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Local Branch No. 94, Workmen's Circle, of Stamford, Conn., praying for the enactment of legislation to regulate the price of food, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bridgeport, Milford, New Haven, New Britain, and Springdale, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

Mr. McCUMBER. I present resolutions of the Legislature of North Dakota, praying for the setting aside of certain lands in the northwest part of the Fort Berthold Reservation as a national reserve and historical park, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows.

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby set forth and certify that the following is a true and complete copy of a certain concurrent resolution, adopted by the Fifteenth Legislative Assembly of the State of North Dakota, relating to the creation of a national reserve and historical park on the Fort Berthold Reservation adjoining the town of Sanish, Mountrail County, State of North Dakota.

[SEAL.] THOMAS HALL,
Secretary of State.

A concurrent resolution. (Introduced by Mr. O'Connor, of Grand Forks.)

Whereas the people of North Dakota desire to have a national reserve and historical park created on the Fort Berthold Reservation adjoining the town of Sanish, Mountrail County, State of North Dakota; and

Whereas the southeast quarter of section 14 and the fractional southwest quarter of section 14, township 152, north of range 93 west, comprising 253 acres, more or less, in the northwest part of Fort Berthold Reservation, would be a convenient and appropriate part of the said reservation for a national reserve and historical park: Therefore be it

Resolved by the house of representatives (the senate concurring), That we respectfully petition the Superintendent of National Parks and Monuments at Washington, D. C., to present this resolution to the Congress of the United States with his indorsement thereon to the end that the national reserve as hereinbefore set forth may be secured to the people of the State of North Dakota; be it further

Resolved, That we urge upon our Senators and Representatives in Congress to give their best efforts that a national reserve as hereinbefore set forth will be established and created by the Congress of the United States;

And that a copy of this resolution be sent to our Senators and Congressmen and to the President of the United States.

Mr. McCUMBER presented a petition of the Commercial Club, of Fargo, N. Dak., praying for the passage of the so-called Webb bill to promote export trade, which was ordered to lie on the table.

He also presented petitions of Lodge No. 260, Benevolent and Protective Order of Elks, of Fargo, and of sundry citizens of Grand Forks, in the State of North Dakota, indorsing the President's action in severing diplomatic relations with Germany, which were ordered to lie on the table.

Mr. TOWNSEND. I present a concurrent resolution adopted by the Legislature of the State of Michigan, which I ask to have printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the concurrent resolution was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

LANSING, *March 1, 1917.*

Hon. CHARLES E. TOWNSEND,
Washington, D. C.

MY DEAR SENATOR: I have the honor to inform you that the two houses of the Michigan Legislature have concurred in the adoption of the following resolution:

Senate concurrent resolution 14, requesting Congress to pass the so-called daylight-saving bill.

"Whereas there is a world-wide movement at the present time for the adoption of the so-called daylight-saving plan; and

"Whereas a number of European countries of the first class have adopted said plan, and it is now under consideration before the Congress of the United States; and

"Whereas the adoption by the United States Government of said plan for use throughout the country would cause an immense saving of artificial lighting bills and would provide during the summer months of the year, from April to September, an added hour of recreation, open-air exercise, or rest for the masses during the latter part of the day; and

"Whereas said project is now indorsed by President Wilson, the American Federation of Labor, the United States Chamber of Commerce, and other leading commercial and labor organizations throughout the country: Therefore be it

"Resolved by the senate (the house of representatives concurring), That the Legislature of the State of Michigan herewith indorses the so-called daylight-saving bill now before Congress and recommends to the Senators and Representatives from this State cordial support thereof, and that a copy of this resolution be sent to them and to Hon.

William P. Borland, Congressman from Missouri, and to Hon. Jacob H. Gallinger, United States Senator from New Hampshire, authors of daylight-saving bills in Congress."

Very respectfully,

D. E. ALWARD,
Secretary of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

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

THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial, as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 24th day of February, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

House joint memorial 2.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully represent that—

Whereas the development of water-power resources is a subject of vital interest to the Western States; and

Whereas the State of Washington is bountifully supplied with such resources, and their development has progressed rapidly in recent years, adding a great impetus to the industrial development of the State; and

Whereas further development is arrested for the reason that most of the remaining power sites are located upon public domain, and legislation by your honorable body is necessary to remove the bar against further development: Therefore,

We, your memorialists, the Senate and the House of Representatives of the State of Washington, in fifteenth biennial session convened, most respectfully urge upon you the necessity of formulating some constructive policy relative to this important subject, and the enactment of the necessary legislation to carry on its development.

Passed the house January 25, 1917.

GUY E. KELLY,
Speaker of the House.

Passed the senate February 21, 1917.

LOUIS F. HART,
President of the Senate.

[Indorsed.]

Filed in the office of the secretary of state February 24, 1917, at 1.35 p. m.

I. M. HOWELL,
Secretary of State.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 1, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia this 24th day of February, A. D. 1917.

I. M. HOWELL,
Secretary of State.

House joint memorial 1.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent—

That the Skokomish Indian Reservation is located on the left bank of the Skokomish River in Mason County, State of Washington. That said Skokomish River is a mountain stream, subject to extreme freshets. That the land on said reservation is an alluvial deposit, subject to great erosion. That especially in sections 12, 13, and 14, of township 21 north, range 4 west of the Willamette meridian, which in part are included in said reservation, said stream has washed away a considerable quantity of land and that there is danger that a large part of the lands on said reservation will be washed away.

That the Indians owning said lands are unable, by reason of poverty, to make the necessary improvements in said stream to protect their lands.

Wherefore your memorialists would pray that an appropriation be made for the purpose of making such improvements in said stream as will effectually protect said lands.

The secretary of state is hereby directed to transmit a copy of this memorial to each of the Senators and Representatives in Congress from the State of Washington for presentation to the Congress of the United States.

Passed the house January 25, 1917.

GUY E. KELLY,
Speaker of the House.

Passed the senate February 21, 1917.

LOUIS F. HART,
President of the Senate.

[Indorsed.]

Filed in the office of the secretary of state February 24, 1917, at 1.35 p. m.

I. M. HOWELL,
Secretary of State.

Mr. STERLING. I present a joint memorial of the Legislature of South Dakota, which I ask may be printed in the RECORD.

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

STATE OF SOUTH DAKOTA,
SECRETARY'S OFFICE.

I, Frank M. Rood, secretary of state, do hereby certify that the annexed senate joint resolution No. 1 was duly passed by the 1917 session of the Legislature of the State of South Dakota, and that the same is now in full force and effect.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre February 27, 1917.

[SEAL.]

FRANK M. ROOD,
Secretary of State.

A joint resolution memorializing Congress pertaining to allottees upon Indian lands.

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring:

Whereas Congress has provided for the allotment of land in severalty to the Indians of South Dakota, said lands to be held in trust for a period of 25 years, or until such time as the Secretary of the Interior may grant a patent in fee to those Indians who in his opinion are competent to manage their own affairs; and

Whereas the work of allotting lands in severalty to the Indians of South Dakota has been practically completed; and

Whereas the Secretary of the Interior, through his representatives, has begun to grant patents in fee to Indians supposed to be competent to manage their own affairs; and

Whereas it having come to our knowledge that many Indians who have received patents in fee are disposing of such lands freely; and

Whereas it is very evident that if this practice continues a large majority of these people will lose their homes and be dependent on the State and county in which they reside: Therefore be it

Resolved, That we petition your honorable body to authorize the Secretary of the Interior to appoint as a member on the commission to pass on the qualifications of Indians making application for patents a resident of the State of South Dakota, who shall be satisfactory to the governor of said State, and that the commission be instructed to make no recommendation for a patent in fee that is not approved by the resident member of the State, and that no patent in fee be recommended which will reduce the amount of land held in trust for an Indian below 160 acres without the consent of the local resident of the commission: *Provided*, That nothing herein contained shall be construed to in any manner mean to discourage the issuance of patents to Indians for any or all lands they may own in excess of 160 acres.

W. H. MCMASTER,
President of the Senate.

Attest:
W. N. VAN CAMP,
Secretary of the Senate.

A. C. ROBERTS,
Speaker of the House.

Attest:
CHAS. M. GARDNER,
Chief Clerk.

I hereby certify that the within act originated in the senate and was known in the senate files as joint resolution No. 1.

W. N. VAN CAMP,
Secretary of the Senate.

STATE OF SOUTH DAKOTA,
Office of the Secretary of State, ss:

Filed February 26, 1917, at 1.50 o'clock p. m.

FRANK M. ROOD,
Secretary of State,
By GEO. F. SAYERS,
Assistant Secretary of State.

Mr. POINDEXTER presented a joint memorial of the Legislature of the State of Washington, praying for the enactment of legislation to provide for the development of water power on the public domain, which was referred to the Committee on Commerce.

He also presented a joint memorial of the Legislature of the State of Washington, praying for an appropriation for the improvement of the Skokomish River, in the State of Washington, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Spokane, Wash., and a petition of the Woman's Christian Temperance Union of Vancouver, Wash., praying for national prohibition, which were ordered to lie on the table.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, without amendment, the bill

(H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, and I submit a report (No. 1141) thereon. I hope we may be able to consider the bill at this session.

The VICE PRESIDENT. The bill will be placed on the calendar.

SALARY OF UNITED STATES MARSHAL.

Mr. REED, from the Committee on the Judiciary, to which was referred the bill (H. R. 19233) to increase the salary of the United States marshal for the western district of Michigan, reported it without amendment.

BILLS INTRODUCED.

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

By Mr. SHIELDS:

A bill (S. 8332) granting an increase of pension to Ruth S. Gleaves; and

A bill (S. 8333) granting an increase of pension to Loreta Blevins; to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

Mr. REED. I ask unanimous consent to have withdrawn certain papers filed with Senate bill 4836, for the relief of Daniel O'Connell. The bill has been refused passage, and I simply want to have the papers returned.

The VICE PRESIDENT. Is there objection? The Chair hears none.

On motion of Mr. JONES, it was

Ordered, That the papers accompanying the bill (S. 5827, 64th Cong., 1st sess.) granting a pension to Eugene Symonds be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS REFERRED.

H. R. 20872. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs; and

H. R. 21069. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21052) authorizing the President of the United States to arm merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. BRANDEGEE. Mr. President, last evening when I started to speak upon this bill I asked to have inserted in the RECORD as part of my remarks section 4295 of the Revised Statutes, the first section of the Senate bill, and the first section of the House bill. Inasmuch as I have been interrupted so much, I should like to have permission to insert them again, as part of my remarks, at this point, so that it may be apparent to what I refer.

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

Section 4295 of the Revised Statutes is as follows:

SEC. 4295. The commander and crew of any merchant vessel of the United States, owned wholly or in part by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Section 1 of Senate bill 8322 is as follows:

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon in their lawful and peaceful pursuits on the high seas.

Section 1 of House bill 21052 is as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Mr. BRANDEGEE. Mr. President, on last Monday, the 26th of February, the President of the United States appeared before the joint session of Congress and addressed us upon the international situation. Among other things he said:

Our own commerce has suffered, is suffering, rather in apprehension than in fact, rather because so many of our ships are timidly keeping to their home ports than because American ships have been sunk.

He further stated:

We can only say, therefore, that the overt act which I have ventured to hope the German commanders would in fact avoid has not occurred.

But he proceeds to state:

It would be foolish to deny that the situation is fraught with the gravest possibilities and dangers. No thoughtful man can fail to see that the necessity for definite action may come at any time, if we are in fact, and not in word merely, to defend our elementary rights as a neutral nation. It would be most imprudent to be unprepared.

Then he says:

No one doubts what it is our duty to do. We must defend our commerce and the lives of our people in the midst of the present trying circumstances with discretion but with clear and steadfast purpose.

He continued:

Since it has unhappily proved impossible to safeguard our neutral rights by diplomatic means against the unwarranted infringements they are suffering at the hands of Germany, there may be no recourse but to armed neutrality, which we shall know how to maintain and for which there is abundant American precedent.

Again:

It is devoutly to be hoped that it will not be necessary to put armed force anywhere into action.

And then he says, further along in his address:

I believe that the people will be willing to trust me to act with restraint, with prudence, and in the true spirit of amity and good faith that they have themselves displayed throughout these trying months; and it is in that belief that I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary.

Mr. President, the first form of a bill which appeared before the Committee on Foreign Relations was in the shape of what was called a "suggestion." It emanated from the executive branch of the Government. I have the print of it here in my hand, and I read from it:

That the President of the United States be, and he is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, should it, in his judgment, become necessary for him to do so—

And so forth.

Mr. President, the Committee on Foreign Relations, being aware of what had been happening to American commerce and what the central Teutonic powers had announced that they would do to all commerce and all vessels which appeared within the number of thousands of square miles which they had fenced off upon the high seas, did not like the language in the President's message and in the suggestion which came to the committee that he should be authorized to supply our merchant ships with defensive arms "should it in his judgment become necessary to do so." We all thought, and I think the American people think, that the time has long since passed when it became necessary for us to authorize our merchant ships to carry arms and to supply the arms to them if they were unable to get them. So we struck out that language from the "suggestion" that appeared before the committee, and have authorized the President directly to supply those arms. We did not like the implied suggestion that the time had not yet arrived when this great Government should do something to protect its citizens and its commerce in the exercise of their lawful rights upon the seas.

Mr. President, there are two bills here for our consideration—the House bill and the Senate bill. In my opinion there is very little difference, in the effect that those bills will have upon the situation, as to which one is preferred. In my opinion they are substantially alike, except that the Senate bill gives direct authority to the ships and their commanders to arm themselves and the House bill only gives authority to the President to arm them or to furnish them arms. The Senate bill starts with a broad assertion of a principle already well established and embedded in the United States statutes, to wit:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Now, the statute which I have put into the RECORD, section 4295, was passed in 1819, and has been the law ever since. We there provided:

The commander and crew of any merchant vessel of the United States, owned wholly or in part by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure which shall be attempted upon such vessel or upon any other vessel so owned by the commander or crew of any armed vessel whatsoever not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same—

And so forth.

It will be noted that while under the existing statute the commander and crew of any merchant vessel of the United States may defend against aggression against any such vessel, it is prohibited by the special exception in the statute from defending

itself against a public armed vessel of a nation in amity with the United States.

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

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. I notice the distinction the Senator is trying to draw. It may be all right; but is not this a possible construction: That exception is only an exception to the enactment of the law. If, without the statute, these vessels would have the right to defend themselves against an unlawful attack of any vessel even though it did bear the flag of a nation with which we are at amity, then that would not be an exception.

I do not know whether I make myself clear or not.

Mr. BRANDEGEE. Perfectly, to me.

Mr. NORRIS. Now, is not that a possibility, just as we say about the President, "Why, he has this power, anyway"? Is it definite and certain that these ships would not have the power, anyway, regardless of any statute, to defend themselves against an unlawful attack contrary to international law?

Mr. BRANDEGEE. Mr. President, in my opinion—and it is merely an opinion, for I have not examined it—the Senator from Nebraska is right, that a vessel, like a citizen, would have the right to defend itself against an unlawful assault wherever committed. But, Mr. President, conceding that it had all those rights, here comes the United States statute and says, reaffirming those rights—for that is all it could do, if the vessels already have them—"You may do this, but you shall not do it against a public armed vessel of a foreign power with which we are at amity."

Mr. NORRIS. Does the statute say that?

Mr. BRANDEGEE. I will read it to the Senator.

Mr. NORRIS. I think it makes an exception about what you can do.

ADDITIONAL JUDGES.

Mr. OVERMAN. Mr. President, before the Senator begins to read, I desire to submit a report from the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. BRANDEGEE. I do. The Senator has a right to present the conference report.

Mr. OVERMAN. Why, of course, I have a right to do so at any time, I think.

Mr. BRANDEGEE. The Senator has the right.

Mr. OVERMAN. Has the conference report been received?

The PRESIDING OFFICER. It has been received.

Mr. OVERMAN. I submitted the conference report this morning, but somebody said it had not been received. I submit it again in order that it may be received and lie on the table.

ARMED MERCHANT SHIPS.

Mr. BRANDEGEE. I will assure the Senator that it has now been received.

The statute says that the United States vessels shall have the right to defend themselves against any aggression, and so forth—

> which shall be attempted upon such vessel * * * by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States.

That means, except some public vessel of some nation in amity with the United States.

Mr. NORRIS. Now, I should like to ask the Senator——

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

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. If we assume—and I think we can, though I may be wrong about that—that, without any statute whatever, a merchant vessel has a right to defend itself against an unlawful attack of anybody, anywhere, no matter what kind of a flag it has, then the Congress passes a statute that reaffirms that right as to everything except vessels that fly flags of nations with which we are at peace. Now, that does not repeal the unwritten law, does it, when we have the right to defend? In other words, affirming it as to part would not say that we could not do it as to the balance that was clear before the statute was passed.

Mr. BRANDEGEE. Mr. President, I think it clearly does absolutely inhibit our merchant vessels from defending themselves against the sovereignty of a foreign nation, which is represented by their armed vessels; and I think the reason for it is very obvious and very wise.

Mr. NORRIS. While I believe my construction to be right, I want to say to the Senator that I do not want him to get the idea that I am opposed to the enactment of that kind of a law. I am willing now to vote for a law that will let anybody, any vessel, defend itself anywhere, at any time, against an unlawful attack no matter who makes it. I do not want to be misunderstood.

Mr. BRANDEGEE. I did not misunderstand the Senator.

Mr. NORRIS. No; I do not think the Senator did; but from what I have said, in reading the RECORD, I might be misunderstood. But it does seem to me that that law, under the proper construction, does not take away that right, if it existed before; and I am inclined to think, just on the broad principle of self-defense, that it did exist without that statute.

Mr. BRANDEGEE. Mr. President, the Senator may be right, though I do not think he is. To my mind it is as plain as it is that two and two make four that when a United States statute authorizes our vessels to defend themselves against all vessels except certain vessels, the vessels excepted are excepted.

Mr. NORRIS. They are excepted from that statute, and, of course, they would be excepted from that right if the right did not exist outside of the statute.

Mr. BRANDEGEE. I think they would be prohibited by the statute even if the right had existed before; but, as I say, that is merely my opinion. As the Senator says, it may not be particularly relevant, and yet it may.

Mr. FALL. Mr. President——

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

Mr. FALL. I simply wanted to make a suggestion to the Senator along this line. Would they have the right, without the statute, to defend against the national vessels or the soldiers of another country, even in time of war? For instance, in the case of Belgium, the claim of the right of Germany to execute Belgians who are not soldiers was that under the rules of law the citizen has no right whatsoever even to defend in his country as against the soldiers in uniform of the attacking country. If he does, he becomes a franctireur, as they were called in the first Prussian war, and subject to be immediately executed by military court-martial. It is on the same principle, is it not, I will ask the Senator, that the same law as to defense against stoppage or seizure or search does not apply as between individuals that applies betwen a uniformed policeman and an individual? The Senator can plead self-defense as against an assault committed by another citizen when he can not plead the same right to act as against stoppage or attempted interference here on the streets of Washington by an armed policeman.

Mr. NORRIS. Now, I should like to ask the Senator from Connecticut——

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

Mr. BRANDEGEE. Certainly.

The PRESIDING OFFICER. The Chair will ask the Senator from Nebraska to get permission to interrupt.

Mr. NORRIS. I beg the pardon of the Chair. I realize that the Chair is right, and that I fall into that habit because some Senators who have served here so long that the memory of man runneth not to the contrary are habitually doing that every day; and it would not be surprising if a young, bashful, modest, and inexperienced one like me should occasionally follow suit.

The PRESIDING OFFICER. The present occupant of the chair will say that he has been requested by other Senators to enforce that rule, and he simply calls it to the attention of the Senator from Nebraska.

Mr. NORRIS. I want to say to the Senator that the case mentioned by the Senator from New Mexico in regard to Belgium—that is, that Germany held that these people not in the army in Belgium had not the right to do things that soldiers might do under the same circumstances—can not be explained and is not explained, from my standpoint, entirely on the theory that in that case the Germans assumed that what they are doing is legal and according to international law. But my construction of this statute was based entirely upon the theory that the attacks of a submarine without notice on a merchant vessel were contray to international law, and therefore illegal, and not entitled to protection under the law of self-defense anywhere.

Mr. BRANDEGEE. What is the Senator's question?

Mr. NORRIS. I wanted to ask him if that did not differentiate the case from the Belgian case that the Senator from New Mexico gave?

Mr. BRANDEGEE. I do not think the Belgian case was particularly in point myself. I do not think Germany claims

there was any international law or that their own treaties were observed in invading Belgium. There was no pretense except military necessity for that.

Mr. FALL. Will the Senator yield to me?

Mr. BRANDEGEE. I will.

Mr. FALL. The Senator, of course, misunderstood the entire purport of my question. Germany is a belligerent nation. Germany is at war. The rules of war apply to Germany's action on the high seas or in Belgium, and the rules of war prohibit a citizen defending or committing any assault whatsoever upon the enemy under arms. The rules of war of all nations, the rules of war of this Nation prohibit it.

Mr. HITCHCOCK. Mr. President——

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

Mr. BRANDEGEE. If I may.

Mr. HITCHCOCK. I desire to say that I shall be compelled in the interest of expedition to ask for a strict enforcement of the Senate rule regarding debate.

The PRESIDING OFFICER. The Chair will then have no option except to enforce the rule.

Mr. BRANDEGEE. Then, of course, I can not yield except for a question.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BRANDEGEE. Of course, I do not think it would be wise policy for any Government to allow a merchant vessel on the high seas with no control by the Government over it to shoot into the Government-owned vessels of foreign nations with which we are peace. It would be an endless source of danger and it would be an assault upon the sovereignty of the Nation, when any of our citizens on our merchant vessels or on our warships shot at foreign naval vessels or public vessels owned by a country with which we were at peace, and I think at present we are prohibited from doing so.

Now, of course, I know that many people will say, "Oh, we are not at amity with the German nation at present; we have severed diplomatic relations with them." I do not know whether under the technical language of this proposed statute and the construction that might be placed upon it we are at amity with the Teutonic powers to-day or not.

The President is recommending armed neutrality. We are passing a bill which Germany may consider to be an act of war. Whether they assert their rights or their intention makes little difference; they assert their intention of destroying any vessel of any kind of any nation irrespective of its cargo or its passengers or its crew, without warning and without inquiry, at midnight in midwinter on the high seas, to destroy any vessel of any nation neutral or otherwise on sight. They asserted it a day or two before the first day of February of this year, made open and world-wide proclamation of their intention, reaffirmed yesterday if the public prints can be believed, for I read in the Washington Times last night a dispatch stating that Mr. Zimmermann, their secretary of state for foreign affairs, if that be his title, their authorized spokesman, had stated in substance that while they regretted that it was necessary to torpedo without notice the vessels of neutrals they could not reconsider their decision, and there was no help for it. In other words, the central Teutonic powers and the Ottoman allies assert that, right or wrong, regardless of every nation on earth, regardless of humanity, of treaties, of any consideration except death and destruction, anybody who enters upon a certain number of thousands of square miles which they have fenced off by an edict shall suffer death if they can bring it about.

Gentlemen talk about our being neutral as between a British blockade in force and in effect and an ambush established, from behind which a great Government has announced its intention to hurl its darts of death and destruction against men, women, and children. If Senators see no distinction between those two methods I am sorry for them.

Our commerce is interrupted with Great Britain, to be sure. Great Britain's commerce was interrupted with the Southern Confederacy when we established a blockade during the Civil War, to be sure. Did they declare war on us? Did we declare war on Great Britain when she allowed the southern privateer *Alabama* to be fitted out in a British port and raid our commerce? We did not. Every vessel that Great Britain could hold up and every cargo they have taken which they construed to be contraband they have taken into Great Britain in prize courts. If we have any financial claim for the loss of cargoes, I think Great Britain will settle it after the war. Can Germany settle for those who lost their lives on the *Lusitania?* Can Germany settle for those who went down on the *Laconia* or the American ship *Lyman Law?* There is no compensation that can be made for those acts, Mr. President. Is there any defense against it? Shall we sit supinely and allow a mere ukase of a foreign potentate to clear the ocean of American shipping, to tie it up to our docks, blockade our domestic and foreign commerce, and then if an attempt is made to go upon that area of the sea to which we, under international law, have an undisputed claim the penalty is death. Are we obliged to wait for slaughter to be actually accomplished before we can defend ourselves? I trust that neither the Congress of the United States nor the American people have fallen to that abysmal depth of degradation where they are willing to furl the American flag and withdraw their commerce from the seas at the behest of any misguided band of pacifists or any foreign power.

Mr. President, this has gone beyond any question of the use of submarines. It is an open proclamation that Germany has made for the indiscriminate slaughter of mankind. There is no use of preaching moral homilies or issuing Salvation Army tracts or reading texts of the Scripture or repeating the Sermon on the Mount to a nation that has gone mad and is a raving maniac, or to a nation which, if it is not insane, acts through its ruling oligarchy and its military power just as a homicidal maniac would act.

The only thing for this country to do if it is not willing to withdraw its ships from the sea is to defend them. There is no use of accusing them of "timidity" for remaining in port. What owner or captain of a great ocean liner of 20,000 tons, carrying a thousand passengers and nearly 100 men in the crew, is going to sail from any American port for any port in the British Empire, whether she carries contraband or not, and expose those American citizens and the citizens of other nations to the threat openly hurled at us by the Teutonic powers? That is not timidity, Mr. President. It would be manslaughter to go, in my opinion. I think that two vessels of the American Line did sail to Bordeaux and luckily escaped, but they were almost criminally negligent in exposing their crews and passengers to this threat without being armed.

Shall we arm these vessels in accordance with the request of the President? I say yes. Some people are heard to say, Oh, no; do not put a gun on any ship; just get off the face of the earth; lie down and curl up; we are for peace.

Great God, Mr. President, I am for peace as much as any man can be; but I am for preserving the liberties of my country. George Washington was for peace, but he had to fight for his rights. If these pacifists had existed and had prevailed at the time we achieved our independence from Great Britain, we never would have been a country at all. If they could have their way to-day, we would cease to be a country. They are not talking about our country. They proclaim what they say is a higher doctrine. They belong to the brotherhood of man, no man's country, and they are wandering around in circles of futility closely approaching treason.

I think it is time for this Congress, no matter how many postal cards and letters you get, typed upon the same typewriter, saying honor is not at stake, keep us out of war, to act. I think honor is at stake; I think liberty is at stake, and the country that will not fight for its liberty and its honor ought to go down in destruction.

But this country will fight for them, Mr. President. I am sure that when the country understands the issue, if it is necessary to preserve our liberties and our rights, they will fight for them.

Mr. President, if the Teutonic powers, with the alliances which have been formed, win this war, if they annex the British Navy to the Teutonic Army, Rome in all its power and glory could not be compared to them. We heard the day before yesterday of a note given out by the German foreign secretary, Mr. Zimmermann, attempting to array against the United States, with whom they profess friendly relations, the Empire of Japan, that great naval power, and the Republic of Mexico immediately adjoining us on our southern border. Senators were heard to stand up in the United States Senate without knowing anything about it whatever and say that in their opinion that note was a forgery or was concocted in England, or something like that. The President of the United States says it is genuine and authentic. I am willing to take his word.

Mr. SHERMAN. Mr. President——

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

Mr. BRANDEGEE. If I can do so without losing the floor.

The PRESIDING OFFICER. The Senator can yield for a question.

Mr. SHERMAN. I trust that on that point the Senator will permit to be read from the Clerk's desk the latest cable-

grams from Amsterdam and Berlin acknowledged by the German foreign office, or the Senator can read it himself.

Mr. BRANDEGEE. I will let it be read at the desk as a part of my remarks, so that I will not lose the floor.

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

The Secretary read as follows:

[Bulletin.]

BERLIN (via London), *March 3.*

Admission was made by Germany to-day that instructions had been sent to the German minister in Mexico City as to the possibilities of Mexico's part in hostilities against the United States. (8.03 a. m.)

[Bulletin.]

AMSTERDAM, *March 3.*

Admitting her effort to align Japan and Mexico with the Kaiser's Government against the United States, Germany to-day justified that attempt on the ground that she has a right to take precautions, in view of the possibilities of war with America. A semiofficial source was quoted to this effect in dispatches received from Berlin to-day.

Germany decided upon this step after making her decision to wage unrestricted submarine warfare. It was impelled to such a course by the previous attitude of the American Government, and subsequently developments have justified the course, it was stated.

The semiofficial statement from Berlin read:

"After Germany's decision to wage unrestricted submarine warfare, in view of the previous attitude of the American Government, we were compelled to reckon on the possibility of conflict with the United States. The subsequent severance of diplomatic relations by the United States and the request by the United States that other neutral nations join her in such action proved that our calculation was correct.

"Because we were anticipating such a possibility, it was not only our right but our duty to take precautions so as to balance if there was a possible adhesion of a new enemy to our enemies." (9.49 a. m.)

"Accordingly the German minister to Mexico, in the middle of January, was instructed, in the event of the United States declaring war, to offer the Mexican Government an alliance and to arrange further details.

"These instructions expressly enjoined the German minister to make no advances to Mexico unless he knew certainly that America intended to declare war." (10.03 a. m.)

[Bulletin.]

BERLIN (via Sayville wireless), *March 3.*

The official press agency to-day issued the following statement:

"Foreign Secretary Zimmermann was asked by a staff member of the official German press bureau about the English report of a 'German plot revealed to get Mexico to declare war against the United States and to secure Japan's aid against the United States.'

"The state secretary for foreign affairs answered:

"'You understand that it is impossible for me to discuss the facts of this revealed plot just at this moment and under these circumstances.

"'I may therefore be allowed to limit my answer to what is said in the English reports, which most certainly were not inspired by sympathy with Germany.

"'The English reports expressly state that Germany expected and wished to remain with the United States on terms of friendship, but that in case the United States declared war against Germany we prepared measures of defense. I fail to see how such a "plot" is inspired by unfriendliness on our part.

"'It would mean nothing but that we would use means universally admitted in war in case the United States declared war.

"'The most important part of the alleged plot is its conditions and form. The whole "plot" falls flat to the ground in case the United States does not declare war against us.

"'And if we really, as the report alleges, considered the possibility of a hostile act by the United States against us, then we really had reasons to do so.'" (10.13 a. m.)

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

Mr. BRANDEGEE. You may.

Mr. SUTHERLAND. I notice by this dispatch that it is plain that the Zimmermann proposition was not to be presented to Mexico except in the event of hostilities with the United States. That seems to be the effect of it. Japan has denied having any knowledge whatever of this matter. I ask the Senator from Connecticut whether or not he attaches any significance to the fact that "our great and good friend, Carranza," in the neighboring friendly republic to ours, has thus far not made any denial of the matter?

Mr. STONE. And in the same connection, Mr. President——

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

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

Mr. STONE. If the Senator please—I was out in the corridor talking with some friends who sent for me when the reading of this dispatch was begun—I wish to know where the first dispatch which was read came from?

Mr. BRANDEGEE. The Secretary has the dispatches, and I suppose he can give the Senator the information.

The PRESIDING OFFICER. The first dispatch came from Berlin.

Mr. STONE. And the last one came from Berlin?

Mr. OVERMAN. I ask unanimous consent that the dispatches may again be read.

The PRESIDING OFFICER. Without objection, the dispatches will be again read.

The Secretary read as follows:

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"Because we were anticipating such a possibility it was not only our right but our duty to take precautions so as to balance, if there was a possible adhesion of a new enemy to our enemies." (9.49 a. m.)

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"'The English reports expressly state that Germany expected and wished to remain with the United States on terms of friendship, but that in case the United States declared war against Germany we prepared measures of defense. I fail to see how such a "plot" is inspired by unfriendliness on our part.

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"'The most important part of the alleged plot is its conditions and form. The whole "plot" falls flat to the ground in case the United States does not declare war against us.

"'And if we really, as the report alleges, considered the possibility of a hostile act by the United States against us then we really had reasons to do so.'" (10.13 a. m.)

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. BRANDEGEE. I am reserving the floor, Mr. President.

Mr. STONE. Certainly; I am on the floor by the courtesy of the Senator from Connecticut.

Mr. BRANDEGEE. I gladly yield.

Mr. STONE. I should like to be advised from what source the first dispatch and also the second dispatch came here. I do not mean to the Senate, but to this country.

Mr. BRANDEGEE. I can not inform the Senator, who was not on the floor when the incident originated, but I was making some remarks, and the Senator from Illinois [Mr. SHERMAN] asked my leave to have these dispatches read at the desk. It was granted, and the Senator from Missouri will have to address his remarks to the Senator from Illinois.

Mr. STONE. Can the Senator from Illinois inform the Senate, if he knows, through what channels these dispatches came from Europe to the United States?

Mr. SHERMAN. They came through the regular news agencies, from the press gallery here in the Senate.

Mr. STONE. Through the press agents here; but were they sent by wireless or by cable or by some press association?

Mr. SHERMAN. They are by wireless, I think, from the notation on the paper. It reads, "Flash."

Mr. STONE. Does the Senator know what news association sent the dispatches from abroad?

Mr. SHERMAN. Yes, sir; the notation of the news agency sending them is on the dispatches, as the Senator will see if he examines them.

Mr. STONE. I have not examined them.

Mr. SHERMAN. They came from the regularly accredited agents who receive the dispatches here.

Mr. STONE. Of course, as the Senator knows, there are numerous news agencies operating in Europe, as well as in the United States.

Mr. SHERMAN. They are noted on the dispatches.

Mr. BRANDEGEE. Mr. President, in view of the admission, or the partial admission, made by Zimmermann, as just read at the desk, and the explanations, I ask the Secretary to read from the RECORD the Zimmermann letter, which was put into the RECORD on Thursday last.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

STEP TAKEN ON JANUARY 19.

A copy of Zimmermann's instructions to Von Eckhardt, sent through Von Bernstorff, is in possession of the United States Government. It is as follows:

BERLIN, *January 19, 1917.*

On the 1st of February we intend to begin submarine warfare unrestricted. In spite of this, it is our intention to endeavor to keep neutral the United States of America.

If this attempt is not successful, we propose an alliance on the following basis with Mexico: That we shall make war together and together make peace. We shall give general financial support, and it is understood that Mexico is to reconquer the lost territory in New Mexico, Texas, and Arizona. The details are left to you for settlement.

MEXICO TO BRING IN JAPAN.

You are instructed to inform the President of Mexico of the above in the greatest confidence as soon as it is certain that there will be an outbreak of war with the United States and suggest that the President of Mexico, on his own initiative, should communicate with Japan suggesting adherence at once to this plan; at the same time offer to mediate between Germany and Japan.

Please call to the attention of the President of Mexico that the employment of ruthless submarine warfare now promises to compel England to make peace in a few months.

ZIMMERMANN.

Mr. BRANDEGEE. Now, Mr. President, I am informed that the dispatch which has been read at the desk, not the Zimmermann letter but the news dispatch which is headed "Berlin via Sayville," emanates from German newspaper sources. That, Mr. President, gives a fairly accurate idea of the relations that exist at present between the Teutonic powers and this great country. What does Mr. Zimmermann, the responsible secretary for foreign affairs, say in his letter? He declares their intention to resume unrestricted submarine warfare. Everybody knows what that means. It means the kind of warfare that sunk the *Lusitania*, and which they agreed to suspend, when the President came before Congress and said if they did not do so he would "omit no act" to protect American interests. They suspended it for six months while they built submarines for the purpose of resuming their atrocities and their assassinations, and here is their responsible minister announcing not only the intent to resume them, which intent has been carried into full effect, but at the same time his intention to array every nation that could get at the United States against us in case we defended ourselves against ruthless submarine assassination.

Is there anything more necessary for this country to know? And yet the President of the United States came here last Monday and said our vessels are "timidly" remaining in port, and asked for authority to furnish them only with defensive arms in case he thinks it necessary. Well, good God, is it not necessary now if we are to keep the seas at all? I say it is. Senators say if we defend ourselves, if we prevent the armed assassin from cutting our throats, we are liable to have a fight. Well, will you not fight for your life, or do you prefer to lie down on your back and let this monstrous Frankenstein trample over you ruthlessly?

Mr. President, I am not deceived about what the effect of this bill will be if we pass it. The effect of it will be that the next passenger or freight steamer with American gunners aboard her that ventures to approach any port in the British Empire or any neutral port in Europe where the course of that vessel lies over this area of death, if Germany by her submarines, or by any other means that she can employ, sinks that vessel there will be war if this country is fit to live. And I have no doubt from what Germany has said and done—and when I say that, I mean the German ruling oligarchy, which, in my opinion, does not represent the peaceful, lovely character of the ordinary German person who has become subject to that yoke—if our vessel of war sinks a German submarine when she comes to attack one of our vessels there will be war.

Do Senators suppose that Germany, having said that her only means of winning this war is through the violation of the law of nations by the unlawful use of her submarines, springing from ambush like a North American Indian with a tomahawk, killing men, women, and children, is going to abandon that instrument or allow us to sink her submarines without declaring war? Of course not.

I repeat that I am aware of the effect of this bill, Mr. President. I agree entirely with the editorial utterances of the New York World for the last few days on this question. Germany declared war against the whole world when she issued this proclamation of murder. No self-respecting nation, if it had the power to resist, would regard in any other light or has regarded in any other light the proclamation of Germany that she would resume unrestricted warfare and slaughter on sight, without inquiry, on any vessel that approached within 40 miles of the British Empire than as a declaration of war on every nation. There has been a state of war existing between us and the Teutonic powers since the 1st day of February. Germany has accomplished her purpose in that way by sweeping the ocean clear of American shipping, tying our ships up at our docks and blockading our freight. The only distinction between what exists and real war is that Germany is waging war and we decline to defend ourselves. That is all there is to it.

For myself, I would vote to-day, and would have voted any time for the last month, that "whereas a state of war exists between the Teutonic alliance and the United States of America, the President of the United States is directed to use every means to carry that war to a successful conclusion."

I wanted, and several other Republican members of the Committee on Foreign Relations wanted, to put in this bill not that the President is merely authorized to loan some guns to our merchant vessels but that he is directed to do so. I wanted to put it in not because I wanted it to be done but I thought that when the President, in his message to Congress and in the bill offered to the committee by his authority, said that he wanted authority to do it, if in his judgment it became necessary for him to do so, there was a clear implication that he did not think all that has gone before made it necessary to do so.

Why, Mr. President, we are a peaceful Nation. For two years and over we have submitted to every form of aggression at the hands of these great warlike powers. We have acted in the face of these provocations and losses and horrors in a way that we never would have acted in 1865, when Gen. Grant had an army here and we had a real Navy. No power in Europe would have dared to do these things to the United States at that time; but we have sat here for two years and a half, with a situation growing increasingly worse and more terrifying, obvious to any schoolboy, and we have declined to do a thing to raise an army for this country, and we are now doing just what those who had sense enough correctly to diagnose the situation at the time said, that, no matter whether we were called upon in the final event to use it or not, it was our duty to defend this great Nation of 100,000,000 people and prepare for defense by armies and navies.

We have done nothing for the Army; and now, having done so little for the Navy, we are stampeded into passing a naval appropriation bill—of which I am entirely in favor, but which comes altogether too late—into passing a half-billion-dollar appropriation for our naval vessels. Those that we have already authorized are not ready. Now, we are passing bond issues of $150,000,000 to rush into the market to buy patrol boats, build submarines, and buy ammunition in order to defend our own coastwise shipping if necessary.

Why, Mr. President, it was not over three months ago, just before Congress opened, that the submarine *Deutschland* arrived in my home city with a great cargo, going back and forth, showing the enormous radius of action of these boats that Germany is building. Within a week or two of that there appeared the *U–53* off Newport, landed in a neutral country at Newport, delivered its official dispatches, took back dispatches, sailed out of a peaceful harbor and lay off Nantucket, right off Boston, and dynamited six ships in one afternoon; and our torpedo boats received orders to stand by and pick up the crews of the dynamited boats, so that Germany could do it without violating the requirements that we had laid down that the crews of the dynamited ships must be placed in a position of safety. I confess that I was very much humiliated at that episode. It did not seem to me that we ought to be made a handmaiden to pick up the dead, alive, or jettisoned passengers of vessels so close to our own coast as that, or that we ought to use the Navy of the United States as a German auxiliary; but it was done.

Mr. President, the reason I prefer the Senate bill to the House bill is this: The Senate bill contains a provision in the first two lines of it empowering the commanders and crews of all merchant vessels of the United States bearing United States registry to arm and defend such vessels against unlawful attacks. That gives the crews and the commanders of the vessels a status. Under the existing statute—section 4295, which I have read—they would have no status, no authority of this Government to defend themselves against an armed ship of a foreign power with which we are at amity. If Germany claimed still, as she apparently does in this Zimmermann explanation, that she is still at amity with the United States, and if a Ger-

man submarine should capture an American merchantman which had fired upon the submarine, they would hang the crew of the American vessel to the yardarm as pirates. Our sailors would have been prohibited by our own statutes from firing upon the armed ship of a power with which we were at peace. I want to give them a legal status, so that instead of being shot at a drumhead court-martial, or hung on the yardarm, they will be prisoners of war; they will be acting under the authority of the United States, conferred by Congress, to defend themselves. This, to my mind, is the principal difference between the House and the Senate bills.

Mr. President, I have occupied a great deal more time than I intended to when I rose. I am intensely anxious to have this bill pased; and, although I have a great deal more that I should like to say, in order to expedite the consideration of this measure I will content myself with one further observation.

Mr. President, I am very much in favor of the Senate bill, and the substitution of the Senate text for the House text, for the reasons I have indicated. I think it would be exceedingly unfortunate, at the time when I think Congress at last is to make a long-awaited and brave declaration that will unify the American people and give us a national spirit and encourage people to stand up and defend their rights, to attach to that bill any amendments of the nature of the amendment offered by my friend, the distinguished Senator from Missouri [Mr. STONE]. We do not want to qualify this bill or whittle it down or attempt to prescribe what cargoes our vessels shall carry, if they are lawful cargoes. We do not want to make a brave assertion and then hedge it about with conditions and qualifications which will make it almost useless. There is only one course for this country to pursue at this time. If it had pursued it two years ago, we would not be in the situation we are in now. We have dawdled and fooled with Mexico. That chapter, in my opinion, is a disgraceful annal in the history of the American Nation. We have dawdled with this other question of death on the high seas, and now we are up against it. Let us face it like men, without equivocation and without apology.

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

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. I want to state to Senators that the gallery on the right here is reserved for Senators and their families and their home guests. Senators, however, will carry their constituents up there, which is against the rules. Now, there is that Senator's gallery, crowded. Here are empty seats all over here. I have given orders to the Sergeant at Arms to allow no one except Senators' families and their house guests to go in that gallery. I state that to the Senators in order that they may not go up there and not be given entrance to that gallery.

I have letters from Senators' wives complaining that they have come here and are unable to get seats in their own gallery; and I state that in order that the Senate may know that I have given that order. I understand there is not one person in that gallery now from Senators' families. Here are good seats over here and good seats around here [indicating], and yet people are sitting on the steps in the Senators' gallery.

I just give that notice to the Senate.

Mr. LANE. Mr. President, if the Senator will allow me just a moment——

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

Mr. BRANDEGEE. I do.

Mr. LANE. If they come here, strangers to a degree, we ought to be a little bit hospitable. They come to see the circus once in four years. I will try to keep my family out of the way for a day or two and give them an opportunity to see the goings-on of this very honorable body. I hope the Senator will be a bit lenient under the circumstances.

Mr. OVERMAN. I want everybody to see and hear; but there is one gallery that ought to be reserved for the Senators' immediate families. They want to hear these proceedings. Therefore I respectfully ask Senators not to carry their constituents into that gallery when there are seats over here, when those seats are reserved for the President and his family, the Vice President and his family, and the Senators and their families. Members of the House, too, come over here with their wives and can not get seats. That is the only gallery the Senators have, and here are these other galleries that will hold 1,200 people, and I do not see why Senators will crowd that gallery with their constituents.

Mr. BRANDEGEE resumed his speech. After speaking for a few minutes,

Mr. WEEKS. Mr. President, may I suggest that the Senate is not in order; that there is a great deal of confusion in the galleries?

The VICE PRESIDENT. It is the duty of the doorkeepers of the different galleries to inform people as they come into the galleries that they are expected to remain silent. They have no authority under the rules of the Senate to manifest either approval or disapproval of anything that occurs upon the floor of the Senate of the United States. They are there as guests, and welcome guests, of the Senate of the United States, but they are expected to obey the rules. The rules place upon the presiding officer a very disagreeable duty. That duty is to maintain silence in the galleries. It gives him the power, if it is not maintained, to clear the galleries. That is a power that the present occupant of the chair would very regretfully exercise; so he asks at the present time that the occupants of the galleries remain silent, and the doorkeepers are instructed to notify persons entering the gallery of the rules of the Senate.

After the conclusion of Mr. BRANDEGEE'S speech,

Mr. FALL. Mr. President, I have listened with a great deal of interest to the debate so far; and as there are some of the propositions involved here which I intend to discuss and upon which I intend to cite some few authorities, I will ask permission to move my seat, that I may not be disturbed by the noise behind me, and may not disturb those who are engaged in conversation.

Mr. President, the Senate bill itself can, of course, be divided into two distinct propositions, as has been so clearly stated by the Senator from Connecticut: One, the authority given to the merchantmen, those sailing our ships, to defend themselves against unlawful attacks; the other, certain authority given by legislative direction and by permissive words to the President of the United States. The propositions involved in the Senate bill are not involved in the House bill. In the event the House bill should be substituted for the Senate bill, the merchant vessels of the United States are not entitled to defend themselves except against piratical attacks.

Mr. Jefferson, in his fourth annual message to the Congress of the United States on November 8, 1804, laid down the proposition which is at the foundation of the distinction which I have attempted heretofore to make in the Senate, and to which I now call the attention of the Senate again in the assertion which I have just made. He says:

> That individuals should undertake to wage private war, independently of the authority of their country, can not be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations and to endanger the peace of our own is so obvious that I doubt not you will adopt measures for restraining it effectually in future.

This was addressed to the Congress of the United States; and the Congress did adopt measures to restrain it, and Jefferson had reference in this message to the arming of ships here for action against other ships on the seas, and which ships were not under authority of Congress commissioned for such action.

The same principle, Mr. President, underlies society itself, and underlies all law. The nations of the world have adopted for themselves rules of war. The various nations together, as in The Hague tribunal, have undertaken to adopt similar rules and make them a part of international law; and under the ordinary rules of war of any nation the citizen has no right to defend against the national of another country in times of war, when that national is one of the citizens of the belligerent country.

Of course, the mere matter of self-preservation against murderous attack would present a different proposition.

Unless this Congress—the President, in my judgment, can not by his statement protect the citizen—unless this Congress, by implication or otherwise, declares that the war now being carried on by Germany is an unlawful, illegal war, a citizen of the United States defending against any attack by an armed ship of Germany, whether submarine or other, is not only to be treated as an enemy under the rules of war, under international law, under the statutes of his own country, but if he commits an act of hostility, even in self-defense, he is subject to be treated as a pirate and hung at the yardarm. Therefore there is an essential difference between the Senate bill and the House bill.

The Senate bill gives permission to the President of the United States to commit this country to an unneutral act unless the Congress of the United States declares, either affirmatively, positively, or by implication, that the warfare carried on by Germany is unlawful and illegal. The permission to arm, to which I have referred, without the permission given by the Congress to defend, is simply a permission possibly to commit an unneutral act, as I shall undertake to show.

I discussed at some length on the 27th of this month some of the questions involved, and I do not intend to repeat that discussion or delay the Senate. Under section 8, Article I of the Constitution of the United States, "the Congress shall have power to declare war, grant letters of marque and reprisal, and make rules" concerning capture on land and water.

This clause has been discussed by commentators upon the Constitution, eminent lawyers, and I am going to quote from Justice Story, who gives the reasons why Congress was affirmatively given by the convention the authority to issue letters of marque and reprisal. The power to declare war vested in Congress incidentally carried with it, of course, the power to issue letters of marque and reprisal. Letters of marque simply mean letters authorizing an armed ship which has the right of "reprisal" to sail beyond the territorial waters of the country issuing it. Letters of "reprisal," of course, means the "retaking"—other countries taking our vessels, under letters of "reprisal" our vessels may be authorized to take their vessels or to retake ours which have been captured. An incidental power to declare war then is expressed. Story says:

> But the express power "to grant letters of marque and reprisal" may not have been thought wholly unnecessary, because it is often a measure of peace to prevent the necessity of a resort to war.

Now, while it is incidental to war, Story's conclusion is that the convention placed in section 8, along with the power to declare war, this declaration for the purpose of enabling Congress to issue letters of marque and reprisal as a measure of peace, and that when such letters were issued such action could not be construed as a declaration of war.

Story proceeds:

> Thus individuals of a nation sometimes suffer from the depredations of foreign potentates, and yet it may not be deemed either expedient or necessary to redress such grievances by a general declaration of war. Under such circumstances the law of nations authorizes the sovereign of the injured individual—

And, of course, the Congress is the representative of the sovereign, speaking of this country—

> to grant him this mode of redress whenever justice is denied to him by the State to which the party who has done the injury belongs.

Under the authority given to our merchantmen under the act of 1798, which has been referred to heretofore in the debate in this body several times, and which act is embodied in the bill introduced by myself in this body some two or three days before the Senate bill now under discussion and the House bill were introduced in either body, for three years war was waged with France; and while no declaration of war was made, yet a state of war existed. There are several characters of war; a general and public war, for instance, and a limited war. The Supreme Court of the United States has declared that the war between France and the United States since 1798 under the act of Congress was a limited war. The Congress of the United States by the passage of these acts alone declared a war and limited the extent to which it should be carried. That can be done. It is one of the prerogatives of Congress in declaring war. Congress can declare how it shall be carried on and where it shall be carried on. It can limit it or make it general and open and public.

Mr. President, we might as well face the proposition involved. In the event the Senate bill is passed, the action of Congress in passing that bill is, in my judgment, a declaration of a limited war, unless such declaration or such act is so framed as simply to amount to extending to our vessels letters of marque and reprisal, and no such limitation is placed within the terms of the bill nor can be read into it.

It is true the bill provides that our vessels so armed shall only defend themselves against unlawful attack. If it is meant by the Congress to confine their defense to one nation or another, then Congress, if it intends simply to authorize limited hostilities, should name the nation against which our vessels are to be armed. If not, you place the vessels by your declaration in an attitude of possible hostility to all the other nations of the world, neutral or belligerent. By implication you must declare, provided you authorize these vessels to do anything, that the warfare now being carried on by Germany is unlawful. That would very probably be the decision of a court in the event the court ever passed upon the subject, because, of course, the court will proceed to consider the action and the messages of the President upon this proposition, and would undoubtedly ascertain that the intent of Congress was to authorize our merchant vessels to defend themselves against the attack of German submarines and raiders, vessels of a nation with which, without this declaration, we are at amity; and without that declaration our vessels are prohibited from defending against such attack by such vessels, not only by our own statutes but by the very rules of law and government itself. At the very foundation of government, as I have read from Jefferson, lies the rule that a citizen can not bring on hostility, can not commit an act of hostility against another nation. Otherwise there would be no protection for a nation. Otherwise any citizen could without hesitation, if he so desired, attack the land forces of Argentina or Brazil or of Germany or France or Great Britain and claim to be acting in self-defense. He could secure a band of freebooters, possibly, and enter Costa Rica or Nicaragua as a citizen of the United States, commit hostilities upon the armed forces of that country, and claim the protection of the United States upon the ground of self-defense.

These acts are prohibited, necessarily so, for the protection of government itself. Therefore, whenever an attempt is made to arm a citizen of the United States and authorize him to carry on war or to commit an act of hostility it must be done by an act of Congress, and such an act as is distinctly prescribed in the statute. The President of the United States could send armed forces of the United States across the border to pursue Villa. The President of the United States could not authorize the Senator from Mississippi or the Senator from New Mexico to pursue Villa and wreak vengeance upon him for an attack upon citizens of the United States. The Congress of the United States can enlist the Senator from New Mexico, the Senator from Mississippi, the Senator from Iowa into the regular forces or irregular forces of the United States and then authorize the President of the United States to send such enlisted force after Villa. The President of the United States can not authorize and Congress can not deputize him under the Constitution of the United States to authorize the American merchant vessels of the United States to commit acts of hostility against the vessels of any other country with which we are at amity or sailing under the national flag of such country. It is beyond his constitutional prerogative.

The President of the United States, I want to say, in my judgment possesses one of the keenest minds which I have ever come in contact with. I think the President of the United States had in mind absolutely these limitations when he delivered his message to Congress, and certain further limitations which I shall refer to later. I think the President of the United States had in mind, and I might as well say it now, that this act of Congress, the Senate act, if adopted is a declaration of war, a limited declaration or a declaration of limited war. There is no doubt about the proposition, in my mind.

I therefore say frankly that in the event this act is passed, necessarily war follows if the Congress of the United States declares that the method of German warfare now being carried on is unlawful. That is first. Second, that Congress is the only power to authorize the merchantmen of our country to arm against it; and third, it authorizes our vessels carrying contraband of war or enemy goods to so defend, which is of itself an unneutral act. Of course, it is in the power of Congress to do it, and I hope that Congress will do it.

Mr. REED. Mr. President——

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

Mr. FALL. For a question. The Senator understands that I can not yield except for a question.

Mr. REED. I only want to ask a question.

Mr. FALL. I do not want to be taken off the floor.

Mr. REED. The view of the Senator, if I understood him correctly, is that the enactment of this bill is a limited declaration of war. If that be the purpose and effect of the bill, I inquire would it not be wiser to directly declare war?

Mr. FALL. Mr. President, I am always frank. If the Senate of the United States followed my advice it would within 15 minutes declare a general public war against the Imperial German Government and authorize the President of the United States, as I suggested in the bill which I introduced a few days ago, to raise additional land forces for the defense of this country. I think you will find in a very short time that you will need them.

Mr. President, under the rules of all civilized countries and under international law—of course, as it has been discussed here, and I presume it is admitted by everyone—the vessels of a neutral carrying contraband of war—enemy's goods—must allow themselves to be stopped and submit to search and destruction of the cargo, seizure, or confiscation of the cargo, and have their vessels subjected to condemnation proceedings in a prize court to ascertain whether it was a neutral vessel or whether it is contraband of war itself. The law is well settled, I think, that in the event a vessel carrying contraband of war hides any portion of its contraband, falsifies in any way its papers, endeavors in any way to escape from the penalty placed upon such acts under the law of nations, it is guilty of an enemy act and subjects the vessel, although otherwise not contraband, to confiscation and, under proper circumstances or under certain

circumstances, to immediate sinking. This rule is without any variation or exception, in so far as I know.

Now, the rule is further, as I have heretofore cited opinions of the Attorney General and of the courts of this country to sustain, that such vessels committing an act of hostility, the crew and officers, may be treated as pirates. If they hide the cargo, the noncontraband portion of the cargo, the ship itself becomes contraband. If they evade in any way the penalty placed upon them under the law of nations, the ship itself and the balance of the cargo, although not contraband, become at once contraband. If they commit an act of hostility against a vessel authorized to seize them, such as an armed vessel of a belligerent nation, without the authority of their Government given affirmatively, they are not only enemies but if captured by the belligerent country may be treated as pirates and tried by summary court-martial and shot or hanged.

Mr. CUMMINS. Mr. President——

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

Mr. FALL. For a question, the Senator understands. Under the rule I can only yield for a question.

Mr. CUMMINS. I understand that; but I must premise my question with the statement that with one exception I agree with all the propositions of law which the Senator from New Mexico has stated. His view is that if a submarine were to overcome one of our merchant vessels armed in the way that we propose in the bill under the present law the commander and crew of the merchant vessel would be treated as pirates. I think that is true; but the bill says that they are authorized to defend themselves only against unlawful attack. In the case that I have put, who would determine whether the attack was lawful or unlawful?

Mr. FALL. The merchantman would determine it for himself. The courts, if afterwards called upon, would decide the proposition, and, as I have just suggested, would undoubtedly take into consideration the messages of the President to Congress, his requests to the Congress, and the passage of this bill, and would decide, in my judgment, unhesitatingly that Congress itself had decided that such attacks by such submarines were unlawful.

Mr. CUMMINS. I am not thinking of those after proceedings or judicial proceedings; but I am thinking of the German commander of the submarine who captures our commander and crew while defending against the submarine attack. The German military government would then determine whether the attack of the submarine was lawful or unlawful. Does the Senator from New Mexico have any doubt about the result of a trial of that kind?

Mr. FALL. The only doubt which I have about it, Mr. President, is this, that if Germany intends to follow anywhere in any respect the ordinary rules of law, the rules of humanity, the rules of nations, the German Government must take into consideration the act of the Congress of the United States and treat such persons as prisoners of war. If the German Government does not take into consideration in their defense such acts and so treat them, then, sir, for every Nathan Hale the United States Government is entitled to execute an Andre.

Mr. CUMMINS. Mr. President, there is just one more point on which I should like to hear a little further from the Senator from New Mexico.

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

Mr. FALL. I do.

Mr. CUMMINS. He has reached the conclusion that this is a limited declaration of war.

Mr. FALL. A declaration of a limited war.

Mr. CUMMINS. A declaration of a limited war. I should like to know a little more definitely how he reaches the conclusion that this act limits the declaration to German submarines. It seems to me that upon its face it is a declaration of general hostility and general war.

Mr. WILLIAMS. War on submarines.

Mr. CUMMINS. The word "submarines" is not mentioned in the bill anywhere.

Mr. FALL. I called attention to that fact.

Mr. CUMMINS. I know.

Mr. FALL. I drew the conclusion that necessarily any historian, any court, any statesman, or any nation passing upon the question would decide after reading the President's message, after considering his breaking off diplomatic relations, and taking the text of the act itself, that the Congress of the United States had declared German submarine warfare unlawful and had authorized our vessels to resist the attack of the German submarines; and therefore that court or any tribunal, international or otherwise, would decide that Congress in passing it was limiting the right to the German submarines or raiders.

Mr. JONES. Mr. President——

Mr. FALL. I yield for a question, Mr. President. Let me say for the benefit of all Senators now that I am perfectly willing and would be very glad to answer any question which it is in my power to answer, but I do not want to be taken off my feet. With that understanding I yield to anyone.

Mr. JONES. Of course I do not want to take the Senator off his feet.

Mr. FALL. I understand.

Mr. JONES. Am I correct, then, in understanding the Senator's position to be that under this act if passed vessels intended to be used in carrying goods to Germany through the zone that has been laid out by Great Britain would not be permitted to arm and resist what they would consider to be an unlawful attack?

Mr. FALL. If it became a question of judicial decision upon that proposition, I think not. I would say very frankly, however, to the Senator that one of the reasons upon which I would base that opinion is the fact that Great Britain has pursued the rules of war. Whether she may have stretched the definition of contraband, or whether she may have aggravated us by seizing cargoes which were not themselves contraband, to pay for them herself and thus avoid the destination to which they might be shipped—while she may have done those aggravating things and annoying things, yet Great Britain has pursued the rules of warfare in such acts. Great Britain has not sunk any vessel of a neutral nation of which I have any knowledge. Great Britain, in other words, is following the rules established by Great Britain, and Great Britain alone many, many years ago embodied them in her instructions to her navy. In 1870 Great Britain of all the nations of the earth decided, and so instructed her naval officers, not to sink a neutral vessel, although it might be carrying contraband and although it was impossible to take it into port. It is the only nation on the earth that has done it. She has sought to have other nations join her. We have refused and the other nations have refused, but Great Britain does not even sink a vessel carrying contraband of war if even it is impossible to get it into a port, but her instructions to her naval officers are that they must turn the vessel loose.

Mr. JONES. Of course, I recognize the truth of those statements, but I understand the Senator's position to be that this act would not authorize a ship to go through that prohibited zone carrying goods to Germany. It is his view that it is confined to ships armed against submarines.

Mr. FALL. I think that is the intention; submarines and such raiders as have been in the habit of sinking ships.

Mr. JONES. I wanted to see whether I was mistaken in the Senator's position.

Mr. FALL. That it is confined to the central powers?

Mr. JONES. Yes.

Mr. FALL. I think so clearly, unless, of course, with these qualifications, that I do not think this affects the laws of blockade. If there is an effective blockade being carried on, I do not think that this act here affects that. I do not think that this act is intended to allow any merchantmen at all to violate the laws of blockade by any nation.

Mr. JONES. Does not the Senator think it would be much better if we would state that directly in this act, if that is what we want to do?

Mr. FALL. Mr. President, the Senator from New Mexico introduced three days before either of these bills was introduced in either House an act following the law of July 9, 1798, and following other acts in pari materia of that year, but using the names "Imperial German Government, the Governments of Austria-Hungary, Turkey, and any other central powers or allies, so called." I think it would be much better to define exactly what Congress means to do. But I shall support the bill.

Mr. JONES. Mr. President, one more question. Does not the Senator think that a merchantman reading this act would be justified in assuming that he would have the right if he wanted to carry goods to Germany to arm his ship and resist what he would consider an unlawful attack and that he would be entitled to the protection of the Government in so doing under the terms of this act?

Mr. FALL. I am inclined to think so, the merchantman not being a lawyer, not supposed to be versed in the law. Under the general terms of this act I am inclined to think that any merchantman sailing with arms of offense or defense would be justified in understanding that if the ship of Great Britain, or France, or any other country committed or attempted to commit any unlawful act upon him he was entitled to sink that ship.

Mr. CUMMINS. I remind the Senator from New Mexico that the Senator in charge of the bill, when explaining it to the Senate, stated, as I remember it, that the protection or authority here given to commanders and crews of our merchant ships extended to unlawful seizures of all the belligerents, and he looked upon that feature of it as one that gave it additional strength. It will not be strange if the people generally accept that interpretation in view of the construction put upon it by the Senator in charge of the bill.

Mr. FALL. That statement of the chairman might possibly by some court be taken into consideration as a matter of contemporaneous history, as a part of the debate. I suppose the court in doing that might possibly, although not with equal justification, pay some attention to the definition or understanding as arrived at by the Senator from New Mexico as to what this law means, and I have undertaken to make myself clear upon that subject.

Mr. President, I have referred to these rights——

Mr. JAMES. Will the Senator yield for a question?

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

Mr. FALL. I yield.

Mr. JAMES. I can not see anything in this bill which would deny to a merchant vessel the right to fire in its defense if it should be unlawfully attacked by a vessel of Great Britain or of any other country. The language of the bill is:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Mr. FALL. I understand that, Mr. President.

Mr. JAMES. There is nothing that qualifies from what source the attack may come.

Mr. FALL. I have attempted to make the distinction clear. I will repeat it as briefly as possible.

Mr. JAMES. Of course, I recognize that the policy which Germany has outlined and declared her purpose to inflict, is that of unlawful warfare; and if any other nation should make a like declaration, then, it seems to me, that we would be entitled to defend our ships from such an unlawful attack from whatever source it might come.

Mr. FALL. The Senator from Kentucky has made the precise distinction that I have undertaken to explain. I think that, in view of the history of this case, we can say that the Congress of the United States by passing this act is declaring unlawful the German acts. If there were acts performed or committed by another nation of the same character, undoubtedly a merchantman might be justified in defending in like manner against such acts; but Congress is dealing now with the facts, and the court would so find in undertaking to construe the act; but the merchantman, on the other hand, not being supposed to understand the law or to be versed in the law, would undoubtedly construe the act to give him permission even to defend against an armed vessel of another nation than Germany, we being at peace with such nation, if such vessel undertook to commit any attack upon him.

Mr. JAMES. But the language of the bill is broad enough to give to our ships the right of defense against any nation under similar circumstances.

Mr. FALL. Yes; but, Mr. President, the Senator from Kentucky must bear in mind that, except by act of Congress, a citizen of the United States has no right to defend against the armed forces of a nation with which we are at amity. This act of Congress, in my judgment, would be construed as intended to strike at Germany, while the merchantman himself might construe it as giving him the power to resist a demand that he stop, with gunfire across his bow, possibly, and such a demand made by some other Government with which we were at amity.

Mr. President, I want to close one phase of my statement, that relating to contraband or the rights and the penalties of those carrying contraband. I have referred to penalties——

Mr. WILLIAMS. Mr. President——

Mr. FALL. Pardon me just one moment, and then I will yield.

I have referred to the penalties inflicted for any act by which the person or the ship carrying contraband undertakes to hide the character of the cargo, in order to escape the consequences of the act, and so forth. Now, I will yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I have listened with much attention to the Senator from New Mexico, and the object of this inquiry is to render what he has so admirably said, unmisconstruable, if I may frame a word. The Senator has said that this was a declaration of limited war, and then he added "against German submarines."

Mr. FALL. Against submarines and raiders.

Mr. WILLIAMS. Of course, submarines and raiders carrying on the sort of unlawful warfare which consists in sinking a ship without warning and without taking care of its noncombatant passengers and crew. Does not the Senator think that he had better modify that statement to the extent that this is a declaration of limited warfare against that mode of warfare by whomsoever carried on? It is conceivable, though I think not possible, that some other nation might inaugurate that method of warfare. If so, then this act does entitle our armed merchant vessels to sink submarines engaged in that sort of warfare or to sink raiders engaged in it.

Mr. FALL. I accept the suggestion of the Senator from Mississippi.

Mr. WILLIAMS. That is what I will add, if the Senator will permit me. I ask him if he does not think that is the reason why this is not an unneutral act—because it applies to resistance to that species of warfare by whomsoever committed?

Mr. FALL. Mr. President, I accept the suggestion of the Senator from Mississippi as possibly more clearly defining my position than I have done in my own words. The last suggestion I accept, because I had intended to close with practically that suggestion.

A nation, Mr. President, has no duty to prevent its citizens dealing in contraband of war and shipping it. There is no duty upon the nation at all in that regard. If the nation itself engages in such contraband shipments, of course, it is guilty of an unneutral act. If the nation itself, by its aid and assistance in any way, assists the persons dealing in contraband to avoid the natural consequences of his act, it commits an unneutral act. Upon this phase of this argument, I shall close by a quotation from Moore's International Law Digest, which is found in Volume VII, on page 752. It reads:

That the right to carry on hostilities being admitted—

Of course, we admit the power of Germany and of other nations to carry on hostilities—

it seems to follow that each party possesses, incidentally, the right to prevent the other from being supplied with the weapons of war, and that any aid or protection given by a foreign government to an individual to enable him with impunity to supply either party with such articles is to that extent an act of intervention in the contest.

Mr. JONES. Mr. President, in that connection, I should merely like to have the Senator's view. As I understood the Senator from Massachusetts [Mr. LODGE] yesterday, he contended that it would be unlawful or would be an act of war, I think, on the part of this Government if the President should place arms and men to operate them upon ships carrying munitions of war. Is that the opinion of the Senator from New Mexico?

Mr. FALL. It would be just as Moore has said here, an unneutral act, an act of intervention, if the Nation itself assists a ship or the party carrying contraband by the loan of munitions or the furnishing of munitions or arms, and then instructs him to defend and to use them, or if it furnishes those arms in such a way that he may use them in escaping, the Nation itself is guilty of an act of intervention. That act may be justifiable, Mr. President; and, if the Congress of the United States passes this bill, that act is justifiable, because you decide, if I am correct, by the passage of this act that the German acts are unlawful.

Mr. JONES. So the Senator's contention would be that, under this act, the President would have the right to place guns and men to man them upon ships carrying munitions of war through the prohibited zone?

Mr. FALL. I think so.

Mr. WATSON. In order to get the Senator's view, I should like to ask him whether or not he regards the enactment of this legislation or the passage of this bill, as a virtual declaration of war?

Mr. FALL. Evidently the Senator from Indiana has not been in the Chamber. The Senator from New Mexico has already long ago declared that the passage of this bill, in his judgment, is a declaration of limited war.

Mr. WILLIAMS. Mr. President, the question I want to ask the Senator, following out the question just asked by the Senator from Washington [Mr. JONES] is this: Is not the Senator's answer to the question of the Senator from Washington founded upon the fact that, in this method of warfare which has been resorted to by Germany, she does not make any search to determine whether or not there are munitions of war on board the ship, but that she sinks it regardless of its contents, and that, therefore, the question of contraband does not enter into this controversy? No resistance would be made to a German submarine that took the usual course or if it had been the habit

of these submarines to take the usual course of searching. In that case, if we had put arms upon the ships carrying munitions of war, it would have been quite a different thing from putting arms on now to resist attack from ships which make no search, and which do not found their acts upon an assumption or supposition of the existence of munitions of war aboard our ships, but which sink them at once on sight, regardless of their contents, because they have established a zone of fire around certain ports of the earth into which they tell us we dare not enter.

Mr. FALL. Mr. President, the President of the United States has declared that the acts of Germany were unlawful. I have always believed that those acts were unlawful since they were first initiated. By the passage of this act the Congress of the United States will declare that, in their judgment, those acts are unlawful.

Mr. JONES. Mr. President——

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

Mr. FALL. I yield.

Mr. JONES. By these questions I am not indicating my opinion one way or the other, because I do not claim to know very much about these questions of international law, and so I come for information to the Senators who are members of the Foreign Relations Committee, who, I know, are better acquainted with these matters, and naturally so, than the rest of us.

Mr. FALL. The Senator does me too much honor; I am not a member of that committee.

Mr. JONES. The Senator has given the subject special thought and special study, and indicates, at any rate, that he is well qualified for membership upon that committee.

Mr. FALL. I thank the Senator.

Mr. JONES. As I understood the position of the Senator from Massachusetts [Mr. LODGE] yesterday, it was that we should not put any amendment in this bill prohibiting the placing of guns and men upon ships carrying munitions of war, because that would be, in effect, a reflection upon the President and would be an assumption that he intends to do, or is likely to do, an unlawful act. As I understand the position of the Senator from New Mexico, it does not correspond with that view taken by the Senator from Massachusetts; and I should like to know whether or not I am correct in that.

Mr. FALL. Mr. President, I do not think that I should now go into a discussion at length of the differences or possible differences between the Senator from Massachusetts and myself upon this proposition, or that I should attempt to reconcile, if possible—and I think very likely I could reconcile—the opinions of the Senator from Massachusetts with mine, with some modification.

Mr. SUTHERLAND. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. SUTHERLAND. If the Senator will permit me, I want to ask him a question. I am not sure that I quite understand the Senator's position with reference to the carrying of contraband. Is it the Senator's position that under this act, if passed, the President would be justified in protecting an American ship against an unlawful act, even though it were carrying contraband?

Mr. FALL. Undoubtedly.

Mr. SUTHERLAND. I agree with the Senator. The Senator is undoubtedly familiar with the rule of international law that the carrying of contraband to a belligerent is not in violation of any rule of international law. Neither is it in violation of the law of the United States. It may be in violation of the law of one of the belligerent countries or of some rule established by a belligerent country, but an American ship has a right to carry contraband to one of the belligerents, provided it can get it through, and it is a perfectly lawful thing to do it if it can get it through, and if it is unlawfully attacked, if a warship of one of the belligerent countries undertakes to sink an American ship carrying contraband without going through the preliminaries laid down for search and seizure, then it has the right to resist, and the United States Government is not committing an unneutral act in defending it, although the vessel may be carrying contraband. Does the Senator agree to that?

Mr. FALL. I agree very largely with the Senator. I have undertaken at some length upon two or three different occasions, in answer to two or three different questions, to explain my position. I will undertake to explain it once more. It is that there is no duty resting upon the Government to prevent its citizens engaging in contraband trade. There is a rule of international law and a rule of war which entitles a belligerent to stop contraband and confiscate it. It is one of the rights of war for a belligerent to stop contraband, but he must stop it in a certain way.

Mr. WILLIAMS. Also defined by international law.

Mr. FALL. And the ship carrying contraband must conduct itself in a certain way. Under the ordinary rules of international law, a ship carrying contraband must without defense submit to search and seizure. It can not commit any act calculated to hide the character of the contraband or prevent its seizure without subjecting the ship itself to being sunk as contraband or to being dealt with as contraband, although it is not contraband but simply carrying a cargo of contraband. In the event that it commits an act of hostility, then it stands, as any other ship of a neutral country committing an act of hostility, its crew subject to trial by military tribunals rather than by the civil courts.

Mr. WILLIAMS. But even when the belligerent has a right to sink the vessel it is the duty of the belligerent to provde for the safety of noncombatant passengers and crews.

Mr. FALL. Certainly, that is a rule of humanity; it is older than the family, older than any nation.

Mr. WILLIAMS. Grotius and Vattel did not originate it.

Mr. FALL. No; it was not the child of the brain of any international-law writer.

There have been various occasions in this body and in the other House of the Congress of the United States, in the public press, of course, in the homes, and, I might say, by the firesides all over this country, possibly, for 100 years when there have been discussed questions as to the rights of the President of the United States and the rights of the Congress of the United States in matters of war or pertaining to war. The President of the United States appeared before Congress and asked in broad terms that Congress join him and affirmatively vest him with certain powers, which he was inclined to think he already possessed to a very great extent. I think the President was correct in that assertion, and that he possesses the powers constitutionally which would be vested in him by the passage of this bill, except the power to arm a merchant vessel; but so far as using other instrumentalities to defend our citizens against unlawful attack is concerned, he not only possesses the constitutional power, but no act of the Congress of the United States or of any other body, constituted or unconstituted, can divest him of that power. It is his duty to defend the citizens of the United States on land and on sea.

Senators who are lawyers will remember the decision of our Supreme Court upon that proposition. I recall at the moment one of the Slaughterhouse cases, where the Supreme Court of the United States held that it was the privilege of any citizen of the United States to call upon his country for defense against unlawful attack on the land within any foreign country or upon the "high seas." The Supreme Court used the term "high seas." The Constitution of the United States vests in the President of the United States the authority, and makes it his duty, to use the land and naval forces of the United States to protect this Nation and its citizens against unlawful attack upon the high seas or upon the land.

My criticism, Mr. President, of the present occupant of the White House in the past has been that he has not used those methods; that he has not performed his duty as promptly as he should have done; but, sir, that fact does not for one moment deter me from standing shoulder to shoulder with him and by him, although I have been his critic, when he is seeking the method and asking the assistance of Congress that he may perform his constitutional duty and carry out those powers vested in him by our fathers.

Mr. President, as throwing some light upon the powers of the President of the United States, not inferentially, but directly, upon the construction of Article VIII of the Constitution of the United States, I desire to read into the RECORD from volume 3 of the Madison Papers, on page 1351. I shall not go back beyond that to trace the entire history of Article VIII; but we find it up for consideration and for a vote on the page which I have cited. On August 17, 1787, we find it up for discussion: "On the clause, 'to make war.'" The original clause did not contain the words which were adopted, "to declare war," but the article as reported from the committee to the Convention for action was "that the Congress should have the right to make war"; and that clause was then under consideration.

Mr. Pinckney opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to the large States, the power will, notwithstanding, be safe, as the small have their all at stake in such cases.

Mr. President, I do not like to be inconsiderate at all, but I should like order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FALL. This may not be of much importance, and I may be obsessed in that regard, but I have an idea that it is important to at least the people of the United States.

Mr. WILLIAMS. The matter is of vast importance.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FALL. Mr. Pinckney continued:

It would be singular for one authority to make war, and another peace.

Mr. President, I may inject here that this plan that the Senate should be the body empowered to make war was the plan of Alexander Hamilton. It was drafted by him, submitted by him, and was presented or approved and discussed at this time by Mr. Pinckney.

Mr. JONES. To confine that power to the Senate?

Mr. FALL. That the Senate should be the body to make war. Of course, Mr. President, I may depart from the lines of my argument or from my quotation for a moment to inject this observation: Some of the most eminent statesmen of latter days appear to have imbibed the idea that George Washington, who presided over this Convention; that Alexander Hamilton, Madison, and the other members of that body, which has been pronounced by Bryce, by Bluntschli, by De Tocqueville, and by many other writers, to have been the greatest body that ever sat under the canopy of Heaven for the consideration of questions of this kind. The idea seems to have obtained in some quarters that those men did not know what they were doing; and yet you will find that every possible question that the ingenuity of any mind in this Chamber might have advanced, or any question that could have been thought of, or any hair-splitting argument that could have been presented by the most technical lawyer or special pleader in this Chamber was discussed, thrashed out, and acted upon by this great body in the adoption of the different clauses of the Constitution which they were forming.

Mr. BUTLER. The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war, leaving the Executive the power to repel sudden attacks.

Their motion was carried by the votes of Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia voting yea, New Hampshire voting nay, Massachusetts absent. So that this whole question, which is perennially bobbing up, which is being discussed in almost every session of the Congress of the United States in one or both bodies, and which "Pro Bono Publico" and "Vox Populi" are always writing about to the daily papers and the weekly papers in the country, was discussed, and it was decided upon the proposition that to declare war should be the prerogative of the Congress and to make war in self-defense should be the prerogative of the executive department.

Mr. WILLIAMS. "To resist unlawful attacks," using the very language of this bill.

Mr. FALL. Yes; to resist unlawful attacks.

I note that I have taken up more time than I anticipated because of the frequent interruptions, to which I have cheerfully yielded and which I invite. I am simply offering that excuse for occupying more time than I had intended.

I have here, Mr. President, a work by Chambrun upon the Executive Power in the United States. I note that it has a preface by James A. Garfield. It was written in 1874. Mr. Garfield calls attention to the fact that the best commentaries upon the American constitutional form of government have been invariably written by foreigners—Von Holst, Bryce, in modern times, De Tocqueville, and others. In the preface to this work he says that this monograph upon the executive power is a worthy continuation or sequel to the great work of De Tocqueville upon democracy and the general phases of the Constitution and laws of this country.

I read from page 122 of Chambrun:

On the President is enjoined the high duty of watching over the maintenance of the Union. He will, therefore, repel foreign invasion and suppress domestic insurrection without awaiting the instructions of Congress.

Mr. President, of course the Supreme Court of the United States time and again has used practically the same words. It should go without question that this power is vested absolutely in the President. The citizens of the United States have rights upon the high seas. Invasion of those rights unlawfully is an invasion such as the President is in duty bound to repel by any force necessary so to repel such invasion. There is, therefore, to my mind, no question of the constitutional power of the President of the United States to act upon the defensive alone in repelling the unlawful attacks of the German submarines or of any other ship, or unlawful attacks of any other kind or character. The Supreme Court of the United States is quoted by Chambrun, and I will not refer to the report itself for that reason. The Supreme Court said that—

If a war be made by invasion of a foreign nation the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority.

That is in the case of schooners *Brilliant* and others against The United States, decided on March 9, 1869, and contained in Black's Reports, volume 2, page 665. I am not going very much further, Mr. President, along this line.

Mr. Story, in volume 2, page 327, in passing upon this question, or commenting upon it, says:

Of all the cases and concerns of Government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Of course, some of our citizens, from the birth of this Republic, have thought that the people generally should have the right to vote on any question of this kind, and presumably that they should have the right to carry on war themselves after they themselves had declared it. Some contended in the Constitutional Convention for a commission form of government. Some contended for one House of Congress, and not two, and some contended that that House of Congress should be the executive power of this Government as well as the legislative branch. The same arguments have been used over and over again. The same argument applies to the situation in which the Senate of the United States now finds itself, in my judgment. There should be vested in one individual the defense of the United States, and that individual should not be hampered by divergent counsels or by continuous nagging; and I say, sir, that in my judgment it would be a public calamity for the Congress of the United States to be in continuous session for the next month or two.

Kent says that the President—

is Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the service of the Union. (a) The command and application of the public force to execute law, maintain peace, and resist foreign invasion, are powers so obviously of an executive nature, and require the exercise of qualities so characteristical of this department, that they have always been exclusively appropriated to it in every well-organized Government upon the earth. (b) In no instance, perhaps, did the enlightened understanding of Hume discover less acquaintance with the practical science of government than when he gave the direction of the Army and Navy, as well as all the other executive powers, to 100 senators, in his plan of a perfect commonwealth. (c) That of Milton was equally chimerical and absurd, when, in his "Ready and Easy Way to Establish a Free Commonwealth," he deposited the whole executive, as well as legislative power, in a single and permanent council of Senators. That of Locke was equally unwise, for, in his plan of legislation for Carolina, he gave the whole authority, legislative and executive, to a small obligarchical assembly. (d) Such specimens as these well justify the observation of President Adams. (a) "That a philosopher may be perfect master of Descartes and Leibnitz, may pursue his own inquiries into metaphysics to any length he pleases, may enter into the inmost recesses of the human mind, and make the noblest discoveries for the benefit of his species; nay, he may defend the principles of liberty and the rights of mankind with great abilities and success, and, after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity."

Thomas Jefferson has given his understanding of the powers vested in himself as the President of the United States by Article VIII. I find in his first annual message, Mr. President, delivered on December 8, 1801, the statement, which I desire to quote; and in doing so it will be necessary to read very briefly the circumstances under which the statement was made and conveyed to the Congress by Mr. Jefferson:

To this state of general peace with which we have been blessed one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean with assurances to that power of our sincere desire to remain in peace but with orders to protect our commerce against the threatened attack.

Will Democrats question the authority of the President of the United States, when he asks them now to simply join with him, to give the assurance that they agree with him, that the circumstances are sufficient to justify him in the performance of his constitutional duties? An astounding spectacle, Mr. President! Jefferson, whose name is almost worshiped, not only by Democrats, I may say, but by civilization itself, to-day, recognized as one of the most eminent statesmen the world has ever known, and a true apostle of genuine democracy—and I do not mean partisan Democracy, such as is displayed here at times—and, as suggested by the eminent Senator from Mississippi [Mr. WILLIAMS], the least disposed of all men to assume authority.

The measure was seasonable and salutary. The Bey had already declared war. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieut. Sterret, which had

gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our Nation to the multiplication of the human race, and not to its destruction. Unauthorized by the Constitution, without the sanction of Congress to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries.

That is the only authority that the President of the United States is asking the Congress to give to him—that, if it is necessary in protecting the citizens of the United States from these unlawful attacks, he may use such other instrumentalities and methods as to him may seem best; and that the House refused to give him. Of course, I have no right, parliamentary or otherwise, to comment in a manner of reflection on the action of the House, but I have a right to call the attention of the Senate of the United States to the gravest mistake, under the circumstances, ever made, in my judgment, by any legislative body in the history of this country.

The President of the United States knows his Thomas Jefferson. The President of the United States knows the Constitution. The President of the United States, I think, has a very keen conception of his power under the Constitution. The President of the United States has said, and I think he understands as well as any man ever did, that even within the pure line of his constitutional powers and prerogatives he may make himself felt as possibly some other Presidents have not been able to do. I think he has shown the success of his methods in some instances, Mr. President; and I pray to God, in the name of this great country of ours, of our laws, and of our people, that he may now show that he can impel, not his will but his sense of justice upon the Congress of the United States.

Mr. President, I am not going to read into the RECORD over 100 different instances where the President of the United States has defended the right of American citizens on land and on sea, in foreign territory, and on the high seas, and in territorial waters of other countries. I ask that at this portion of my remarks I may insert in the RECORD this list of cases which I have, Mr. President.

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

The matter referred to is as follows:

DUTY TO INTERVENE OR INTERPOSE FOR PROTECTION OF CITIZENS ALWAYS RECOGNIZED BY UNITED STATES AND 100 CASES CITED.

The duty of a State to intervene or interpose in a foreign country, even, if necessary, by force of arms, has been maintained always by this Government. In more than 100 cases we have landed armed forces or used the guns of our Navy for the protection of our citizens or for the purpose of securing reparation or in retaliation for injury done them or their property.

1. PURPOSES FOR WHICH FORCES HAVE BEEN LANDED.

The purposes for which forces have been thus landed may be roughly classified as follows:

(a) Simple protection of American citizens located in disturbed areas. This was the purpose of the landing of forces in China, 1854; Uruguay, 1855 and 1858; China, 1859; Africa, Kisembo, 1860; Panama, 1860; Japan, 1868; Uruguay, 1868; Egypt, 1882; Korea, 1888; Navasso Island, 1891; Chile, 1891; Hawaii, 1893; Korea, 1894; Nicaragua, 1899; China, 1900; Santo Domingo, 1903; Honduras, 1907; Nicaragua, 1910; Honduras, 1910 and 1911.

(b) Destruction of pirates infesting certain areas, whether nationals of the disturbed areas or otherwise.

This was the purpose of landing forces in Amelia Island, 1811; Cuba, 1823; China, 1854.

(c) Punishment for murder of American citizens: Sumatra, 1832; Fiji Islands, 1840; Samoa, 1840–1841; Fiji Islands, 1858; Formosa, 1867.

(d) Punishment for insults or injuries to American citizens or American officers, such injuries not resulting in death: Porto Rico, 1824; Falkland Islands, 1831; Nicaragua, 1854; Fiji Islands, 1855; Korea, 1871; China, 1836; Japan, 1863.

(e) Reestablishment of American legation, collection of indemnities, and protection of minister: Japan, 1864.

(f) Suppression of local riots: Hawaii, 1874, landing at instance of Government to restore order; Egypt, Alexandria, 1882, landing to restore order, extinguish fires, etc.

(g) Preservation of order during interregnum between control of regular Government and revolutionary government: Mexico, 1876.

(h) Establishment of presumed regular government: Samoa, 1899, joint action, United States and Great Britain.

(i) Protection of customhouse at the instance of regular officials: Uruguay, 1868.

(j) Securing of indemnity: Island of Johanna, 1851; Japan, 1864; Haiti, 1888.

(k) Invasion of foreign territory for protection of American citizens and American territory: Spanish Floridas, 1817.

2. LANDING OF AMERICAN FORCES IN TIMES OF FOREIGN REVOLUTIONS.

(a) Without the invitation of either faction. This Government has repeatedly, both alone and jointly with others, landed forces in times of revolution in foreign countries in order adequately to protect American interests.

These landings were made as set forth below. Unless otherwise stated, our attitude seems to have been neutral as between the contending factions:

China, 1854, the operations were conducted against the regular imperialist troops, who had captured an American pilot boat in the harbor of Shanghai; Uruguay, 1855, operations directed against both factions; Uruguay, 1858; Africa, Kisembo, 1860; Japan, 1868; semble, neutral; Egypt, 1882; Korea, 1888; Chile, 1891; Hawaii, 1893; Nicaragua, 1899; China, 1900; Santo Domingo, 1903; Nicaragua, 1910; Honduras, 1911.

(b) At the instance of the regular local officials: Uruguay, 1868; Panama, 1860; Hawaii, 1874.

Mr. FALL. Mr. President, the cases which are contained in this list are not the only cases I have in mind. The President of the United States has had, without a dissenting voice on the Democratic side, his acts ratified—not the authority given, but his acts ratified—in sending the land and the naval forces to Mexico, landing the marines at Vera Cruz, bombarding Vera Cruz, and taking the lives with our armed forces and through our naval guns of at least 200 Mexicans; and I am reliably informed that 600 dead Mexicans lay in the streets of Vera Cruz after this fighting was over. The Congress of the United States, upon the insistence of the Foreign Relations Committee under the leadership of the eminent chairman of that committee, by a resolution ratified his act in already having carried the war for defense of the national honor, through an insult to the American flag, into a foreign country, upon foreign territory, and there committing war. With few dissenting voices, under the able leadership of the chairman of the committee, this Senate ratified that action of the President.

But later the President of the United States, thinking, in his judgment, it necessary, ordered Gen. Pershing and the forces under his command to proceed across the American line into Mexico for the purpose of arresting or killing Pancho Villa and those guilty of an attack upon American citizens in my State of New Mexico. Mr. President, as a Senator from that State I expressed myself as being in thorough accord with the President in the dispatch of those armed forces into Mexico; but my disagreement with him was as to the instructions which I understood he had given them and which I understood as tying their hands. But, sir, that was my individual opinion, and not the opinion of the Senate of the United States, because on March 17 the eminent Senator from Wisconsin [Mr. LA FOLLETTE] introduced into this body a resolution not granting the President of the United States permission to send the forces into Mexico, but commending him for the act, placing the Congress or the Senate of the United States behind him; and that resolution was adopted upon the motion of the eminent chairman of the Foreign Relations Committee of this body, and without a dissenting voice.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. STONE. In the interest of correctness——

Mr. FALL. Certainly; I do not mean to make a misstatement.

Mr. STONE. I will say that the Senator is mistaken about the chairman of the Committee on Foreign Relations having charge of or any personal connection with the action to which he has just referred. At that time I was the chairman of the committee, as I am now; but at that time I was too ill, and had been for some weeks, to attend upon the business of the Senate. The lamented Senator from Indiana, Mr. Shively, who was then the next ranking member of the committee, reported the action of the committee and had charge of its conduct.

Mr. FALL. Mr. President, I regret very much that the Senator has just made that statement, unless he will now ask unanimous consent that the RECORD of the proceedings of March 17, 1916, shall be corrected in accordance with the statement which he has made, because I shall now read the RECORD. I did not intend to do the Senator any injustice.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 17), as follows:

"Whereas it is understood that the President has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico for the pursuit and punishment of the band of outlaws who committed outrages on American soil at Columbus, N. Mex.; and

"Whereas the President has obtained the consent of the de facto government of Mexico for this punitive expedition—

Which turned out to be a mistake, let me interject.

Mr. STONE. Mr. President——

Mr. FALL. Just a moment [reading]—

"Whereas the President has given assurance to the de facto government that the use of this armed force shall be for the sole purpose of apprehending and punishing said lawless band, and that the military operations now in contemplation will be scrupulously confined to the object already announced, and that in no circumstance will they be suffered to trench in any degree upon the sovereignty of Mexico or develop into intervention of any kind: Therefore be it

"*Resolved by the Senate (the House of Representatives concurring)*, That the use of the armed forces of the United States for the sole purpose of apprehending and punishing the lawless band of armed men who

entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico, is hereby approved; and that the Congress also extends its assurance to the de facto government of Mexico and to the Mexican people that the pursuit of said lawless band of armed men across the international boundary line into Mexico is for the single purpose of arresting and punishing the fugitive band of outlaws; that the Congress in approving the use of the armed forces of the United States for the purposes announced joins with the President in declaring that such military expedition shall not be permitted to encroach in any degree upon the sovereignty of Mexico or to interfere in any manner with the domestic affairs of the Mexican people."

Mr. STONE. Mr. President, I wish merely to say that I hope the resolution will be agreed to without debate.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. I yield.

Mr. STONE. What I said a moment ago was based upon a misapprehension. I thought the Senator was referring to the resolution which concerned the order to land marines at Vera Cruz. The Senator had just been talking of that, and had stated that 600 people had been slain, and so on. My attention was then diverted, and when he spoke of the Senator from Missouri offering the resolution, I, having lost the connection, supposed he was referring to that event.

Mr. FALL. Mr. President, I did not state that the Senator offered the resolution. I said that he moved its adoption. I was wrong in saying that he moved its adoption; he did not; but he used the terms which I have read, I presume:

I wish merely to say that I hope the resolution will be agreed to without debate.

Mr. STONE That record is absolutely correct.

Mr. FALL. I understand that the Senator's memory was simply at fault; and I suggested to him, before reading it——

Mr. STONE. No; my memory was not at fault.

Mr. FALL. Very well.

Mr. STONE. My fault, if fault there was, was in being diverted and not catching the exact connection. The Senator had just been talking of what occurred at Vera Cruz, and while my attention was diverted he seems to have taken up the subject of the outrage at Columbus; and when my attention was again directed to what he was saying I was under the misapprehension that he was still talking about what had occurred at Vera Cruz.

Mr. FALL. Then I should not——

Mr. STONE. I want to say, if the Senator will permit me, that I do not for a moment apologize for anything that was done, either at Vera Cruz or that was done in the instance to which the Senator now refers. If I had been President at the time of the Vera Cruz incident, I would have approved what was done.

Mr. FALL. Of course, I would be glad for the Senator to state his position, and I know he will state it very correctly and in a courageous and manly way; but at the same time the Senator from New Mexico is not precluded from citing other instances which he thinks stand on all fours with this, matters which come before this eminent body and have been treated of by the Senator from Missouri. The Senator from New Mexico had no earthly desire to place the Senator from Missouri in a false light, or even have him appear to have a lapse of memory. The Senator has explained that it was simply due to a hiatus in the Senator's attention to the remarks of the Senator from New Mexico, and that, of course, is a perfectly valid excuse.

Mr. President, I do not intend to take any further time of the Senate. I have, due largely, I think, to interruptions, already occupied more time than I had expected. To review just for a moment the situation as I understand it, the Senate bill is intended to and does permit the merchantmen of the United States to do something which they are not entitled under the law to do, the power to do which could not be conferred upon them under the Constitution by the President, even if the Congress of the United States gave the President the right to loan them guns and ammunition and the gunners. That legislation it would be perfectly proper for the President to follow out; but it does not justify the use upon those ships of these guns except under such circumstances as I have referred to. To justify it by an act of Congress is equal, then, to a declaration of limited war.

Now, sir, I have undertaken to show that the only thing which the President of the United States has asked of Congress in assisting him to perform his constitutional duty is that they allow him to use such other instrumentalities and *methods* as in his judgment may seem necessary for the purpose of enabling him to protect American citizens on the high seas. He has the duty now, the right, to protect them. He simply asks the Congress of the United States to vest him, first, with power to loan our guns to our merchantmen, and, second, to use such other instrumentalities and *methods* as he deems necessary to enable him to perform his constitutional duty. In my judgment it is the constitutional duty of the Congress of the United States without hesitation to grant it to him. If I were treating this matter as a politician, I would vest the President of the United States with even more power than he asks, and let him stand alone before the people of the Union; let him be responsible; let him have the credit or let him receive the rebuke.

I do not want an attempt made to force a special session, to be held immediately. I do not believe that there can be any such intention, but if there is such purpose I simply say to my friends that I think they are very grievously in error. First, they will be held responsible for the special session by the people of the United States; and, second, after the exhibition which we have seen here in the discussion of this matter the public must know that the presence of the Congress of the United States here would not in any healthy, serious way conduce to the proper and immediate defense of American rights and American honor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The message further announced that the House had passed the bill (S. 5270) for a public building at Paris, Tex., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House recedes from its disagreement to the amendment of the Senate No. 9 to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, and agrees to said amendment.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and it was thereupon signed by the Vice President.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, and it was thereupon signed by the President pro tempore.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. STONE obtained the floor.

Mr. CLAPP. Mr. President, I desire to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Minnesota suggests the absence of a quorum, and the Secretary will call the roll.

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

Ashurst	Fall	McLean	Shafroth
Beckham	Fernald	Martine, N. J.	Sheppard
Borah	Fletcher	Myers	Shields
Brady	Gronna	Nelson	Simmons
Brandegee	Harding	Norris	Smith, Md.
Broussard	Hardwick	Overman	Smith, Mich.
Catron	Hollis	Owen	Smith, S. C.
Chamberlain	Hughes	Page	Sterling
Chilton	Husting	Penrose	Stone
Clapp	James	Phelan	Thomas
Clark	Johnson, S. Dak.	Pittman	Underwood
Colt	Jones	Poindexter	Vardaman
Culberson	Kenyon	Pomerene	Walsh
Cummins	Lane	Ransdell	Warren
Curtis	Lea, Tenn.	Reed	Williams
Dillingham	Lee, Md.	Robinson	
du Pont	Lewis	Saulsbury	

Mr. CURTIS. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement remain for the day.

Mr. MARTINE of New Jersey. Permit me to state that the senior Senator from Oklahoma [Mr. GORE] is detained at home through illness. I ask that this announcement may stand for the day.

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

Mr. STONE. Mr. President, I rise to address the Senate on the pending measure, but before proceeding I wish to have the exact parliamentary status established. I will state the situation as I understand it, to see whether that is the understanding of the Chair and the Senate. The Senate bill which was pending has been laid aside, and the House bill brought before the Senate as the pending measure.

The PRESIDENT pro tempore. If the Senator desires, the Chair will state the position as he is informed. Of course, he has not been in the chair, but the Chair is informed and so states that the unfinished business now before the Senate is House bill 21052, which is the bill which came from the House yesterday. The Senator from Nebraska [Mr. HITCHCOCK] has moved to strike out all after the enacting clause and insert the provisions of the Senate bill. The Senator from Missouri has offered not for immediate consideration, the Chair understands, an amendment. The amendment before the Senate as the pending amendment to be acted on is the amendment which was read yesterday.

Mr. STONE. The amendment read on yesterday has not been formally proposed to the House bill.

The PRESIDENT pro tempore. So the Chair understands.

Mr. STONE. It was offered to the Senate bill, and now the Senate bill is laid aside and the House bill has been substituted for present consideration by the Senate. The Senator from Nebraska in charge of the unfinished business has indicated his purpose to move to strike out of the House bill all following the enacting clause and insert whatever it may be that he proposes, and I am informed that that will be substantially the Senate bill.

Mr. HITCHCOCK. I will say to the Senator that I have already made that motion, and that the only changes in the text of the Senate bill are of a nominal character.

Mr. STONE. I desire to offer the amendment I proposed on yesterday to the bill then pending as an amendment to the bill now pending. I send it to the desk as an amendment to the House bill.

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

Mr. NORRIS. Before the Secretary reads the amendment I should like to suggest to the Senator that it seems to me the proper procedure would be to offer his amendment to the text offered by my colleague, the Senator from Nebraska, instead of offering it to the House bill. It will apply there just the same as though the Senate bill were actually pending as a bill instead of an amendment.

Mr. STONE. With all due respect, I think I will reserve the right to do both.

I now offer it as an amendment to the House bill and ask that it be read.

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

The SECRETARY. It is proposed to add at the proper place the following:

Provided, That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized; and

Provided further, That it shall not be lawful for any merchant ship supplied by the President with arms as herein provided to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace; and

Provided further, That it shall not be lawful for any merchant ships which may be under the convoy or immediate protection of any public vessel of the United States to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace.

Mr. STONE. Now, Mr. President, I make this parliamentary inquiry, that I may be informed and that the Senate may be informed whether an amendment of the nature of the one just submitted and read can be offered to the amendment of the Senator from Nebraska when that amendment is reached—that is, the amendment to strike out after the enacting clause and insert.

The PRESIDENT pro tempore. The Chair thinks it may.

Mr. STONE. The Chair thinks it may be offered.

The PRESIDENT pro tempore. It may be offered to either the amendment or to the House bill. An amendment to the text of the House bill has precedence, and the Chair thinks that the amendment of the Senator from Missouri is now in order as an amendment to the text of the House bill.

Mr. STONE. And afterwards it may be offered to the amendment which has been proposed by the Senator from Nebraska when that amendment is brought before the Senate for action?

The PRESIDENT pro tempore. The Chair thinks that the amendment may be offered to the substitute or to the matter which is moved to be inserted in lieu of the text of the House bill.

Mr. STONE. I agree with the Chair, but I wished to have that understood, and I shall take it that the Senate agrees to the ruling unless objection is now made.

The PRESIDENT pro tempore. The Chair hears no objection to that ruling.

Mr. STONE. Mr. President, I would rather trust President Wilson to keep the United States out of war than the jingoes now so prevalent and so clamorous for war in some sections of the country. I do not think these clamorers are numerically dominant in the country at large, but I am sorry to say that they appear to have become dominant in the Congress. I wish to make it plain that I am opposed to involving this country in the European war without infinitely greater provocation than we have yet had, and, without asserting it as a fact—and the President's future course will determine that—I believe the President to be in substantial sympathy with this view. Unless I am woefully mistaken, the President loves peace and wants peace more than war. I think he is sincere about that, and he is the one man in America who can do most to keep us out of war. The Congress may declare war; they can put us into war, but the President can do more than all others to keep us out of war. I believe he would rather rest his fame, as did Washington and Jefferson, on works done for the homes and happiness of his people and of mankind than to rest it, as did Cæsar and Napoleon, upon the bloody triumphs of battle fields. His devotion to peace has been demonstrated. Events in Mexico have been exasperating beyond measure. The lives and property rights of Americans have been ruthlessly sacrificed in Mexico, and brutal, costly, sanguinary crimes have been committed by Mexicans even on our side of the American frontier in the States of Texas and New Mexico. For years the President has been subjected to the strain and pressure of a tremendous clamor for war with Mexico, but instead of striking with a mailed hand he set his heart on helping, not hurting, Mexico, and therefore set his thought on peace beyond the Rio Grande. He has kept us out of war with Mexico.

And despite a weight of troubles sufficient to break the patience of almost any man, and despite the clamor, intrigues, and subterfuges resorted to to entrap him into some act of war with European powers, he has up to this time stood as firm as a rock. He has also kept us out of war in Europe. He has so far kept the peace in both Europe and America. I repeat, therefore, that I would rather trust him than all that horde of official weaklings who daily fly their kites to see which way the wind blows. Personally I have felt all through these troublous months that the President would do everything within his power that any man clothed with grave responsibility might honorably do to save this country from sharing in the dread calamity of that conflagration which is destroying Europe. He would not, as he should not, brook insolent attack on our national honor or intentional wrong against our people; but I believe he would in future as in the past bear with great patience, as he should, the burden of incidental and resultant injuries flowing out of the turbulence of a great war, but not wantonly committed in a spirit of hostility to our Government or our people.

For nearly four years I have worked by the President's side, and have enjoyed both his friendship and his confidence. He knows—yes, he is bound to know—that he holds a high place in my esteem and a warm place in my affections. I have not always agreed with him about things. Two such men as we could not always fully agree; but I have, as a rule, followed his lead and gone along with him as the titular head of my party, and in close alliance doing team work with him. I know the man and believe in him. If the question to-day were one only of faith and trust in him, I would not hesitate; if it were only a question of domestic policy or even of foreign policy of lesser consequence; if it were anything, indeed, not of absolutely vital moment such as I regard the present matter to be, I would be very slow to withhold my support when the President asked it; but in this instance I profoundly regret to say that I can not vote for this bill in its present form, even though the President recommends it. This is my first disagreement with the President which we have not been able to reconcile. I am sorry for this, but it can not be helped. I can not take part in

committing what I believe would be an unpardonable and perilous mistake.

I believe the bill to be not only violative of the Constitution—destructive of one of the most important powers vested in the Congress, the war-making power—but that its passage would set a precedent fraught with future danger to our form of government and to public liberty. Moreover, and aside from the question of its constitutionality, and purely as a matter of public policy, I would regard the bill with grave apprehension, as being wholly wrong in its possible, if not natural, tendencies. I would not for a moment seriously consider the question of voting such extraordinary and dangerous powers into the hands of any Executive of less poise, moral courage, and straightforwardness of purpose than President Wilson. I believe President Wilson would strive to use this power, if granted, as prudently, as justly, and as entirely for the public good as any single man amongst us all; and I would rather trust him, as I have said, to preserve the peace of these States and to aid in restoring the peace of the world than to trust the whole united conclave of turbulent jingoes, whether in or out of Congress; but I fear too much the danger of an example so pregnant of future mischief to aid in establishing it, even in circumstances calculated to inspire confidence that the power granted would not in this instance be wantonly abused, and when it might even be considered by many conservative men who love peace not to be a wholly unwise expedient for a present emergency. And here let me add that while I do not assume the province of protecting the President from sinister influences or the machinations of evil men, I think it would be most unfortunate for the President himself if the power to involve us in this European war by his own act should be confided to him. Then he would have to stand alone. I fear the Congress can no longer be relied upon as the friend of neutrality and peace; I fear the Congress has become inoculated with the poison or passion of war and stands all too ready and upon too slight provocation to render homage to the god of wrath. Still the Congress should remain unstripped of their power and responsibility, that they might still stand at least as a breakwater against the waves that otherwise would roll unhindered against the President standing alone. The plotters and intrigants of war would still be obliged to deal with the Congress as well as with the President. Isolate the President and make it possible for him by his own authorized act to inaugurate war, and instantly all manner of schemes, subterfuges, intrigues, and, I doubt not, even crimes would be resorted to to force his hand. It would be an awful responsibility for a great democracy to confide to any single man ever born of woman.

THE CONSTITUTIONALITY OF THE LAW.

I have said that an act in the language of this bill would be unconstitutional. I have heard men say in substance that they agreed with me about that, but that they intended to vote for the bill anyhow. Why? Because, they said, the President advised it, and they had faith in him. That was the philosophy of Tim Campbell, who protested that the Constitution should not be permitted to stand between friends. Adopt this Campbelltonian philosophy and you will open an easy way, as it certainly would be a very accommodating way, for construing the Constitution; but it is a way no Senator is authorized to adopt. The Constitution vests the war-making power alone in the Congress. It is a power the Congress is not at liberty to delegate. Moreover, I am personally unwilling to part with my constitutional responsibility as a Senator to express my judgment upon the issue of war whenever and however it may be presented. I believe this law would contravene the Constitution. Let us examine that; let us discuss that. The bill provides that the President shall be—

> authorized and empowered to employ such instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect the vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

It is said that this power, if granted, would not authorize the President to initiate war; but I say it would. There is the issue. The power to be granted is granted in terms too broad, too sweeping to be misunderstood or misconstrued. No limit whatsoever is placed upon the "instrumentalities and methods" that the President may employ, and no direction whatsoever is given by Congress as to the manner in which this authority may be exercised. The President would be given an absolutely free hand to employ any instrumentality and to adopt any method he saw fit to protect "the vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas." It would be left entirely to him to determine whether or not a vessel or a citizen interfered with was, in fact, in the circumstances of a given case, engaged upon a lawful and peaceful pursuit. The President would decide that for himself; he would be the sole arbiter of all such questions; and determining all such questions for himself, he would be made the sole judge as to the "instrumentalities" or "methods" that he might employ to avenge or to punish whatever he might declare to be an offense under this law. He might adopt, for example, retaliation as a method both of punishment and of prevention. The language is abundantly broad enough for that. He might conclude to send war craft on the high seas as a "method" of stopping submarine activities; and in the execution of that method, he might direct the use of necessary force to drive the submarines—which are war vessels—of a belligerent power from the commercial paths of the sea.

The bill is broad enough for that. Possibly such an act might be considered as a very proper and salutary thing for the President to do; but to do it would be war. If the President should so direct, acting under this proposed law, who would say him nay? But anything done of that nature or along those lines, or any act done which would be the equivalent thereof, would, as I said, not only be an act of war, but it would be the very essence of war in fact; and the Congress would have by their own act rendered themselves hopelessly silent and powerless. The Congress would have abdicated and surrendered in advance all chance of passing upon the questions adjudicated by the President—leaving everything to him. They would have surrendered their constitutional right and lost their opportunity to determine whether or not the facts upon which the President acted would justify a declaration of war or warrant the inauguration of war by a definite act of war. Under this bill all such questions would be left to the President alone. The Congress would have already divested themselves even of the poor privilege of saying that they approved or disapproved of the President's course. After the beginning of war it would certainly be too late to speak. They might find the country in the midst of a war begun by the President under colorable authority, and it would then, as I have said, be too late for Congress to disapprove or reject, and any attempt to do so would be fruitless. All they could do would be to approve. In the nature of things they could not disapprove. Being in war, we would have no other alternative but to go on and fight it out to the bitter end. Would any President surrender his constitutional powers in that way to the Congress? Would you have him do so? Be not deceived, Senators; this bill, if enacted, would confer power upon the President to initiate war, if he should so desire or determine, and to do that supremely solemn thing without first submitting the choice of war or peace to the Congress.

I am not now discussing the submarine question as a provocation. I am not discussing what may or may not constitute a sufficient cause for war. Neither am I considering what President Wilson or any other President might or might not do under given circumstances. I am talking about the power to make war, and about where that power is lodged by the Constitution; and I seek now only to impress on your consciousness that you are about to do the dangerous thing of surrendering your constitutional power, thereby directly violating the Constitution by shifting your responsibility upon the Executive. Of all things, I had supposed that the Congress would at least hold fast to the powers vested in them.

The question here presented rises above mere faith in any President or any man; it is not personal; it is fundamental. Presidents of the United States come and go, but the Constitution should endure unchanged as the people made it, except only as the people themselves may alter it. We have no authority to change it; we may lawlessly vitiate it, but we have no authority to change it. It is our duty to maintain it unimpaired as the one great safeguard of American institutions and of our liberties.

Let me speak even more specifically. The war power is vested alone in Congress. It is so expressly written in the Constitution; it has been so decided by the Supreme Court. Thomas Jefferson said:

> Congress alone is constitutionally invested with the power *of changing our condition from peace to war.*

So said Washington and Jackson and Lincoln and Webster and all the great men of the United States whose deliverances should be taken as authoritative; but we of this day are upon the eve, seemingly, of enacting a statute clothing the President with power to change our condition from peace to war without consulting the Congress, a thing Thomas Jefferson said could not constitutionally be done.

The Constitution says:

> The Congress shall have power to declare war.

"Declare war" is the language; but that means, Mr. President, that Congress alone is vested with power—I wish Senators would grasp this—that the Congress alone is vested with power

to inaugurate war, whether by formal declaration or otherwise. That is the meaning of the Constitution. Let us settle that now.

Judges and writers on international law inform us that up to about the middle of the eighteenth century a formal declaration of war was held to be essential before the commencement of hostilities; but since that time, for familiar reasons, formal declarations are held to be no longer necessary, and to a large extent they have fallen into disuse. In what way, then, does the disuse of formal declarations of war affect the war-making power vested in the Congress? I will let commentators on the Federal Constitution, writers of acknowledged authority, answer that question for me. I read now an extract from the work of Justice Story on the Constitution, as follows:

In a republic, whose institutions are essentially founded on the basis of peace, there is infinite danger that war will find it both imbecile in defense and eager for contest. Indeed, the history of republics has but too fatally proved that they are too ambitious of military fame and conquest and too easily devoted to the views of demagogues, who flatter their pride and betray their interests. It should, therefore, be difficult in a republic to declare war, but not to make peace. The representatives of the people—

And I call especial attention to this—

The representatives of the people are to lay the taxes to support a war, and, therefore, have a right to be consulted as to its propriety and necessity.

Now I will read from John Randolph Tucker's work on the Federal Constitution. I read from page 576 of Volume II of his work, and I wish Senators would follow this, if they have not read it:

But as declarations (of war) are merely a mode of notification, the fact of war may speak louder than words; and the language of the Constitution can not be evaded by a change in the customs of nations which dispenses with a formal declaration, nor can the United States be thrown into war with another power through any other authority than that of Congress. The words "to declare" include the power to make war, with all the incidents of raising armies and navies which the Constitution has confided to Congress. It is well, therefore, to guard against the inference that, because the declaration of war is not now held necessary to constitute the status of belligerency the President may plunge the country into war without that which is equivalent to a declaration of it by Congress.

Do you agree to that? Mr. President, if this be not true, if what Judge Tucker said be not a correct interpretation of the Constitution, then where are we? A formal declaration being held to be no longer essential or required, and if it should be held that the constitutional power of the Congress is confined to merely making a formal declaration of war, then we may be thrust into a state of actual war without any action of Congress whatsoever. This must follow unless Mr. Tucker was right in saying that nothing can be done to inaugurate or initiate war until Congress first authorizes it.

Mr. HARDWICK. Mr. President, would it bother the Senator if I should ask him one question?

Mr. STONE. Not at all.

Mr. HARDWICK. Is it not true, however, that the President of the United States, as Commander in Chief of the Army and Navy, may protect and defend, in a purely defensive way, any citizen of the United States whose rights are assailed, and may do it at once, without waiting for any other authority on earth except his own constitutional power?

Mr. STONE. If a warship of the United States should on the high seas witness an assult by a foreign warship on a merchant vessel of the United States, our warship would have a lawful right to defend and rescue the merchantman, even though the warship were not a convoy. But if a foreign warship should even lawlessly assail an American merchant vessel on the high seas, with no American warship within call, our warships could not thereafter lawfully go forth on their own initiative to avenge the assault; neither could the President under the Constitution order warships on his own initiative to go forth on such a mission. The President could not inaugurate acts of war even by way of reprisal. If the supposed attack upon our merchant ship was lawless and unprovoked, that attack might afford adequate cause for war; but that would be a question for the Congress to pass upon in the first instance.

Mr. HARDWICK. I agree with the Senator there, but the President might well direct that fleet to protect these same vessels until Congress could pass on the question, might he not?

Mr. STONE. Mr. President, the Senator differentiates on a narrow line. I suppose he has in mind the submarine warfare now being waged by Germany and which is the basis of this legislation. If this German submarine warfare is now sufficient, or should become sufficient in future, to warrant a belligerent attitude on the part of the United States, I think the Congress should take hold of the matter and so say directly. It should not be confided to the Executive to determine whether there is a sufficient cause for war. If we want to enter into war, if the occasion for so doing is as great as some Senators insist, why not let us say so. We have the right to say so; and the Congress is the only part of this Government that has either the right or the power to say so; and I am unwilling to establish the precedent of shifting that responsibility to other shoulders.

Mr. President, if you accept the authorities I have read, the answer to the question I asked is final. If you join issue with Tucker and other writers and contend that the Constitution invests in the Congress only the power of making a formal declaration of war, then it would follow that since formal declarations are no longer necessary, you would practically strip Congress of their power and vest it elsewhere. Senators, we have the concrete case as it is before us. Do you wish to shift the power and responsibility of acting? But if the view of Story and Tucker be wrong there is no need for Congress to pass a law like this to confer a war-making authority upon the President. He would have it without this statute. He could proceed on his own account without congressional warrant. But Story and Tucker were not mistaken.

Mr. SUTHERLAND. Does the Senator from Missouri think that Congress could authorize the President of the United States to seize and bring into our ports the armed vessels of Germany that have committed, or are committing, unlawful depredations upon American commerce?

Mr. STONE. I think, Mr. President, the Congress could direct the President to commit any warlike act the Congress might desire to authorize. Of course, if we should seize the armed public ships of a foreign nation, whatever the excuse, that would be war; but the Congress can order it done; the Congress can initiate war, and there are no limitations on their power in that behalf. Whenever the Congress think there is sufficient provocation for war they can declare it or direct it.

Mr. SUTHERLAND. Then the Senator thinks Congress could authorize that?

Mr. STONE. I think they have power to direct it.

Mr. SUTHERLAND. Then would that be an act of war on the part of the President if he did it?

Mr. STONE. To direct the President to seize a vessel?

Mr. SUTHERLAND. No; if the President seized an armed vessel of Germany which had committed depredations upon American commerce and brought it into one of our ports, in the judgment of the Senator from Missouri would that be an act of war?

Mr. STONE. I think clearly so.

Mr. SUTHERLAND. Then the Senator's position is that Congress may authorize the President to commit an act of war?

Mr. STONE. Well, not to authorize the President in the sense of leaving it to his discretion; but I think that Congress can direct what shall be done, in which event the President would be merely the executive agency through which the will of Congress would be carried out. That is the constitutional way.

Mr. SUTHERLAND. Then the Senator makes a distinction between an authorization and a direction?

Mr. STONE. I do when you use "authorization" as vesting a discretion; but not when "authorization" is so used as to be the equivalent of "direction." The distinction is well drawn by those who have written with some authority on the subject.

Mr. SUTHERLAND. Mr. President, I ask the Senator from Missouri whether he thinks the following statute was or was not in derogation of the powers of Congress——

Mr. STONE. The Senator is going to refer to some statutes which have been passed heretofore?

Mr. SUTHERLAND. Yes.

Mr. STONE. It is my purpose to refer to these statutes, but I would prefer to do that a little later in the logical order of my address. I do no care to have the orderly thread of my remarks broken at this time for that purpose.

Mr. SUTHERLAND. Will the Senator then permit me to ask this question in order that I may be clear in my own mind as to his position: Do I understand it to be the Senator's position that Congress may direct the President to seize the armed vessels which I have described but may not authorize him to do it at his discretion? Does the Senator make that distinction?

Mr. STONE. I think that the Congress can direct whatever it wishes to be done, even though it be an act of war. What I have already said in this colloquy is my answer to the Senator, and it is sufficient.

Mr. SUTHERLAND. The Senator knows, does he not, that we have heretofore authorized the President, as distinguished from a direction, to do that thing by statute?

Mr. STONE. I do not, in the sense of the Senator's question; but I will take that up when I get to it.

Mr. President, I am unwilling to believe that it will be seriously contended that the President has the constitutional right to initiate war. If that be so, then it follows, as I contend,

that Congress only can pass upon the sufficiency of a cause of war, and that Congress only can direct the initiation of war. I challenge any Senator here and now to say whether he disagrees with that statement, which I repeat; that Congress only can constitutionally pass upon the sufficiency of a cause of war, and that Congress only can authorize the commencement of a war, which must always be begun under their direction. Again I say, if this be true, then the power to make war can not be constitutionally transferred to any other official or department of Government. It is unnecessary to pursue this further.

Mr. President, at this point I desire to read a brief extract from the Farewell Address of George Washington, concerning the necessity of keeping each department of the Government strictly within its constitutional limitations. I suppose there are people who regard Washington's admonitions as obsolete and lacking in authority; nevertheless I will read it. It is as follows:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, I am happy to know that I am pleading for what Washington plead for in his last public appeal to the American people. We buried Washington long ago. Did we bury his solemn admonitions with his body? To his great soul we say "requiescat in pace." Shall we give the same parting salute to his admonitions?

ARMING MERCHANT SHIPS.

The proposal for the public arming of private merchant ships raises questions of the gravest moment. I wish now to speak particularly about that. The bill authorizes the President to supply American vessels with defensive arms, and also with the necessary ammunition and means of making use of these arms. This presents questions wholly aside from the question of private owners of merchant ships arming them on their own account. As to private ships arming themselves, that is a question not, perhaps, important at this juncture; that is a question of minor moment, and wholly aside from the thought I now have in mind; but for the Government itself to arm and equip privately owned merchant vessels raises a very different and a far more serious question.

Mr. President and Senators, what might the President do under this bill? And what, indeed, would he be expected to do? Manifestly he would have the power and would be expected to equip American merchant vessels with all arms and munitions deemed necessary for combating this submarine warfare. This would be a public arming; it would be an arming by the Government; and, moreover, the bill would authorize the President to supply the ships so armed by him with all necessary means for making use of the armament. And what does that signify, unless it means, among other things, that the President is to be authorized to furnish men to operate the guns? It would be idle to place guns aboard with no one competent to operate them. At all events, whatever President Wilson might do in this behalf, the bill would authorize him to put men aboard in charge of the guns. He would have the authority, whether he exercised it or not. I have heard other Senators here speak to the same effect. I have heard Senators say, as most of you have, that of course it would be useless for the President to arm a ship unless he carried out the powers given him under the terms of the bill by putting men in charge of the guns mounted on board who knew how to operate them. That is what would be expected, and that is what would have to be done to make the arming effective.

I wish here to refer to another matter of great importance as bearing upon this question of equipping privately owned merchant vessels. I do not think I can tell you anything that you are not familiar with, but I tell you this and emphasize it. I am speaking now as to facts, that they may be tested by the law. It is said that it is the idea and plan of the Navy Department, if the public arming of merchant vessels is entered upon, to place aboard merchant ships as they go out from our ports, and as a part of their equipment, one or more small boats, submarine chasers, having unusual speed capacity. The idea is to have these boats carried aboard the merchantmen to the zone of danger and there lowered to the surface of the sea. It would then be their duty to hover about the merchant ship, scout for hostile submarines, and attack when necessary.

Now, Mr. President, with this program carried out as contemplated and authorized by this bill, with arms and munitions furnished by the Government, with gunners furnished by the Government, with patrol boats furnished by the Government, I ask, What would be the legal status of the merchant ship?

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. STONE. I do.

Mr. HUGHES. I want to ask the Senator whether that is a statement that has been made in a public way anywhere?

Mr. STONE. I presume all this is public, but I am unable to say to what extent it has been officially proclaimed.

Mr. HUGHES. I was going to ask the Senator what he thought of the advisability or the propriety of discussing that matter, if it has not been given out publicly.

Mr. STONE. I have great respect for the Senator's viewpoint on any question, but what is the thought that the Senator has that would make anything I have said improper?

Mr. HUGHES. The thought I had was that if, as the Senator says, it is a measure about to be adopted by the United States Navy, and has not been given publicity, I was going to suggest to him——

Mr. STONE. I did not say that any plan had been adopted. I understand that the whole plan, as I have described it, has the sanction of naval experts as well as of others; but I do not know that it has been adopted.

Mr. HUGHES. Well, about to be adopted.

Mr. STONE. No; I said it was a plan deemed advisable. Mr. President, I still do not quite understand. If the thought is that we should guard as a secret the fact that we would equip our merchantmen with armed patrol boats for the service indicated, how long does anyone suppose a secret of that kind, if it were a secret, which it is not, could be kept from those on the other side? It would at least be known to all the world when the first ship so equipped went through. You could no more keep secret the fact that patrol boats were aboard than you could keep secret the fact that cannon were aboard.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. STONE. I do.

Mr. REED. I should like to ask if the Senator from New Jersey thinks that a fact of that kind, if it be a fact, ought to be kept from the Senate at this moment?

Mr. HUGHES. I was not dealing with the question, Mr. President, as to whether or not it should be kept from the Senate. I was considering the propriety of discussing it behind closed doors. I think that we should at least pay some slight respect ourselves to the bills that we passed the other day forbidding citizens of the United States from attempting to discover and punishing them for revealing such things as are being discussed in this debate. I made the suggestion to the Senator from Missouri, who has served a long time in this body and is much more familiar with the propriety of debate than I am.

Mr. STONE. Mr. President——

Mr. REED. If my colleague will pardon me, I will simply remark that if any such program as that has been mapped out, and has been known to members of the Foreign Relations Committee, it is their highest duty to let the Congress know it, either behind closed doors or in the open—one or the other.

Mr. STONE. Mr. President, the importance of this matter concerns only the fact that under this bill we may put guns aboard ship, that we may put gunners aboard ship, and may put patrol boats aboard ship. All this may be done under this bill. There can be no secret about that or any part of it. Secrecy is impossible in the very nature of the case, and besides there is no occasion for secrecy. I am merely stating facts known of all men, or which inevitably would be known of all men as soon as any of these things shall be done, and I am stating the facts only for the reason that we may discuss and determine the status of a merchant ship thus publicly equipped, and also to determine the attitude and responsibility of the Government resulting from its action in providing such equipment, and this bears also as directly upon the question of convoying merchant ships as upon the question of arming them, as I will show later on.

What I want to know is this: What would be the status of a merchant vessel equipped to the extent of this proposed statutory authorization? Would she remain a private vessel or would she take on the character of a naval auxiliary, or of a quasi-qublic vessel? Mr. President, I will not take time to discuss before this intelligent body the lines of legal rights, responsibility, and duty which separates a purely private merchantman from a public or quasi-public vessel. Their relations internationally—that is, their relations to other nations as well as to our own—are totally different in the one case from that in the other. It would be useless to waste time, I think, in elaborating these well-understood lines of differentiation.

At The Hague Convention of October, 1907, Great Britain announced the following as her definition of the criteria of a warship:

A warship is every vessel which sails under a recognized flag, and which has been armed at the expense of the State, for use against enemies, and whose officers and crews have been commissioned by competent authority for that purpose.

That is the British definition of a war vessel. Now, if we take a merchantman and put guns aboard her, munitions aboard her, gunners aboard her, armed patrol boats aboard to be lowered to the sea when necessary to protect the merchantman, and by statute authorize the officers and crews of the merchantman and her patrols not only to resist but to attack wherever they deem offensive action expedient, do we not come perilously near to the definition of a warship given by Great Britain at The Hague? The officers and crews of these ships would not be commissioned by the President or the Navy Department, but they would be in a large sense commissioned by an act of Congress, approved by the President, and that would be very close to "competent authority for that purpose." Can a ship be divided into two parts? Can one part be private and the other part public at the same time? Can one part be a warship and the other part a peaceful ship of commerce at the same time? Can we have a marine combination of a peaceful Dr. Jekyl and a warlike Mr. Hyde illustrated in the same ship?

Mr. HUSTING. Would it disturb the Senator if I ask a question?

Mr. STONE. No, sir; I shall be glad to hear the Senator.

Mr. HUSTING. Since we are at peace with Germany and not at war with her, I want to ask the Senator whether we could convoy a merchant ship, with orders to defend the ship if it is attacked, without that being considered a hostile or warlike act?

Mr. STONE. Is that the question?

Mr. HUSTING. Yes, sir.

Mr. STONE. I will answer that very soon.

Mr. HUSTING. Then I will ask a further question, so that I need not interrupt the Senator again. If we have a right to do that, without having it considered a warlike act, would the fact that the merchant ship is armed merely for defense subject it to attack, even though it should have some of the characteristics of the status of a warship?

Mr. STONE. No; not justify an attack, unless the ship should be an enemy ship. If the vessel should be a public or quasi-public vessel of the United States—that is, if her equipment with arms, munitions, gunners, and so forth, should give to her that character—she would not be subject to attack by Germany's warships just for that reason as long as we are at peace with Germany, more than one of our cruisers would be subject to just attack because she was afloat on the high seas. But suppose such a merchant vessel as we are speaking of, or even a cruiser of the United States, either the one or the other, should be loaded with munitions and supplies of war en route under the authority or the protection of the United States for delivery to the armed forces of one of the belligerents, then I say that ship would be justly subject to attack because engaged in war.

Mr. HUSTING. I agree with the Senator in that, and I merely want to ask the Senator if it really makes any difference whether the boat itself is armed or whether it is being convoyed by a warship?

Mr. STONE. There is some difference, but it would take a magnifying glass to trace the line of difference in its ramifications. I will come to the question of convoying in a moment.

Before discussing the question of convoying I wish to impress as strongly as I can another important consideration upon the Senate. To arm and equip merchant vessels and send them forth empowered to engage in conflict with the duly commissioned public warships of a sovereign State would be the equivalent of granting letters of marque to the merchantmen. Formerly when letters of marque and reprisal were granted, the ship receiving them might wage war on the commerce of an enemy. I have already shown on different occasions in the Senate that the practice of granting letters of marque has been discontinued by all nations since the declaration of Paris of 1856. But this practice would be, in substantial effect, revived if the provisions of this bill should be enacted into law and executed. Moreover, in former times private merchant ships were permitted to bear arms of their own for defensive purposes against possible attacks of either pirates or privateers. But, clearly, the submarines operating in this war on either side are neither privateers nor pirates, for these submarines are commissioned by their Governments as public ships of war, and it has never heretofore been pretended that a duly commissioned ship of war was, or could be considered as, either a pirate or a privateer, or that they bore any legal resemblance whatever to them.

I will not deny the power of the Congress to declare submarines attacking merchant ships to be engaged in a lawless enterprise, and to denounce them as pirate ships; I say that the Congress has the power to do that; and if these submarines should be so denounced by solemn act, the Congress could go further and direct the President to wage war upon them. But the President can not constitutionally take any such action as that on his own account; and even the Congress, in the exigency supposed, would direct the President, as Commander in Chief, to employ the public ships of the United States—not private ships—to execute the law. The constitutional way to meet such an exigency is the direct way I have indicated.

LAWFUL USE OF MERCHANTMEN.

I would speak now as to the uses to which merchant ships may be lawfully put in times of war. The relative rights of neutrals and belligerents are fairly well defined and understood. A neutral citizen has a recognized legal right under international law to sell or convey any merchandise, even contraband of any description, to a belligerent enemy, taking the risk of seizure, confiscation, destruction. But a neutral Government can neither sell nor convey anything whatsoever of value to a belligerent. A neutral Government can not do that. To do that would be a just cause of grave offense to the enemy of the belligerent who was benefited.

American citizens have been selling contraband, absolute contraband, such as war munitions, in vast quantities to the entente allies, and American ships have been conveying this contraband to the purchasers. This is not unlawful. It is permissible. I refused months ago to support embargo bills, one of them offered by the Senator from Nebraska [Mr. HITCHCOCK], another by the Senator from California [Mr. WORKS], to forbid the export of war munitions. The friends and partisans of the central powers in this country urged these bills persistently, partly because the central powers were not able to reach our markets, while our markets were open to their enemies. I was unwilling to accept that view. I was unwilling to deny to our people their lawful right to sell to one belligerent because the other could not reach our markets. Moreover, I believed such embargoes would be in themselves unneutral as against the entente powers, who had access to our ports. It would have been an act of distinct favor to the Germanic powers and justly offensive to the entente as an unneutral act on our part. The neutral citizen may sell and the neutral ship may convey contraband to a belligerent, subject to the hazards of war; but a neutral Government can neither sell nor transport, nor aid, directly or indirectly, in the sale or transportation of contraband to a belligerent without committing an act of war.

Mr. HITCHCOCK. Mr. President——

Mr. STONE. In just a moment. If this Government should arm merchant ships, put gunners aboard, and put armed patrols aboard, and send such merchant ships out, loaded with war supplies, to be delivered to a belligerent government, we would become, by that act, an ally of the government benefited; we would be in the war. I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I agree with the Senator from Missouri that such an act would be an unneutral act; but why is he disturbed over the possibility that American ships, with the protection of the Government, are to be employed in carrying munitions of war to belligerents when the whole policy of this Government and the whole practice of American ships has been to the contrary? As a matter of fact, the Senator knows that the Government of the United States has declined, over a period of years, to have anything to do with the transportation or aiding in the transportation of munitions of war. It has refused to insure ships carrying munitions of war and has refused to insure munitions of war. The fact is that the American ships have been avoiding that sort of transportation. In view of that history, why is the Senator disturbed over the possibility that that practice will be violated and that the neutrality of the United States will be violated by the Government which has been so careful not to violate it heretofore?

Mr. STONE. Mr. President, we are well aware that our merchants have been selling war supplies of various kinds in enormous quantities to the belligerents known as the entente allies, and we know these supplies have been transported in ships of American registry, to just what extent I do not know. Vastly greater quantities, I have no doubt, are being borne in ships belonging to the merchant marine of the various entente powers, or of neutral powers other than the United States. American ships are comparatively few in number. All this is common knowledge. Only the other day I read of an American freighter bearing contraband of war being torpedoed and sunk. Other American ships are doing the same thing. There is no need to disguise that. I can only repeat what I said a moment ago, that the merchant has the technical right to sell; the ship has the technical right to transport; no one denies that. It is so written. The right to transport, however, is subject to the hazards of capture and destruction. Even the ship itself, although a neutral ship, is subject to capture and confiscation, and in certain circumstances subject to destruction. There is no doubt about that.

That is what we see on one side of the line. Upon the other side of the line we are brought to face the more serious question of the Government of the United States itself taking part in the transportation of munitions of war to a belligerent engaged in war with another nation with which the United States is at peace. We are now at peace with all the nations on both sides, and are in amicable, uninterrupted relations with all of them but one.

Mr. HITCHCOCK. If the Senator will submit to a question—perhaps I did not make myself clear—I will put the question in this form: Does the Senator think that a government which for several years now, while insuring the vessels and cargoes carying innocent commerce, has refused to insure vessels and cargoes coming under the classification of munitions of war, will now undertake under this bill to convoy such vessels and break neutrality in this way, which it has refused to break in a smaller degree?

Mr. STONE. Mr. President, if it is not the purpose, if it be not the intention in passing this bill that the Government should arm and equip these merchant ships, put gunners aboard, and do the other things necessary—and, mark you, the authority is plenary—if this be not the intention, then why are we idly wasting time on a futile chase? It must be—we know it is—the intention that the Government itself shall participate in the transportation of these munitions and other war supplies, unless you adopt my amendment, which forbids a merchant ship armed or convoyed by the United States to bear such a cargo. Do you mean to say that we would arm or convoy only ships that carry no contraband?

Mr. HITCHCOCK. Mr. President, the Senator from Missouri took part in the consideration and passage of a law which created the Bureau of War-Risk Insurance. No one seemed to think it important then to prohibit the President of the United States from using that Bureau of War-Risk Insurance to insure the transportation of munitions of war. Why now put in such a prohibition? Why now prohibit him from violating the privileges of a neutral if we did not find it necessary in a smaller case?

Mr. STONE. Does the Senator from Nebraska think that, if we passed this bill, the President would not fully arm and equip these merchant vessels, put guns and ammunition aboard, and so forth? Does not the Senator think that would be done?

Mr. HITCHCOCK. Does the Senator ask the question?

Mr. STONE. Yes; I ask the question.

Mr. HITCHCOCK. I do not believe that it is the intention of the President of the United States either to arm ships carrying munitions of war to belligerents, nor to convoy ships carrying munitions of war to belligerents.

Mr. STONE. I did not ask anything about the President's intentions. I asked the Senator to tell me whether he believed that these ships would be so armed, and so forth.

Mr. HITCHCOCK. I do not think they could be armed without violating our neutrality.

Mr. STONE. Then, why are we authorizing the President to arm them?

Mr. HITCHCOCK. We are not authorizing the President to arm ships carrying munitions of war to belligerents.

Mr. STONE. I am not talking about munitions. I am talking about arming ships. And surely the Senator would not contend that this bill would not authorize the arming of merchant ships without regard to the character of the cargoes.

Mr. HITCHCOCK. We are authorizing him to protect our peaceful commerce upon the seas in American vessels.

Mr. STONE. Mr. President, I would be very much better satisfied and closer to agreement with the Senator from Nebraska if he were to consent to put in a provision here which expressly forbade any ship armed by the Government or convoyed by the Government bearing in her bottom munitions and supplies of war destined for one of the belligerents in this war. The fact that Senators oppose that amendment makes me suspicious. I can not understand that.

Mr. President, the amendment I have proposed might well have been broader. It might well be extended to other supplies than those it covers. The belligerent powers on both sides have declared almost everything to be contraband, even the most innocent kind of food destined for use only by the noncombatant population; even hungry women and starving babies are denied by these warring powers all opportunity to receive the most simple necessities from the outside world, because they are denounced as contraband.

Mr. SMITH of Georgia. Mr. President——

Mr. STONE. I will yield to the Senator in a moment. To be sure of my position and to avoid controversy I have narrowed my amendment far more than I need to have done so as to confine its operation alone to war supplies shipped for delivery to the armed forces of a belligerent. It is amazing to me that any man, who is not at heart a partisan, should object to that.

Mr. SMITH of Georgia. Mr. President, does the Senator think that we should recognize any such extension of contraband? Does not the Senator think that we should insist that only those things should be treated as contraband that are really intended as military supplies for a belligerent?

Mr. STONE. Mr. President, that is a pretty hard question for me to answer. What constitutes "absolute contraband" and what constitutes "conditional contraband" and "noncontraband" is not so definitely stated as to put it beyond doubt. It is true that in one of The Hague treaties and in the declaration of London, the nations participating in those conventions did undertake to define "absolute contraband" and "conditional contraband," and if we wish to uphold these definitions possibly the way the Senator suggests might furnish a solution for neutral nations. But if neutral nations undertook to assert themselves on that line they would come at once into conflict with the belligerent powers. Belligerent nations assume. it may be arbitrarily and with doubtful right under international law, but they assume to enlarge or restrict the rules relating to contraband to suit their own purposes. They sweep aside general law and special conventions without asking leave. What this Nation should do when face to face with such a situation would be, of course, a question of national policy. Here are these great nations declaring practically everything to be contraband. The Senator asks, ought we, as a neutral Government, to accept their arbitrary declaration as to what shall be contraband? Shall we exercise a right on our own account to say what we regard as contraband and noncontraband? Shall we say to Germany and to England that we will send what we consider noncontraband, at least to neutral ports, without asking leave of either of them or their allies? That might bring us into serious conflict with those nations, and I am not prepared now to advise upon that subject. That is a matter of policy that we would have to consider with very great deliberation.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. I do.

Mr. LEWIS. If the Senator has concluded his reply to the Senator from Georgia——

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me just a moment, I wanted to follow up my interruption of the Senator from Missouri——

Mr. LEWIS. I yield to the Senator.

Mr. SMITH of Georgia. I wish to say to the Senator from Missouri that my reason for asking him the question was due to the fact that it seems to me in the proposed amendment he has fully designated what could be treated as contraband, namely, cargoes containing "munitions or other supplies of war," which, under international law alone can be made contraband.

Mr. STONE. I now yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I have yielded to the Senator from Georgia until he might conclude his suggestion to the Senator from Missouri. If the Senator has concluded, then I will interrupt the Senator for myself, if he will permit me.

Mr. SMITH of Georgia. I did not ask an additional question. I explained to the Senator from Missouri why I had asked the

question, because it seemed to me he had correctly defined what should be considered contraband.

Mr. LEWIS. Mr. President, if the Senator from Missouri will tolerate me at this moment, since he touches upon his amendment as he has been leading along the main subject, I should like the Senator from Missouri to give me his views as to this: Supposing the amendment proposed by the Senator from Missouri were adopted and the provisions of the law stated, among other things, that ships armed should not carry munitions; and supposing, despite that, a passenger ship with American passengers aboard still had munitions, unknown to the passengers, as was true in the case of the *Lusitania*, does the able Senator from Missouri feel that if such a ship were blown out of the water a passenger would lose his rights as an American or that this Government would be exempt from taking steps to avenge that wrong merely because that ship had munitions upon it?

Mr. STONE. Is that the question?

Mr. LEWIS. In other words, does the Senator feel that the carrying of munitions changes in any wise the character or the responsibility of America to her citizens or the liability of Germany to this country in the event of a wrongful assault upon the passengers? And might I add, does the Senator feel that the warlike character of a ship after she has guns aboard her is at all changed by the mere fact that that ship does or does not carry munitions? Those are the questions that I should like to ask the Senator, if he can pause at this time to give me enlightenment upon them.

Mr. STONE. Mr. President, I have not been discussing the question as to what should or should not be done in a given case where privately owned vessels flying the American flag and carrying munitions of war in their cargoes should be fired upon by a submarine and sunk—whether in all the circumstances of a given case it would be the duty of the United States to begin war, or to assume a warlike attitude, by way of reprisal or resistance. Each case should rest upon its own facts. But in any event, the facts in given cases or the facts showing a general, prevalent condition, should be brought before the Congress that that body might determine our national policy and course of action. The facts should be laid before Congress by the President, or the Congress on their own initiative should gather the facts independently, and say what action should be taken. But, Mr. President, I am endeavoring to lay down general principles rather than to discuss particular cases. I think it wiser to test particular instances by general principles than to test general principles by particular instances. I am discussing in general the question of the effect upon the relationship of this Government to another Government with which we are at peace, if this Government should take part in the transportation of war material to the belligerent enemies of that Government. I have been trying to show that an act of that kind on our part would be an act of war. If the *St. Louis*, for instance, should sail from New York to-morrow en route to Liverpool loaded to the guards with guns and munitions for the British Government—but if the Government of the United States had no hand in the sending—there would be no national offense on our part against international law. If while en route the *St. Louis* should be sunk by a German submarine, a question would then be raised for our most serious consideration to be determined by the Congress on the facts. We would settle here on the floors of the Senate and House whether Germany had so offended as to make it our duty to proceed against her with force. But, Mr. President, if the United States should have been aiding in the transportation of war supplies on board the *St. Louis*, the United States would have been guilty of a most offensive unneutral act, not only against Germany, but also against Austria, Turkey, and Bulgaria—an act which would have been the full equivalent of a declaration of war. That much at least can not be concealed or obscured by any kind of sophistry.

The President said, in effect, on Monday that so far we had no just cause of war. I agree with him; but if those of you who do not agree with him care to put that issue to the test, why not now make that issue direct?

I do not think you will challenge us to that issue. You prefer to proceed in a more indirect way to accomplish your end. You think the chance of getting us into the war is better if you proceed under cover. You would have us shift the responsibility for war on other shoulders than our own.

CONVOYS.

I wish to say a word about convoys. This bill would confer undoubted authority on the President not only to arm but to convoy merchant ships to any port of the world. Is there any Senator who does not agree to that? It must be that all do agree to that. To convoy a ship is to make her immune from search and seizure. The President could convoy ships under this bill, and the effect of convoying would be to make the convoyed ship immune from the danger of seizure or destruction. We have reached the point where, by the practice and admission of nations, a convoyed ship is not subject to visitation or search.

Let me read a few lines on this subject from Mr. Hall's work on international law. Mr. Hall is a distinguished British commentator on international law. Speaking as to the immunity of a convoyed ship under the protection of a public ship, he says:

> Continental jurists are almost unanimous in maintaining the exemption from visit of convoyed ships, not only as a principle to be advocated but as an established rule of law.

That rule is universally accepted on the Continent of Europe, and has been for many years. Great Britain did not accept the continental doctrine for a long time; but in 1909, when the convention was held in London to consider the question of maritime warfare, which issued what is known as the declaration of London, the Government of Great Britain, through its accredited representatives to that convention, said this—and I will read but a clause of it, for that will be sufficient. The statement which I shall quote is embodied in a paper prepared by Sir Edward Grey, the secretary for foreign affairs of the British Empire. After discussing the former attitude of Great Britain with reference to the liability of convoyed ships to search, Sir Edward said:

> This is, therefore, one of the cases where, owing to the force of changing circumstances, the original British contention has practically lost its importance, so that its specific abandonment would effect no substantial alteration in the actual situation, and may very well be admitted to be little more than the formal acknowledgment of the now generally accepted rule.

So, Mr. President, by universal consent it is now agreed that a merchant ship under convoy is exempt from visitation, search, or condemnation. This being the law, is it not impossible for this Government honorably to convoy a ship loaded with contraband? By the very act of convoying we pledge the world our national faith that the ship we convoy is not upon any illicit mission. We would be dishonored before the world if we convoyed a ship loaded with contraband. We can not deal with other nations with whom we are at peace except honorably; we can not resort to subterfuge; we can not deceive a friendly nation. It must therefore be impossible that our Government would convoy a ship loaded with contraband destined for a belligerent and protect it with our guns. If the President would not do a thing like that—and I assume that he would not—then why confer the power upon him to do it?

Mr. HARDWICK. Will the Senator now yield?

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

Mr. STONE. I do.

Mr. HARDWICK. I was very much interested in the statement which the Senator made to the effect that without congressional action the President could not convoy our merchant ships. Will the Senator give me the authority on which rests that statement?

Mr. STONE. Does the Senator mean to ask whether the President on his own motion can order war ships to convoy merchant vessels?

Mr. HARDWICK. Yes; whether it requires congressional action for the President to order warships, for instance, to convoy merchant ships.

Mr. STONE. I have made the statement that I think so.

Mr. HARDWICK. The reason I say that to the Senator is that I have the contrary view. I believe that as the Commander in Chief of the Navy the President could convoy merchant ships whenever he pleased without any congressional action; and if the Senator has any authorities——

Mr. STONE. Does the Senator mean to say that the President could convoy a ship loaded with a cargo of war munitions?

Mr. HARDWICK. No; I thoroughly agree with the Senator about that—that if he convoyed ships that were loaded with contraband of war, particularly munitions of war, consigned to a belligerent government, it would be an unneutral act and would be equivalent to an act of war. But it is inconceivable to my mind that the President would possibly do such a thing as that.

Mr. STONE. If that be inconceivable, Mr. President, and if the President would not do it, then why do we bother ourselves to pass this bill authorizing him to do it? We are told that the Atlantic coast is piled high with freight awaiting transportation to Europe. What is it that so awaits transportation? We know that practically the great bulk of it is contraband of war.

Mr. UNDERWOOD. Mr. President, if it does not interrupt the Senator from Missouri, may I suggest a question and ask his consideration of it?

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

Mr. STONE. I do.

Mr. UNDERWOOD. The President has asked for the authority conferred in this bill to enable ships flying the American flag and American citizens to pursue their peaceful pursuits. I think the Senator has made it clear that to carry contraband of war would not be a peaceful pursuit, and therefore is not covered by the request of the President of the United States. But the Senator, in his amendment, seeks to make it clear that these ships shall not carry contraband of war—not only to make it clear to the President in the powers conferred, but to make it clear to the nations of the world. I take it that this legislation was not intended to bring about a status of war, but purely for the purpose for which it was brought to us—for the protection of American citizens and American property.

I should like to ask the Senator's opinion as to whether, if we adopt his amendment, stating in specific terms that the purpose of this bill does not apply to the carrying of munitions of war to a belligerent country, it will not be of aid in preventing our ships from being attacked by a power which is engaged in war? In other words, if we declare on the face of our authorization that munitions are not carried in the ships of the United States, will it not alleviate to a great extent the opposition to our ships going to the ports of belligerent powers, and the danger of attack from one of those belligerent powers?

Mr. STONE. Mr. President, the Senator's statement is so luminous that it answers the question he propounds. It does not need that anything more should be said. In substance I will adopt the Senator's view without elaborating it.

Now, Mr. President, it may be said, as it has been said, that the President knows what would be an act of war and what would not be an act of war—which, of course, he does—and upon this predicate it is asserted that even though the proposed law authorized a convoy of a munition ship, the President would not commit an act of war by permitting such a convoy, and yet I would like to know what would be the effect of a policy, if carried out, of loading small armed patrol boats, submarine chasers, on merchant ships to serve as scouts and defenders. Such boats would be public convoys the moment they were put upon the seas, and it is thought by many experienced men in and out of official life that such boats would be the most effective convoys possible. They would be nothing more nor less than convoys. It is not necessary that a convoy should be a dreadnaught. The size of the defending vessel can not be made the test as to whether it is a convoy.

IMPLIED EXECUTIVE POWERS.

Mr. President, it has been argued here that the President of the United States has constitutional power to do the very things this bill would authorize, whether the bill be enacted into law or not. It is said that he has implied constitutional power ample for this purpose. If that be so, would it not be a work of supererogation for the Congress to grant the President an authority he already possesses by a higher title? But I do not agree that the President has any such constitutional power. The very fact that you seek to vest him with this statutory power is proof that you do not yourselves believe in this claim put forth that he is already invested with adequate constitutional power to do the things you would have him do.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wisconsin?

Mr. STONE. I do.

Mr. HUSTING. I would like to get the Senator's views upon this point. A boat is carrying contraband, and after visit and search on the part of the boat of the country intercepting the contraband the crew have the right to have their lives safeguarded. What does the Senator say of the right of this country to protect its citizens or its boats in respect to their not being sunk and lives taken contrary to international law regarding visit and search, which is what has brought about this acute situation, as I understand it? I do not know whether I make myself clear to the Senator. In other words, this situation has arisen because Germany has threatened to sink all ships without warning, whether they carry contraband or not. While ships leaving our shores containing contraband or conditional contraband exercise their rights, subject to the right of seizure and capture in the event that they are carrying contraband, yet have a right, as I understand, to have the lives of the people upon those boats safeguarded by the captors.

Mr. STONE. Yes.

Mr. HUSTING. What does the Senator say as to the right of the United States to see that in all events Germany shall not carry out its threat to sink boats and destroy the lives of citizens, whether contraband is carried or not? I do not know whether I make myself clear.

Mr. STONE. Mr. President, I think that according to the hitherto understood rules of maritime warfare, and also according to rules based upon humane considerations, a belligerent war vessel could not lawfully destroy a merchant vessel, even though it might have, generally speaking, a technical legal right to do so, without taking every precaution possible to safeguard the lives of the passengers and crew; and if the merchant vessel should be destroyed in circumstances that were so brutal, inhuman, and provocative of our national resentment as to justify war on our part, that would raise a question for the Congress, not the President. It would devolve upon the Congress to say whether the facts in the given case created a casus belli.

Mr. HUSTING. Mr. President——

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

Mr. STONE. I yield.

Mr. HUSTING. I want to make myself clear, if I can. This is the point I am getting at: Does the Senator think we would be warranted, in view of the threat made of sinking boats, to convoy ships to see that the threat was not carried out, even though in some instances contraband might be aboard the boats?

Mr. STONE. I do not think that the United States would have the right to convoy a ship bearing contraband unless we are ready to enter into war, for that would be war; and I do not think the President has the constitutional power to make war on his own motion.

Mr. President, a word or two now about the implied powers of the President to do the things he asks the Congress to authorize him to do.

The Constitution, Article II, section 3, provides as follows:

He—

The President—

shall take care that the laws be faithfully executed.

That is the clause of the Constitution upon which this claim is predicated that these implied powers are vested in the President. What is the meaning of the term "he shall take care that the laws be faithfully executed"? I can answer that best by illustrations or by example. For example—he must execute the judgments and decrees of the courts of the United States, and use force if necessary when they can not be executed in the ordinary course of judicial procedure, for he is at the head of the executive department. It is his duty to preserve the domestic public order within the Federal jurisdiction. It is his duty to protect the mails of the United States from lawless interference; to prevent the violation of our neutrality laws; to prevent the violation of our immigration laws, and so on and so forth. With respect to all such matters the power and duty of the President are plain. I think that that is substantially the scope and meaning of this clause of the Constitution. I can not consent that this clause confers, or was ever intended to confer, power upon the President to determine an issue between this Nation and some other sovereignty—an issue involving questions of international law—and to authorize him to settle that law for himself, and then proceed to employ the Army and Navy to enforce his decision. A contrary view would clearly place the war-making power in the hands of the President. Mr. Tucker, discussing the powers of the President, said:

Congress declares war—that is a legislative power——

I am reading from Mr. Tucker on the Constitution—

Such declarations change the relations of nations to each other; puts the individuals of each into quasi-hostile relations; forbids commerce, and interferes with the life, liberty, and property of the people; dispels peace, and enacts war. The Constitution gave to the legislative department the sole power to do this tremendous thing, and did not intrust it to the "one-man power" of the President. It discriminated between the law which called forth a new status for the people in their international relations and the conduct of war. Congress might legislate war, but it is incapable of executing. The Commander in Chief is subordinate to Congress in all respects, and he can not use his military power to the injury of the country, except with the consent and concurrence of Congress.

Mr. President, I repeat, if the President of the United States already has power under the Constitution to do the things this bill proposes to authorize, what is the need of supplementing the Constitution with this statute? By what right could the President supply private ships with public guns, public ammunition, public patrols, and so forth? To me it is a new doctrine to hear it said that the President can without congressional authority give, sell, or loan public property to private persons or corporations. If I am wrong about this I beg any Senator, the Attorney General, or anyone else better informed to enlighten me. I have been laboring under the belief that such things could not be done without congressional authorization.

FORMER LEGISLATION AS PRECEDENTS.

Mr. President, I have examined several acts of former Congresses, which Senators have referred to in this debate as furnishing precedents for this legislation. I do not agree with their contention. Let us see about that.

One of these acts was approved May 28, 1798, and much has been said about that act as being a precedent for this legislation. Let me read it:

Whereas armed vessels sailing under authority or pretence of authority from the Republic of France, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations, and treaties between the United States and the French nation. Therefore:

Be it enacted, etc., That it shall be lawful for the President of the United States, and he is hereby authorized to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take, and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessel which shall have committed, or which shall be found hovering on the coasts of the United States for the purpose of committing depredations on the vessels belonging to citizens thereof; and also to retake any ship or vessel of any citizen or citizens of the United States which may have been captured by any such armed vessel.

Mr. President, what did this statute authorize? Did it grant a general roving power to the President to do anything he might in his discretion see proper to do? No; emphatically no. On the contrary, the authorization was specific; in effect it was an instruction to the President to do a particular thing, namely, to direct the commanders of the armed vessels of the United States to seize and bring into ports of the United States any armed ships of France which had previously committed, or which should subsequently commit, depredations on American merchant vessels. That act established a State of war between France and the United States. It was a specific direction of the Congress to the President to do a specific thing. That was absolutely within the constitutional power of the Congress—the war-making power. In like manner the Congress has power now to direct the President to seize German submarines and bring them into port or destroy them. So far as the Congress is concerned, there could be no question as to their power in this behalf. The only question the Congress would have to consider would be the question of policy. But in the present case now before us the Congress would surrender their right even to pass upon the policy of inaugurating war; they would leave that wholly to the President. This bill would give to the President a sort of roving commission to go forth and employ without limitation whatever "instrumentalities and methods" he might in his sole discretion see proper to adopt for the protection of American merchant vessels and American citizens "in their lawful and peaceful pursuits on the high seas." The President alone would pass on the lawfulness or peacefulness of every "pursuit" in every given case, no matter how or by whom the lawfulness or peacefulness of a particular "pursuit" might be challenged; and he would be authorized by this bill to instantly employ on his own motion any force at his command to execute his decision. Mr. President, there is no analogy—scarcely a shadow of resemblance—between this bill and the act of 1798 to which I have referred.

Here is another one of the acts appealed to as a precedent, passed also in 1798. Let me read that:

Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are or which shall be employed in the service of the United States—

To do what?—

to subdue, seize, and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited.

Here again was a direct congressional authority to do a direct and specific thing. That was war, but it was war by virtue of the act of Congress, not the President. The act was directed against a particular nation—France—and against particular ships, with specific instructions as to the method of procedure. But this bill now before us would not direct the President to proceed against any particular nation—for no particular nation is named in the bill. It covers all the world, and authorizes the President to deal with the whole world, not by specific direction, but according to his will and discretion. You can not persuade the thoughtful people of the country that there is any analogy between the law referred to and this bill.

Another act referred to as a precedent is one passed March 3, 1815. Let me read that:

Be it enacted, etc., That it shall be lawful fully to equip, officer, man, and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States for protecting effectually the commerce and seamen thereof on the Atlantic Ocean, the Mediterranean, and adjoining seas.

And be it further enacted, That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid to subdue, seize, and make prize of all vessels, goods, and effects of or belonging to the Dey of Algiers, or to his subjects, and to bring or send the same into port, to be proceeded against and distributed according to law, and, also to cause to be done all such other acts *of precaution or hostility as the state of war will justify*, and may, in his opinion, require.

There are two sections to this act. The first section merely makes it lawful to fully equip and employ such of the armed vessels of the United States as the President may deem requisite for protecting the commerce and seamen of the United States in certain waters. Undoubtedly the Congress—I say the Congress—have power to provide for any kind of equipment they see proper to direct for any of the public vessels of the Government for any purpose. They can do that by specific directions as to the exact equipment to be supplied, or they could authorize the President, possibly even the Secretary of the Navy, to determine the details of armaments to be put aboard warships. It would be unusual for the Congress to prescribe such armaments in detail. In the very nature of things the Congress would only authorize or direct in general terms that warships, or particular warships, or a certain number of warships, should be fully armed and equipped for active service; but the execution of this generally expressed will of Congress would be almost of necessity left to the Executive arm of the Government. That is what was done by the first section of this act of 1815.

The second section of this law made it lawful for the President to instruct the commanders of these armed vessels to seize and make prize of all vessels, and so forth, belonging to the Dey of Algiers, or to his subjects, and—now, mark this—to perform—

All such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require.

Here was a distinct congressional recognition of a state of war between the Dey of Algiers and the United States. It would be interesting to review that chapter of history, but it is unnecessary. It is sufficient to say that our ships, our commerce, were being seriously and lawlessly interfered with. The Congress took cognizance of the matter, and determined to put an end to it. Accordingly this act, which was a virtual declaration of war, was passed, providing for the full equipment of a sufficient number of American warships to deal with the situation, and conferring lawful power upon the President to use those ships in a warlike way to accomplish the desired end. That was war, but it was war initiated directly by the Congress, and the President was empowered merely to execute the will of Congress. What analogy has an act like that to the bill before us?

Attention has also been called to a provision inserted in the sundry civil appropriation bill of March 9, 1898, shortly preceding the declaration of war by the United States against Spain. It reads as follows:

For the national defense, and for each and every purpose connected therewith, to be expended at the discretion of the President, and to remain available until January 1, 1899, $50,000,000.

I am utterly unable to see what possible connection a provision of that kind, inserted in an appropriation bill, can logically have with a bill like that now before us. This provision was passed more than a month before the *Maine* was sunk, and the consequent eventuation of war. It may be that the placing of this great sum of $50,000,000 at the command of the President was so placed in view of the possible contingency of war. But whether so or not, this money was appropriated to enable the President to take whatever action he deemed necessary to insure the national defense; it was for defensive purposes. It was not appropriated for the purpose of aggression offensively, nor is there a word in the provision that would by any process of reasonable construction authorize action offensively against any nation. If that be denied, it could be as well argued that President McKinley was authorized to begin war not only against Spain but against any other nation, for Spain was not mentioned in this statute, and we were then at peace with Spain. That would, of course, be absurd. The only purpose of the appropriation, manifested on the very face of the act, was to authorize the President to use this fund for defensive purposes against any exigency he might anticipate. It certainly did not authorize him to wage war. Senators must be hard put who quote this clause from an appropriation act as a precedent for the passage of the bill before the Senate.

Mr. President, I am ready to vote for any amount of money necessary for the national defense. We have just put into the naval appropriation bill passed on yesterday, $115,000,000, to be expended at the discretion of the President. This was for ex-

traordinary naval defensive purpose. I voted for it. The military appropriation bill, just reported by the Senator from Oregon [Mr. CHAMBERLAIN] contains a provision of like character for extraordinary military defensive purposes. So far as I now know I shall vote for that. I would also vote for the provision in the *pending* bill, if offered as a separate proposition, and if a good reason should be given for it, to put another $100,000,000 at the disposal of the President for general defensive purposes, although I think we are galloping at high speed in making these indefinite appropriations without any definite idea as to how the money is to be used. But I have faith not only in the integrity of the President but in his wisdom. All of us vote for such appropriations on the theory that they may in some way become necessary to the national defense against some enemy who may come from somewhere, east or west, knocking at our gates. I can not escape the belief that there is a world of hysteria in all this; nevertheless, out of a sense of precaution, I follow along after those who are more familiar with supposed necessities and possible dangers than I. Moreover, I know that trust funds of this character can be safely confided to the President with *absolute* assurance that they will not be misused.

THE WAR CLAMOR.

Mr. President, I desire now to speak for a while about this loud clamor for war. About all we have heard in Washington for months has been a prolonged shriek for war. We have heard little on the floor of the Senate and seen little in the press of the country in favor of peace. The country has been filled with war cries from one end to the other, day after day. Only the other day the distinguished Senator from Massachusetts [Mr. LODGE], on the floor of the Senate, urging that the President or the Government should supply arms to merchant ships, said this:

> You can not walk into a hardware shop and buy 6-inch guns. The Government has got the guns. Why do they not let the merchantmen arm, as set forth in their own regulation and in accordance with international law?
>
> * * * * * * *
>
> You can not buy 4 and 6 inch rifles anywhere. There is really only one person who has got them, and that is the Government of the United States. The Government have got them ready.
>
> * * * * * * *
>
> Why do the ships not have the guns? It is not Congress. Congress can not give them the guns. We have no executive power.

I deny that. I say that the Congress only can lawfully authorize such use of guns belonging to the United States.

But the Senator proceeds to say:

> The American ambassador in Berlin was held there for an entire week. The State Department could not communicate with him and he could not communicate with them. He was shut in until he got over to Switzerland, before he could communicate with his own Government. This morning it is stated in the papers that he said that he has not got safe conduct, and he warns Americans not to go on the ship which carries him, because he is afraid it may be destroyed—

And so on. . .

Mr. President, that is a sample from a high source of the kind of stuff we have been hearing on the floor of the Senate and with which sensational newspapers are filled—the kind of stuff we have been hearing everywhere and in various ways. It is for the most part pure fiction of a most disreputable character. Was that story about Ambassador Gerard's forcible detention at Berlin true? No; it was false. And yet it was exploited in the press and on the Senate floor to inflame public opinion and provoke a spirit of hostility. At the same time, and no doubt through the same mendacious source, word was sent to Berlin that Count von Bernstorff, the German ambassador, was being forcibly detained in Washington. It was widely proclaimed in the pro-English-American press that our ambassador, held as hostage at Berlin, was not permitted to communicate by wire with the Washington Government; that he was not permitted to send a code message to Washington; and at the same time a counter story was slipped into Berlin that von Bernstorff was held up and denied the right to communicate with his Government. The story was a double lie; but for what purpose was the lie invented? It was only a part of the jingo propaganda.

Unadulterated mendacity oozing like filth from vindictive inventions, supplemented by the most reckless and ferocious appeals to passion, have filled the country with loud alarums of war. Let me give you another example, emanating from a high source, of the kind of stuff employed to influence public opinion and entice our people into this maelstrom of war. Only a few days since a prominent editor of a great New York magazine—prominent in politics, in business, and in social life—came to Washington as a guest of honor and delivered an address at a dinner given by the University Club, of Washington. This guest of honor, who bears the well-earned title of "colonel," urging America and Americans to come out into the open and join the entente allies, said this:

> The thrill that would pass down that long, thin line stretching from Flanders to Switzerland when word should come that the vanguard of the fighting sons of liberty and of free America were hastening eagerly forward over the soil of France and that behind them in the great Republic were 1,000,000 more, and back of them yet another 1,000,000, who were being trained to take over the places of the exhausted soldiers of France and to win for the children of those soldiers the inestimable benefit of imperishable freedom.
>
> What would not any of you give—

The colonel continues—

> to accompany that first body of our splendid Regulars through the devastated fields of Normandy, and wave response to the war-worn peasantry raising their faces and their voices in gratitude and hope? And what would you not give to hear from those brave lads of the trenches the first joyous "Vive l'Amerique," and hear the Tommies shout, "Here come the Americans!" What should such a scene signify if not the beginning of the end, not only of the great war, but of autocracy itself? For, mind you, when America joins hands with France and Britain, and the three great democracies muster as a single force, as I pray they may, upon the battle field of the world, all heaven will ring with rejoicing. For God has said, "I am tired of kings."
>
> If even in the distressed circumstances we now find ourselves, we should fall within two months to place at least 100,000 of the finest soldiers in the world shoulder to shoulder with the gallant sons of France, we would be known, and deserve to be known, as either the most inefficient or the most contemptible of noble races.
>
> The time may come—

He continued—

> when we can utilize a league to enforce peace, but what we want now is a league to enforce war to the end that peace may come, and come quickly. I hate war, even a righteous war. But I fear peace, a craven peace, a sinful peace. And I glory openly and proudly in the present prospect of conflict, which so many hold calamitous.
>
> I revel in the hope that our great America may not be deprived of the privilege of doing her part in making and keeping the human race free from the menace of tyranny. Above and beyond all, God forbid that poltroonry in the guise of pacifism shall now or ever emerge from the cradle of liberty.

No doubt that the soldiers of France and of England would shout their welcome, as the colonel says they would. But what of the mothers in America whose sons were marching to the trenches? Pray, why should our boys—all these millions of our boys—go to this feast of death? What vital interest has the great mass of our people in this bloody tragedy of the ages that they should plunge into it?

Let me give you another sample of fairly good New England jingoism:

> The American liner *Finland* arrived this morning from Liverpool with 67 first, 57 second, and 46 steerage passengers. With her arrival all of the American Line fleet are now in this port.
>
> The *Finland* sailed from Liverpool at 1 a. m. on Sunday, February 18.
>
> Among the *Finland's* passengers are Lady Richard Wellesley, whose husband was killed at the Marne, Col. FREDERICK HALE, Senator elect, of Portland, Me., et al.
>
> ALLIES WANT US IN WAR.
>
> "The allies want us in the war; Lloyd George wants us in the war; Premier Briand wants us in the war," was the word brought to the United States to-day from Europe by Col. Hale.
>
> Col. Hale has been abroad several months studying war conditions before taking his seat in the next Congress.
>
> "I talked with Lloyd George, Briand, and other officials closely in touch with the conduct of the war," Col. Hale said. "Without exception they are elated at the step which sent Count von Bernstorff back to Germany and believe the next move will carry the United States into war on the side of the allies.
>
> "The moral effect of the American entry is all that is hoped for by the European countries. They declare the spectacle of only a few American troops fighting the German armies in France would have a tremendous moral effect.
>
> "Much speculation is being given in Europe to the part this country would take if she should enter the war. It is felt she could help most by supplying convoys for steamships and by allowing use of her great credit. Her manufacturing possibilities also would help much."

And so at last we are expected to contribute both blood and money that we may add to the horrors of this mad revelry of death. We are to offer as a free gift millions of men and billions of treasure. Why, and for what, I ask again?

Mr. President, I also have here some resolutions some one did me the compliment of transmitting to me by mail, adopted by a gathering of gentlemen who describe themselves as "Sons of the Revolution," demanding that the Congress shall put this country into this war in the name of liberty, and they declare with great vehemence that to stay out of the war would be vile poltroonery and cowardice. I take the liberty of saying that there are "Sons of the Revolution" whose Americanism is distinguished only by the fact that some remote ancestor, lineal or collateral, was indeed a patriot who fought under George Washington against King George for American liberty. There are some such who boast of their lineage, while they forget the lessons of history and treat the admonitions of the fathers with contempt. They forget the events and ignore the sources from which come the really glorious history they ignorantly or thoughtlessly applaud without knowing why, and in which they think they claim a legitimate and honorable share by inheri-

tance. I would revive their drooping memories by quoting from the last message of the great Washington delivered to the American people, not only of his day, but of all time. Here is something Washington said:

Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.

Is it not possible that the great Washington, with prophetic vision, saw dimly the sad picture of this day and generation?

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

No doubt we have "Sons of the Revolution" who regard Washington's admonition as the idle vaporing of an old fogy. But, Mr. President, I hold that Washington's utterance was sound doctrine when he issued his farewell address to his countrymen; issued it not only to his countrymen of his own generation, but to those of the generations that were to follow; and it is sound doctrine now.

GERMAN HATE.

Mr. President, we are facing at this time what seems to me to be a very strange situation. A pro-English, anti-German sentiment has grown up in this country, the result of careful and expensive culture, and has taken a form and emphasis which seems to me to be apparently strong enough to endanger our peace with the world. Some German-Americans, so called, and some of their sympathizers, also descended from foreign nationalities, have not been blameless in their attitude and expressions; on the contrary, they have done many things meriting the severest condemnation. But none of them has gone so far in this direction as the pro-English sympathizers, who have thrown off all disguise, and openly declared loyalty to the English cause, and seek with aggressive persistency to force this country into war upon the English side. All this, whether upon the one side or the other, to my thinking is intolerable from the standpoint of true Americanism. I have schooled myself so as to hold myself in hand, that I might stand only to defend and promote the well-being of my own country. I have no hate for Germany; I have no hate for England; I have no hate for any of the peoples engaged in this brutal war. I have even now only one thought or hope to express which might be deemed unneutral, and that is that this war may result in sweeping kings, kaisers, czars, and emperors from power, and that Europe may in the future enjoy the blessings of a real democracy—a democracy that will no longer recognize any divine right of royalty, but will assert the doctrine of the American Declaration of Independence that all men are created equal, and are equal before the law, and that all governmental powers are derived from the people. I would like to see the scions of the House of Hanover, of the Hohenzollerns, the Hapsburgs, and the Romanoffs, with all their progeny, swept from high places of rulership and power. I would like to see that. But during the course of the war I would hold myself aloof from the passion and prejudices of the war. I am free from partisanship. While I pity all who suffer, and would willingly do anything possible that I could honorably do as a neutral friend of all to restore peace to the world, still before everything else my brain, my heart, my soul, are all centered about our America. I am a partisan only of my own country and people.

I have no sympathy with this prevailing, onrushing, anti-German propaganda. From the beginning of the Revolution to the beginning of this war Germany has never wronged the United States. So far as any authorized act of the German Government goes, and so far as any authorized expression of the German people goes, we know that Germany has at least declared her friendship for us, and has done nothing worth while mentioning to the contrary. All through the present war, from its beginning to this day, Germany has declared her desire to act in accord with the wishes and recommendations of the United States. Except in this last instance, in which she announced her final purpose to wage a ruthless submarine war against her enemies, Germany has expressed her willingness to follow our lead. At the very beginning of the war our Secretary of State addressed an identical note to all the warring powers asking whether they would adhere to the London declaration of 1809 prescribing rules for the government of maritime warfare. Germany answered that she would comply with the declaration provided her enemies would do likewise. Great Britain answered—and her allies followed her example—that she would observe the London declaration only with such material modifications and changes as she indicated in her note, or as she might subsequently find necessary to make. Upon the receipt of these replies from the several powers our Secretary of State, under the direction of the President, gave notice that because of the attitude of Great Britain this Government would not rely upon the declaration of London, but would be compelled to rely upon the general principles of international law for the protection of American interests. Here is presented the first contrast between the attitudes assumed by the combatant powers with respect to the recommendations of the Washington Government. And so this kind of contrast has been maintained throughout the war down to the time when President Wilson delivered what is known as his "peace speech" before the joint session of Congress on January 22, 1917. In that speech the President stated that he had addressed an identical note to all the warring powers asking them to state or indicate the terms upon which they would be severally disposed to negotiate for the restoration of peace. Germany answered, in substance, that she would be willing to meet her enemies in council and lay her terms before the council, and enter upon negotiations for peace in compliance with the suggestions of the President. The British reply, as we know, was a substantial rejection of the President's overtures.

Mr. President, I see no reason for separating Germany from the others and corroding my heart with a passion of hate for her. In the days of the Revolution Frederick the Great was partial, if not openly the friend, of the Revolutionists fighting under Washington for independence. It is said by some that this attitude of friendliness on the part of Frederick was due to his enmity for England; other historians give him credit for a genuine sympathy for, and a desire to render material aid to, the Americans in that struggle; but all that concerns the motives of the man. At least he was not unfriendly to us, and at least he was, as King of Prussia, more openly sympathetic with the struggling Colonists than was even the King of France. It is true that Hessians—coming from small German independencies not then subject to the rule of Frederick—were transported to America to wage battle on the English side against our forefathers; but these mercenaries were hired and transported by England to fight against us, and it is known that the great Frederick refused to permit them to cross the territory of his kingdom.

Baron von Steuben stands by the side of Lafayette in valiant and useful service rendered to Washington and the Continental Army. He came to the rescue as Lafayette came. He was a trained soldier who had fought in desperate wars under Frederick the Great. Washington welcomed him as he did Lafay-

ette. He appointed Von Steuben to be what he designated as "the schoolmaster of his army." This great German strategian made a real army of the American volunteers, which became under his training, as historians tell us, the equal of the veteran armies of Europe. There were thousands of German-American citizens, living in the various colonies, fighting in the Continental Army. At one time the bodyguard of Washington was composed almost wholly of Pennsylvania Germans. I could give a long list of men of German birth or antecedents who rose to great distinction in the Revolutionary Army. There were whole regiments of Germans from Pennsylvania, Virginia, and other Colonies. They fought, suffered, and died for liberty as valiantly as did the Puritans of New England or the Cavaliers of the South. No, Mr. President, it is impossible that I should harbor in my heart a sentiment of hate for Germany or the German people. There is nothing of the Tory in me.

Of course this unparalleled war is full of horrors. It is a desperate struggle in which both sides have done and are doing lawless things and brutal things. One side is as amenable to this just criticism as the other. Much has been said about Germany violating the guaranteed sovereignty of Belgium and about the brutal treatment of Belgians by the German power. I am sorry to say that I believe there is too much truth in that. But what of Greece? Poor little Greece—the ancient home of song, eloquence, philosophy, and glorified by heroic history—also declared an attitude of neutrality in the war. There was a faction in Greece that sought to ally their country with the entente allies; but their movement was abortive, and Greece stood forth proclaiming her neutrality. The allies, dissatisfied with the Greek attitude, have surrounded Greece with their fleets, shut her out from the world, and violated her sovereignty. The poor people of Belgium might have starved, as they certainly suffered, except for American generosity. But what of Greece? Within the present month the officials of the Greek Legation at Washington have made public the indignant protests of the King and Government at Athens against the violation by the entente allies of their national dignity and right, proclaiming to the world that large numbers of Greek people, being unable to obtain supplies from the outside world, are feeding and living upon grass and roots, and that many have died of actual starvation. Is it not well to keep this similitude in mind?

Just complaint has been made against the deportation of Belgians to Germany, there to work in German shops and fields. But, on the other hand, it is also true that the Russian Army drove thousands of German subjects from East Prussia into Russia, and it is officially known in this country that thousands of these helpless creatures have died of starvation. It is also known beyond question that thousands of German war prisoners confined in Siberia have died of cold and hunger, while the Russian Government forbade the transportation, under the auspices of the Red Cross, of charity supplies from Manchuria for the relief of these wretched prisoners.

Whole pages of Lord Northcliffe's American newspapers are devoted to stories and protests about the submarine war zone established by Germany around Great Britain and along the coast of France. This action of the German Government is denounced in unmeasured terms, as no doubt it should be. But, Mr. President, there is another side to this about which little is said in these Northcliffe publications, but to which I shall allude. While Germany has declared her submarine zone as a blockade, England has at the same time covered a still larger area of the high seas, and planted that area with submerged contact mines. Germany notified the President of her act, defining the area to be covered by her operations, and England notified the President of the area within which she had made it impossible for ships to pass without incurring almost certain destruction from submerged mines. Undoubtedly both of these things are violative of the rules of maritime warfare observed and practiced by all nations of the world before the inauguration of this unspeakable conflict. My mind is not sufficiently analytical to draw a line of differentiation between a paper blockade by submarines and a paper blockade by submerged contact mines. Only two or three days ago I saw a table printed in a Washington paper giving a list by names of American vessels destroyed by both submarines and by mines. Six had been sunk by submarines and five by mines. I had as soon be killed by a torpedo as by a mine.

Yes, Mr. President, this is a lawless and brutal war. It is a death grapple. It would seem impossible that either side should win by a fair fight in the open. Each is now struggling to starve the other into submission. Shall we go to the relief of either of them as against the other, or shall we stand aloof, maintaining in good faith our attitude of neutrality, and let them go on to a point when offers of mediation by neutral nations may be received with greater favor than in the past? For myself I would stand aloof. I have no hate for any of these nations; I have pity for all. I am unwilling, with the lights now before me, to plunge my country with a flaming sword into this horror.

WHO PROFITS?

Mr. President, who are the instigators of this war propaganda? I can not answer that categorically; but I can answer by asking who would profit by war, and who have vast interests at stake dependent upon the result of the war.

1. I answer, first, that the manufacturers of munitions of war, who so far in supplying foreign demands alone have earned annual dividends running above 250 per cent, would reap an even greater golden harvest if the United States should become involved. Surely they must be behind this war propaganda.

2. The Shipping Trust, headed by the International Mercantile Marine, must be behind it. The International Mercantile Marine was organized by J. P. Morgan & Co., and is currently understood to be partly owned by Mr. Morgan's associates in England. All of you know that now and for a long time trade between the United States and Europe, even neutral Europe, is under the control, regulation, and supervision of Great Britain—Great Britain having arbitrarily taken this control and supervision into the hands of that Government. Without the permission of Great Britain it is hazardous even for a neutral vessel to sail for any European port, and Great Britain assumes to determine what Americans may or may not engage in European export trade. Mr. Morgan's ship company is in no danger of the British blacklist.

3. J. P. Morgan and his associates and syndicates must be behind it. Mr. Morgan is the American fiscal and business agent of the British Government—an enormously profitable employment. It is through him that war loans are made for Great Britain and her allies to the American people, and it is through him that all contracts are made by the British Government with Americans for war supplies. This is a matter of public record, having been so testified to before the Senate Finance Committee. It therefore inevitably follows that the Morgan combination will exhaust all their power to influence public opinion and excite a war spirit in the United States favorable to their employers. Is not that true? And Morgan is reputed to have more control over news agencies than any man in America.

4. American investors in British and other war securities must be behind it. No doubt a thousand million dollars or more of these war securities have been sold in America, chiefly through the Morgan agency. Their value largely depends upon the outcome of the war. Every nation now engaged in this war, whether upon the one side or the other, is staggering upon the verge of national bankruptcy, and consequently the specter of repudiation is before the eyes of these security holders. At the beginning of this war the President advised American citizens against making investments of this character, and I supplemented this advice of the President in a public statement to the same effect. Of course, both the President and I knew that there was no way under our law to prevent these investments by governmental interdiction; but American citizens were appealed to to keep aloof from such investments, partly because of the risk, and partly on the ground of patriotism, because we knew that whenever an American became financially interested in the success of any one of the belligerents he was apt to become a partisan of that belligerent; and at that time the entire Washington Government was proclaiming the national policy of impartial neutrality. These security holders must be behind this propaganda.

5. In addition to those who have selfish, if not even more sinister, interests at the base of their activities, there are of course a large number of excellent and patriotic people, having no selfish interest to promote, whose undisciplined sympathies have made them partisans in the war, and they therefore are easily excited by the beating of the war drums.

With this latter class I have no quarrel. They have simply lost their balance, and I am sorry. But against munition manufacturers, the Shipping Trust, the Morgan syndicates, and the holders of war securities, who seek to plunge this peaceful and happy Nation into the vortex of war to promote their selfish interests—however they strive to disguise their real purposes by noisy declarations of devoted patriotism—I shall lift my voice in fearless and unflinching protest. The protest may be, probably will be, ineffectual and unavailing, but it will be made.

A WORD FOR PEACE.

Mr. President, I want now to speak a word for peace, for "peace hath her victories no less renowned than war." I am not for "peace at any price." I have no sympathy for that sentiment. On the contrary, I believe in maintaining and encouraging the martial spirit in our people. I want them to be

willing to fight when the honor and vital interests of the Nation are at stake. I have no regard for the mollycoddle. But I would not inaugurate war for mere aggression, nor inaugurate it until international offense against us makes peace more intolerable than war. I would look with patience upon, and be slow to strike a nation friendly to us not only by tradition, habit, and long years of friendly intercourse, and who did not desire to offend or injure us, and who injures us, if at all, only as an incident to a desperate war with other nations. I would defend the honor and vital interests of my country to the utmost, but I would not have my country going about as a bully with a chip on his shoulder watching for an opportunity to throw all professions of friendship to the winds, and join in a bloody struggle for which we are in nowise responsible and in which our interests are only incidentally involved.

What position did we deliberately assume at the beginning of this war? Let us settle that. I have here the proclamation of neutrality issued by the President on August 19, 1914, at the beginning of the war. Here is what the President then said:

My fellow countrymen, I suppose that every thoughtful man in America has asked himself, during these last troubled weeks, what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the Nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say and do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the Nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what ministers utter in their pulpits, and men proclaim as their opinions on the street.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility, responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinion, hot against each other, involved in the war itself in impulse and opinion if not in action.

Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great Nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a Nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action; a Nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps hereself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraints which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

A few days later, on September 8, the President issued this proclamation:

PROCLAMATION OF PRESIDENT WILSON FOR DAY OF PRAYER.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas great nations of the world have taken up arms against one another and war now draws millions of men into battle whom the counsel of statesmen have not been able to save from the terrible sacrifice;

And whereas in this as in all things it is our privilege and duty to seek counsel and succor of Almighty God, humbling ourselves before Him, confessing our weakness and our lack of any wisdom equal to these things;

And whereas it is the especial wish and longing of the people of the United States, in prayer and counsel and all friendliness, to serve the cause of peace:

Therefore, I, Woodrow Wilson, President of the United States of America, do designate Sunday, the 4th day of October next, a day of prayer and supplication and do request all God-fearing persons to repair on that day to their places of worship there to unite their petitions to Almighty God that, overruling the counsel of men, setting straight the things they can not govern or alter, taking pity on the nations now in the throes of conflict, in His mercy and goodness, showing a way where men can see none, He vouchsafe His children healing peace again and restore once more that concord among men and nations without which there can be neither happiness nor true friendship nor any wholesome fruit of toil or thought in the world; praying also to this end that He forgive us our sins, our ignorance of His holy will, our willfulness and many errors, and lead us in the paths of obedience to places of vision and to thoughts and counsels that purge and make wise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of September, in the year of our Lord 1914, and of the independence of the United States of America the one hundred and thirty-ninth.

[SEAL.] WOODROW WILSON.

By the President:

WILLIAM JENNINGS BRYAN,
Secretary of State.

Mr. President, the following day, September 9, I addressed the Senate, supplementing the President's proclamations for peace. My address at that time was so acceptable to the Senate that the Senator from New Hampshire [Mr. GALLINGER], the minority leader, who, I deeply regret to be informed, is now seriously ill, thought so well of it as to express his commendation in this language:

Mr. GALLINGER. Mr. President, I have listened with profound interest to the remarks just delivered by the distinguished Senator from Missouri [Mr. STONE]. It seems to me they came at the right time and in the right spirit, and that we all ought to appreciate their force and the necessity of giving heed to them. I rise to ask that they may be printed as a Senate document, and that 5,000 additional copies may be printed for the use of the Senate document room.

The motion of the Senator from New Hampshire, to print my remarks as a Senate document was adopted without a dissenting vote. Aside from any compliment to me, I must believe that this action was expressive of the Senate's sentiment at that time. The Senate approved the address.

Mr. President, I wish at this point to read, and thus reproduce the immediately pertinent parts of the address I then delivered. I read as follows:

Mr. President, the citizenship of this Republic is strikingly composite in character. The sturdy descendants of the Puritan and Cavalier—the old Revolutionary stock—are happily still numerically strong enough to exercise a controlling influence on the destinies of the Republic. At the same time we face the tremendous fact—for just now especially it is a tremendous fact—that mingled among those descended from the original American stock are millions of men and women who have immigrated from Europe, established homes in these States, and assumed the dignity and responsibility of American citizenship. They have become a permanent and essential part of our people, and have entered fully into all the social, industrial, and political activities of the country. Every important country of Europe is represented in this naturalized foreign-born population, or in their immediate offspring. All political divisions of Great Britain, France, Belgium, Germany, Austria-Hungary, Russia, Italy, Greece, and the Balkan States are represented in the vast aggregate of this foreign-born population. As they look upon the frightful panorama of this war, with its awful scenes of fire and blood, famine and death, it is not only natural but almost inevitable that the sympathies of these people should be poured forth in strong currents upon their respective fatherlands. It is only human that this should be so, and none in fact could expect less. But, Mr. President, so far as lies within my power, I wish to admonish these, my fellow citizens, and to impress upon them a renewed realization of the supreme and all-important fact that they are, above all, American citizens. I know that every Senator here will approve and sympathize with me when I appeal to these American citizens of every nationality to keep steadily before their minds the obligation and responsibility that they are under to first serve and promote the interests, welfare, and honor of our own Government and people. Therein lies the first duty of citizenship and the first obligation of loyalty. Sympathy is an impulse of the heart and mind and is usually beyond human control. Moreover, sympathy for our kindred in time of stress is so natural and altogether so honorable and ennobling that no man with a spark of that kindred feeling of brotherhood common to all mankind would wish to eradicate or suppress it. But, lest we forget, I would again admonish my countrymen that sympathy is one thing, while that kind of aggressive partisanship which divides us into warring factions and stirs within us the hot blood of battle is another and very different thing. Above all, we must hold fast to our own national duty and obligation, and any man who falls short of that falls below the standard of good citizenship.

Another thing to which I desire to call especial attention and emphasize is the partisan attitude being assumed by many of the great publications of this country.

That sort of thing had been begun even at that early date. Knowing how potent these publications can be in creating public opinion and in fomenting factional strife, it is natural that those upon whom the responsibilities of government are cast should look upon this particular phase of partisanship with deep solicitude and apprehension. The managers of these great publications, even far more than individual citizens in more private walks, should be very mindful of the patriotic duty they owe their own country in this great emergency. It is a source of profound regret that so many influential journals and periodicals are beginning to take sides in this mighty contest, and are beginning not only to express their sympathies for the one side or the other, but to indulge in harsh criticism and sometimes in denunciations of the Governments and the armies of those with whom they are not in accord. This is not only hurtful at home in exciting animosities among our own people, but it creates bad impressions and arouses hot resentments abroad; and moreover it should be manifest to every man that this sort of thing works estrangements and makes free and cordial intercourse between this Government and the Governments of the nations at war more difficult and embarrassing. How can any patriotic and right-thinking American forget that ours is the only one of the great world powers holding the enviable but delicate position of absolute neutrality? To that policy, founded upon the love of peace and springing from an honest desire to be of service to mankind, we are pledged by the most solemn assurance, and to a strict observance of that pledge we are bound by every consideration of national interest and honor. It is amazing that great editors and publishers should so forget the supreme duty they owe to their own Government as to become callous about and thoughtless of the Nation's plighted faith, and to indulge in vituperative attacks upon the rulers or the Governments of any of the belligerent powers, or seek to arouse against any of them a hostile public sentiment in this country.

That sort of thing can not stay the hand of war nor change the issue on a single battle field, but it will provoke bitter feeling and lead to criminations and recriminations among our own people, thereby exciting feuds and endless discord that it will take years to silence; and it will excite against us a hostile spirit among those nations which may be led to believe that in sympathy and judgment we are against them, and that our profession of impartial neutrality is empty and insincere. How can any man forget that each of the great nations embroiled in this frightful war, relying upon our neutrality and believing in our profound concern for its welfare, has placed its diplomatic interests in the hands of our Government? Thus we have voluntarily assumed the delicate task of mediator between these various powers. As the representative of all, and professing impartial and equal friendship for all, this great Nation stands towering before the world with its hands extended to promote the cause of peace whenever and wherever opportunity offers. With our Government holding this position is it not almost wicked for any American to thrust himself into this tremendous struggle in such a way as to weaken our power for good? Is it not perfectly plain that our power for effective mediation will be diminished if ever any one of the Governments vitally concerned becomes convinced that in our hearts we are unfriendly to it and would rejoice at any ill befalling it? And then looking beyond the end of the war, will not the spirit of resentment and universal ill will linger among the people of that nation? Remember, it is a hard thing, my countrymen, for your Government to maintain its attitude of strict neutrality and discharge the solemn duties incident to that position unless you yourselves stand by your Government and nobly uphold its hands. Why should any American at this time attack the Kaiser and the German Government and offend the German people? Whatever anyone may think of the policies and methods of the German Emperor and his Government, this is not the time to give expression to his views in offensive terms.

Again, why should any American go into the open to attack Great Britan or France? The great body of our original American stock sprang from the British Isles—England, Ireland, and Scotland—and the ties of blood binding Americans to the people of Great Britain should be strong enough to restrain all Americans from any act or word offensive to this wonderful and mighty nation—a nation having few parallels in great achievement throughout the history of the world. Why should any American go into the open to speak ill of France, the land of Lafayette? What thrilling chapters have the genius, the learning, and the valor of France written on the pages of history! And so, Mr. President, I might run this line of comment through all the nations involved in this terrible and ever to be lamented tragedy. We are, and we should be, a friend to all these nations and all these unhappy peoples in this day of strife, when all of them stand in such woeful need of a powerful and honest friend. Never in human history has a great nation had such a magnificent opportunity as ours to perform a glorious work for mankind and to set a noble example for the guidance of the human race. All we have to do is to keep faith with ourselves and with our friends, always waiting and watching, as we should be, for opportunities to render some service to those who are suffering from the sanguinary and destructive turbulence with which our friends and kindred abroad are so beset. To successfully accomplish this work we have to do, it is vitally necessary that not only our Government but our people should firmly maintain our position of absolute neutrality.

Mr. President, I have not changed the attitude I then assumed. Following the President's leadership, I stood for honest neutrality between these warring nations. I proclaimed that policy here, and it was indorsed by the Senate, whatever some individual Senators may have thought of it. I have not changed. I can not change. I have no reason as yet to change.

Mr. President, I have striven faithfully to cooperate with the President in maintaining our self-imposed obligation of neutrality. I have stood for neutrality because I believed it was right, because I believed it best for this country and the world, and because I believed it would be an almost criminal blunder for this country to become involved in this war unless some provocation should arise so intolerable as to make aggression absolutely necessary on our part. I still adhere steadfastly to that position. Unless it can be plainly shown that some one of the belligerents makes an intentional, deliberate assault upon us, insolently and purposely to injure us, I would be cautious and slow about departing from our attitude of neutrality. I think we should hold ourselves well in hand and not be quick to resent an injury by either party which is not intentionally committed, but is only incidental to a desperate struggle between other peoples. If we desire to do, it seems certain to me that we could settle diplomatically any differences arising between us and any of the warring nations, for none of them desires conflict with us; on the contrary, all desire our friendship. If, incidentally, damage results to our people this damage could be made the basis of negotiation and settlement. It may be said that this might be done in all cases except wherein life was sacrificed. But even cases of that moment have been time and again settled through diplomatic channels. It is impossible to believe that either the entente allies or the central powers would intentionally destroy American lives in any spirit of malice or defiance toward us. Everything that has occurred hitherto proves the contrary. If American citizens go into the danger zones where war is raging at its worst and suffer in consequence we know that the injury done to them is not done in a spirit of hostility to our country. If a deliberate, intentional, wanton assault should be made upon American citizens, I would resent it as quickly and relentlessly as any man.

I can see no parallel between the present situation and situations which confronted us in former periods of our history. From 1798 to 1812—or during a good part of that period—England and France were at war. At that time our people and our country were subjected to outrages directly and deliberately committed against them. Our ships were seized by France and by England, and our seamen were dragged from aboard our ships and pressed into the service of England. Numerous outrages of that character were committed against us. Our protests were flouted and ignored. At last, 1812, we were forced into war to vindicate the integrity of our sovereignty. But, sir, we face no such situation as that to-day. We may go to war with Germany for injuries done us; we may go to war with England, although now unlikely, for injuries done us; but if so we will go to war with the full consciousness that these injuries were inflicted as an incident of the conflict between those powers, and not in any sense as a direct or intentional affront to us.

Mr. President, I do not believe the great mass of the American people want the United States to enter this war. I believe they are in sympathy with the views I am expressing. They have approved the past course of the President in keeping us out of this war—this crime of the ages—and I do not believe they have changed their attitude. The opinion of the people on this subject has been too recently and so emphatically expressed for me to believe they have so suddenly changed, even as the wind changes. As late as November last the American electorate, by an unusually large majority, spoke for peace, not war. The jingoes of this country do not speak for the people; the people have just spoken for themselves. Almost on yesterday they reelected Woodrow Wilson to the Presidency, because, above all other reasons, they believed he could not be shaken by jingo clamor or sinister influence of any kind from his firm purpose to employ patiently and resolutely every possible means consistent with the honor and real vital interests of the country to shield his people from actual participation in the horrors of this war. It was that belief and that faith in the President, more than anything else, that brought to him the support of the American people and crowned him afresh with victory.

Mr. President, I have here the print of the great nominating speech made at St. Louis by Gov. Glynn before the convention which nominated Mr. Wilson. It was received by that great assemblage with an outburst of enthusiasm unsurpassed by anything I have ever witnessed in my long experience with political demonstrations. I think it would be refreshing, if not inspiring, to read some of the ennobling passages of that great oration. I read as follows:

The policy of neutrality is as truly American as the American flag.

For 200 years neutrality was a theory; America made it a fact.

The first President of the United States was the first man to pronounce neutrality a rule of international conduct.

In April, 1793, Washington declared the doctrine; and within a month John Jay, Chief Justice of the Supreme Court of the United States, in an epoch-making decision from the bench, whose realization would insure universal and perpetual peace, wrote the principle into the law of this land. The Declaration of Independence had foretold it by declaring "the rest of mankind enemies in war, in peace friends"; the Constitution recognized it; but the first President of the United States, by proclamation, the first Chief Justice, by interpretation, gave it vitality and power.

And so neutrality is American in its initiation.

Thirty years later Prime Minister Canning, in the British Parliament, pointed to this American policy of neutrality as a model for the world; and 80 years later, after approval by various statutes and agreements, it was written almost word for word in the treaty wherewith we settled our differences with England over violations of neutrality throughout the Civil War.

And so neutrality is American in its consummation.

And to-day in this hall, so that all the world may hear, we proclaim that this American policy of neutrality is the policy which the present administration pursues with patriotic zeal and religious devotion, while Europe's skies blaze red from fires of war, Europe's soil turns red from blood of men, Europe's eyes see red from tears of mourning women and from sobs of starving children.

The men who say this policy is not American appeal to passion and to prejudice and ignore the facts of history.

Neutrality is America's contribution to the laws of the world. Sir Henry Maine says so, Charles Francis Adams says so, Henry Clay says so, Daniel Webster says so, and upon the evidence of these witnesses we rest our Americanism against the sputterings of pepper-pot politicians or the fabrications of those with whom a false issue is a good issue until its falsity is shown, its maliciousness exposed.

HISTORY REPEATS ITSELF.

For enforcing this policy of neutrality George Washington was hooted by a howling mob of 10,000 war fanatics, who threatened to pull him from the presidential chair and start a revolution. But half a century later Charles Sumner said that—

"Washington, upholding the peaceful neutrality of this country, while he met unmoved the clamor of the people wickedly crying for war, is a greater man than Washington crossing the Delaware or taking Cornwallis's sword at Yorktown."

For supporting this policy of neutrality in a speech in the city of New York Alexander Hamilton was stoned almost to death. John Jay burned in effigy, Jefferson called a spineless poltroon, and Lincoln pictured as a craven. To-day, however, the Nation goes to all these men for its every conception of all that is best in American citizenship.

The fate of the fathers of our country at the hands of a noisy minority is the fate of the President of the United States to-day. But their reward of dignities merited and honors conferred will be his reward when the people speak on the 8th of next November.

And how did they speak?—

To win this priceless right of neutrality this Nation had to undergo a long and painful struggle.

It took Washington, with his allies and sword, eight years to win recognition of his country's liberty; it took Washington and his successors 80 years of endless negotiation to win recognition of American neutrality. And this 80 years of struggle wove the doctrine of neutrality so closely into the warp and woof of our national life that to tear it out now would unravel the very threads of our existence.

Where is the American hardy enough to challenge a policy so firmly fixed in the Nation's traditions? Is there among us any man bold enough to set his wisdom above that of Washington, his patriotism above that of Hamilton, and his Americanism above that of Jefferson? Is there any American so blind to our past, so hostile to our future, that, departing from our policy of neutrality, he would hurl us headlong into the maelstrom of the war across the sea?

The President of the United States stands to-day where stood the men who made America and who saved America. He stands where John Adams stood when he told King George that America was the land he loved and that peace was her grandeur and her welfare. He stands where Gen. Grant stood when he said there never was a war that could not have been settled better some other way, and he has shown his willingness to try the ways of peace before he seeks the paths of war. He stands where George Washington stood when he prayed that this country would never unsheath the sword except in self-defense so long as justice and our essential rights could be preserved without it.

For vainglory or for selfish purpose others may cry up a policy of blood and iron, but the President of the United States has acted on the belief that the leader of a nation who plunges his people into an unnecessary war, like Pontius Pilate, vainly washes his hands of innocent blood while the earth quakes and the heavens are darkened and thousands gave up the ghost.

Only by standing on this rock of Americanism, against which dashed the waves of conflict, could the President of the United States, faced by a world in arms, save this country from being drawn into the whirlpool of disaster. One false step in any direction and he would have carried the Nation with him over the precipice.

This difference, my friends, between "what is" and "what might be" is well illustrated by two pictures which hung on the walls of the art museum here in the city of St. Louis during the Louisiana Purchase Exposition.

One of these pictures portrayed the famous warriors who have stricken terror into the heart of mankind since the dawn of history. Alexander the Great was there, Cæsar was there, Hannibal was there, Napoleon was there, and on either side of this sinister group lay in endless rows the sheeted dead of war.

The other picture represented hands, myriads of hands, humanity's hands, stretching upward toward the sky—gnarled hands of labor and wrinkled hands of age, smooth hands of youth, and tiny hands of babyhood, strong hands of men and delicate hands of women—hands of aspiration stretching upward from divine inspiration toward betterment and peace.

These two pictures symbolize the banners of this campaign.

Others may follow the lords of war who ride among the corpses of mankind. We follow the President of the United States and seek inspiration of humanity that aspires to higher things.

In all the history of the world there is no other national policy that has justified itself so completely and entirely as the American policy of neutrality and isolation from the quarrels of European powers. Before we declared our neutrality we were embroiled in all the troubles of Great Britain, France, and Spain; since then we have had less than three years of war with Europe and 116 years of amity and peace.

Before this declaration every war was a world war; since this declaration nearly every war has been a local war. Before this declaration war was a whirlpool, ever increasing in area, and in its whirl dragging down the nations of the earth; since this declaration war has become a sea of trouble upon which nations embark only from self-will, from self-interest, or the necessity of geographical position, of financial obligation, or political alliance.

Neutrality is the policy which has kept us at peace while Europe has been driving the nails of war through the hands and feet of a crucified humanity.

It has banished conquest from our program of national greatness and has made us find our destiny at home. It has forced us to build on the brawn of our sons and the energy of our daughters rather than upon the tears of conquered women and the blood of conquered men. It has made us seek treasure in our harvests, wealth in our fields by staying our hands from war's bloodstained pot of gold. It has been the flaming sword which forbade us to devastate the Eden of others and compelled us to make an Eden of our own. It has freed us from the paralyzing touch of Europe's balance of power, leaving to Europe the things that are Europe's and preserving for America the independence, the peace, and the happiness that now are hers.

One hundred and twenty years ago when Europe went mad with war, as it has gone mad to-day, Jefferson pointed to the north star of our policy of neutrality when he said, "In the present maniac state of Europe we should not estimate the point of honor by the ordinary scale." The reasoning which made this a sound rule in "the maniac state of Europe" in Jefferson's day makes it an equally strong rule in "the maniac state of Europe" to-day.

This Nation, let us never forget, has always remembered that neutrality is a policy which is asserted against nations at war, against nations inflamed and disordered. It has always been wise enough to proceed with calmness and patience, and events have ever justified its willingness to appeal from Philip drunk with war to Philip sobered by reason and reflection.

WHEN GRANT WAS PRESIDENT.

When Grant was President, during the war between Spain and the Spanish West Indies, a Spanish gunboat seized the vessel *Virginius*, flying the American flag, and a Spanish commandant in cold blood shot the captain of the *Virginius*, 36 of the crew, and 16 of the passengers.

But we did not go to war. Grant settled our troubles by negotiations, just as the President of the United States is trying to do to-day.

WHEN HARRISON WAS PRESIDENT.

When Benjamin Harrison was President the people of Chile conceived a violent dislike to the United States for our insistence upon neutrality during the Chilean revolution. When this feeling was at its height one junior officer from the United States warship *Baltimore* was killed outright in the streets of Valparaiso and 16 of our sailors wounded, of whom one afterwards died. In a message to Congress on January 25, 1892, supported by Secretary of State James G. Blaine, and on evidence submitted by Fighting "Bob" Evans and Winfield Scott Schley, President Harrison said this assault on our honor "had its origin in the hostility to these men as sailors of the United States wearing the uniform of the Government and not in any individual act of personal animosity," and that this Nation "must take notice of the event as an infraction of its rights and dignity" and as an invasion of its "international rights."

But we did not go to war. Harrison settled our troubles by negotiation, just as the President of the United States is trying to do to-day.

WHEN LINCOLN WAS PRESIDENT.

When Lincoln was President this country's rights were violated on every side. England, Russia, France, and Spain were guilty of such flagrant violations that Secretary of State Seward advanced a plan to go to war with all of them at one and the same time.

France used every possible influence short of open war to injure us. She not only permitted the building of Confederate vessels in private shipyards, but she allowed at least two to be built in the national navy yard of France, and she supplied them with supplies from her Government arsenal.

And England did more.

Through his Secretary of State, Lincoln called England to account for the seizure of the U. S. S. *Chesapeake* on the high seas bound from New York to Portland, for the burning of the U. S. S. *Roanoke* off Bermuda, for the seizure on Lake Erie of the ship *Philo Parsons* and the scuttling of the *Island Queen*, the shooting of its engineer, and the wounding of its passengers; and he protested to England against the invasion of the territory of the United States by a band of southern sympathizers from Canada, who rode across the border into Vermont, burned a portion of St. Albans, looted its homes, robbed its bank of $211,000, killed one of its citizens, and wounded several more. In stinging language he told England that she violated neutrality by permitting "the use of British ports and British borders as a base for felonious depredations against the citizens of the United States," and he wrote into history his diplomatic battle against England for letting loose the *Alabama* to prey upon our commerce, to destroy $100,000,000 worth of property, to capture 84 of our vessels, and drive our flag from off the seas. No nation ever inflicted upon another nation a more damnable or more maddening wrong than England inflicted upon the United States in the *Alabama* outrage.

But we didn't go to war. Lincoln settled our troubles by negotiations, just as the President is trying to do to-day.

WHEN PIERCE WAS PRESIDENT.

When Pierce was President the British minister in this country and three of his consuls violated our neutrality during the Crimean War. We gave these representatives of Great Britain their passports and sent them home.

But we didn't go to war. Pierce settled our troubles by negotiation, just as the President of the United States is trying to do to-day.

WHEN VAN BUREN WAS PRESIDENT.

When Van Buren was President a detachment of Canadian militia, during the internal troubles in Canada, boarded the U. S. S. *Carolina* in the American waters of Niagara River, killed an American member of the crew, fired the ship, and sent her adrift over Niagara Falls.

But we didn't go to war. Van Buren settled our troubles by negotiation, just as the President of the United States is trying to do to-day.

WHEN JEFFERSON WAS PRESIDENT.

When Jefferson was President England seized hundreds of our ships and Napoleon hundreds more. From 1793 to 1807 historians say England and France together captured 1,600 American vessels and $60,000,000 worth of American property. England compelled over 2,000 American seamen to serve against their will in the English Navy, and Napoleon ordered the seizure and confiscation of American ships wherever found. Our shipping rotted at every French and British port, our crews were cast into prison and left to die of abuse and neglect. The British ship *Leopard* fired upon the American cruiser *Chesapeake* in American waters, killed and wounded several of our sailors, took three native-born American citizens off the *Chesapeake*, and hanged one of them in Halifax.

But we didn't go to war. Jefferson settled our troubles by negotiation just as the President of the United States is trying to do to-day.

WHEN ADAMS WAS PRESIDENT.

When Adams was President France preyed upon our commerce. She extended her seizure, searches, and confiscations to the very waters of the United States themselves until she had piled up in our State Department charges of over 2,300 violations of neutrality's law. American ambassadors who sought to adjust these wrongs were refused recognition and openly insulted at the French court. President Adams called Washington out of retirement to head the Army, he created the Navy Department, and he built 12 battleships.

But we didn't go to war. Adams settled our troubles by negotiation just as the President of the United States is trying to do to-day.

WHEN WASHINGTON WAS PRESIDENT.

When Washington was President and "neutrality" first declared, war convulsed Europe, our ships dared not to put out to sea, commerce was paralyzed, and business depressed. American passengers and American crews were thrown into prison and deprived of legal rights. Genet, the minister from France, fitted out privateers in our harbors, flouted our officials, and tried to rally this country to the support of France in return for the help France gave us in the Revolutionary War. England and France seized 400 of our ships and confiscated millions of dollars' worth of our property, and up in Quebec Lord Dorchester promised Canadian Indians the pleasure of burning American homes and scalping American citizens.

But we didn't go to war. Washington settled our troubles by negotiation just as the President of the United States is trying to do to-day.

Fighting for every degree of injury would mean perpetual war, and this is the policy of our opponents, deny it how they will. It would not allow the United States to keep the sword out of the scabbard as long as there remains an unrighted wrong or an unsatisfied hope between the snowy wastes of Siberia and the jungled hills of Borneo. It would make America as dangerous to itself and to others, as destructive and as uncontrollable as the cannon that slipped its moorings in Victor Hugo's tale of '93. It would give us a war abroad each time the fighting cock of the European weather vane shifted with the breeze. It would make America the cockpit of the world. It would mean the reversal of our traditional policy of government. It

would mean the adoption of imperialistic doctrines which we have denounced for over a century. It would make all the other nations the wards of the United States, and the United States the keeper of the world. What would become of the Monroe doctrine under such a policy? How long do our opponents suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs? The policy of our opponents is a dream. It never could be a possibility. It is not even advanced in good faith; it is simply an appeal to passion and pride, to sympathy and prejudice, to secure partisan advantage. In a word, this policy of our opponents would make the United States the policeman of the world. Rome tried to be policeman of the world and went down; Portugal tried to be policeman of the world and went down; Spain tried and went down; and the United States proposes to profit by the experience of the ages and avoid ambitions whose reward is sorrow and whose crown is death.

National honor is not the whim of an individual mind. National honor is the composite sentiment, the composite reason of a whole people feeling the emotions of nature and following the dictates of God.

And it is for this reason that "the power" to declare war is conferred by the Constitution of these United States not on the individual will of the President, but on the composite reason, the representative decision of "the Congress of the United States."

Do, then, the Hotspurs of this country mean to proclaim themselves more jealous of our national honor than the framers of the Constitution, than Washington or Lincoln? Where, when, and from whom did they receive their commission as keepers and interpreters of the honor of this Nation? Who gave them a monopoly of the workings of the brain or the emotions of the heart? What mystic faculty do they possess which nature has denied to other men?

They proceed on the theory that the noisest man in the land is the best patriot.

Fearful within, blustering without, the coward whistles to keep up courage, and hopes the world will read in his face what is not in his heart. The brave man, conscious of what is in his heart, and careless of whether or not the world reads it in his face, neither whistles to deceive his neighbors nor publishes his patriotism to win the Pharisee's crown of self-praise.

These noisy critics forget that an appreciation of honor is as elemental in every man as the instinct which calls the flush of rage to the cheek or the blaze of anger to the eye. When the honor of this country is outraged or the glory of its flag is besmirched, the man of the street, the toiler in the fields, the artisan in the shops, the man who shoulders his musket and marches away at his country's call will need no one to tell him, no one to show him, where duty lies and manhood calls. The men who will do the fighting will not have to be drummed to war; they will summon themselves to battle with the valor of a Jackson and the ardor of a Wayne.

Mr. President, because George Washington, who had led the Continental Army in the long struggle for American independence, refused to involve his country in war again, but stood firmly for peace, firmly for the American doctrine of neutrality, he was denounced with vile epithets in various parts of the country and treated with unspeakable indignity. The invectives against Washington then were as bitter as those ever uttered against any American public official, but he stood firm; he did not go to war; and I venture to say that no worthy descendant of the men who followed Washington would now assert that the policy Washington stood for at that time debased American pride or dishonored the American name.

Mr. President, should we now depart from this great American policy of neutrality? It is true we have suffered much and grievously from both sides; but both sides not only avow their friendship for the United States but, in fact, both court our friendship, and both profess regret that the dire necessities of war compel them at times to adopt measures and perform acts injurious to our commerce or our people. For any injury to our people, no matter by whom done, both express what I believe to be sincere regret, and both justify or excuse their several acts on the ground of commanding war necessity. Undoubtedly isolated instances of wrongdoing can be selected which do not appear to be susceptible of any kind of justification or excuse; but such instances are exceptional. Taking the situation as a whole, it remains undoubtedly true that both sides profess friendship for the United States. They say they are friendly to us. They desire to maintain cordial relations of amity with us; both declare their desire and purpose to do as little harm to our commerce and people as the exigencies of war will permit; and both appeal to us to cooperate with them as far as possible to avoid the danger of occurrences calculated to strain our diplomatic or international relations.

The point to this is that they do not, as of choice, deliberately injure or wantonly insult us. Neither of them does that; neither seeks nor desires a quarrel with the United States. This was not so when Washington, Adams, Jefferson, and Madison were dealing with the exasperating events portrayed by Gov. Glynn in his speech. The situation then was wholly different from that we confront to-day. The injuries done to our people in those days were not incidental, but direct; not resultant, but intentional. The reasons, therefore, for patience and forbearance are infinitely greater now than in those elder days.

FREEDOM OF THE SEAS.

The one thing we hear very much about just now is the "freedom of the seas." Freedom of the seas! That is an old doctrine and a good one. I stand for it steadfastly and loyally, and would fight for it whenever I believed that any other nation sought, out of any kind of antagonism to the real spirit of that doctrine, to drive us from the seas. As a fundamental proposition I would defend our right to rove the seas unhindered, and would strike with all the power of the Nation in resentment against any nation interfering with us with the purpose and intent of arbitrarily and insolently limiting our right to the use of the seas. There can be no division of sentiment in this country as to that. But at this time we are facing a peculiar, unusual, abnormal situation. A great war is raging. One of the belligerents assumes to establish what they call a blockade through the instrumentality of submarines; another belligerent assumes to establish a blockade through the instrumentality of submerged mines. If we wish to be very technical and hard-fisted we can break in upon this situation and dive headlong into the turbulence seething in these narrow areas of the sea. That is with us altogether a matter of common sense and public policy. Senators frothing with a fine frenzy may ask, "Who shall dare to deprive an American citizen of his unrestricted right to go upon the seas when and where he pleases?" Possibly no one should dare to do that terrible thing; nevertheless I venture to say that the American citizen who would with glaring foolhardiness deliberately go into the very mouth of this maritime hell, where war is raging in its most ruthless form, wrapping the American flag about him and shouting defiance to the world, would be rendering a very poor service to his country. Sometime ago the Senate determined against issuing an official warning to American citizens not to embark on vessels loaded with war munitions, and there that matter had stood ever since. Not so, however, with other countries. While we are seemingly encouraging American citizens to incur these hazards, Canada, Australia, New Zealand, South Africa, the great colonial dependencies of Great Britain, have, with the approval of the London Government, undertaken to prevent their noncombatant people from embarking on ships bound through the zones of danger to European ports. Within the week I saw a published dispatch from Halifax, Nova Scotia—printed rather obscurely in the Northcliffe American journals—to the effect that a vessel en route from Boston to Liverpool had called at Halifax for examination, as now required by the orders of the British Government, and that the examining officers finding a number of British subjects aboard required them to disembark with their baggage, while several American citizens aboard were permitted to go forward without interruption. It would seem that England and her colonies are more considerate of the lives of their subjects than we are of the lives of our citizens. All this is mystifying to me. I confess myself unable to comprehend it.

Then we are told that our shipping is being congested and our commerce desperately injured by this submarine blockade. We are told that American ships engaged in European traffic are tied up; that they can not obtain insurance; that cargoes are being piled up in the North Atlantic ports unable to secure adequate transportation. All this may be true; I do not know. But I venture to say that the great bulk of these waiting cargoes is composed of war contraband. I venture to believe that there are enough of these delayed cargoes to freight many vessels composed almost wholly of war munitions and supplies intended for the armed forces of one or more of the belligerents. Shall we go to war to insure the transportation of these death-dealing commodities? Would you arm one of J. P. Morgan's ships and send it forth, leaving the issue of peace or war with Germany to the discretion of the captain of that vessel? It would be just as well to arm a British merchantman and send her forth in the "peaceful pursuit" of commerce.

PEACE WITHOUT VICTORY.

Mr. President, I look beyond this day to the end of the war, contemplating only the interests and welfare of the United States. Will the interests of this country be best promoted by crushing one of the antagonists in the war or by a drawn battle? I believe the best interests of this country and of the world would be advanced if peace should come in Europe without a decisive victory to either side. That is what President Wilson thought as late as January 22, 1917. On that date he addressed a joint session of the Congress, and from that address I read the following extract:

Fortunately we have received very explicit assurances on this point. The statesmen of both of the groups of nations now arrayed against one another have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists. But the implications of these assurances may not be equally clear to all, may not be the same on both sides of the water. I think it will be serviceable if I attempt to set forth what we understand them to be.

They imply, first of all, *that it must be a peace without victory.* It is not pleasant to say this. I beg that I may be permitted to put my own interpretation upon it and that it may be understood that no other interpretation was in my thought. I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the van-

quished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last. Only a peace the very principle of which is equality and a common participation in a common benefit. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance.

I thought the President was right then; I think so now. But now we are about to go into the war on the side of England. Suppose you throw the tremendous weight of this Nation into the scale upon that side and destroy Germany—what then? And what thereafter? Presumably England would take over as her share of the war spoil both the warships and the merchant ships of Germany, and thus enormously increase her preponderance on the seas. With Germany done for and out of the way, and with this great addition to British maritime power, then, indeed, might the old jaunty song ring merrily across the waves, "Britannia rules the sea." We know already that the allied powers have been in close, confidential conferences to establish a commercial and industrial entente between them to become effective after the war. For this I do not blame them. They have suffered in common, and I could not complain if they sought to use their own joint resources and energies as far as possible, working in concert, to recuperate. But that does not signify or offer any promise of special good to American industry and commerce. And, then, as to the world outside, what of that? Our merchant marine is insignificant as compared with that of Great Britain now, and with the merchant marine of Great Britain augmented by the merchant fleet of Germany, our commercial power upon the sea would be contemptible in comparison. Our people have accumulated riches out of the war, but what would happen to them in the circumstances stated after the war? What avenues of trade would be open to us, with our feeble facilities for exploiting our trade, that could not be blocked by the overwhelming power of Great Britain ruling the sea without a rival in Europe? Had we better not look beyond our noses, now held high to snuff a battle breeze, and survey the great problems that lie before us in the immediate future? I stand to-day where the President stood one month ago, still believing that the welfare of the world, and particularly of this country, would be best promoted if Europe could have "peace without victory."

ALLIES DEFENDING AMERICA.

British papers and the Northcliffe American papers, representing a powerful syndicate, have sought to alarm the American public with the notion that if German arms should come out of the war victoriously the next hostile step Germany would take would be against the United States; that if Germany should be victorious over France and England, she would then seek to conquer the United States and subject this great people to her dominion. Even books to that effect have been written and gratuitously circulated in America, and moving pictures displaying the horrors of a German invasion of the United States have been exhibited in Washington and other cities. This is so ludicrous that it is almost impossible to treat it seriously. It is even more foolish than the alleged intrigue of Zimmermann with Carranza, by and through which Germany would back Mexico in overruning the United States and reannexing Texas, New Mexico, and Arizona. Why, sir, if we should turn the people of these three border States loose and tell them to "go to it," within three months they would lift the American flag once more above the halls of the Montezumas. Is it not really diverting to be told that Germany at her best could overrun the United States, and especially now, when, in the most favorable aspects of the situation, she must come out of this war broken in purse and in martial strength? When did it come to pass that Uncle Sam must lay his head on the palpitating breast of Uncle Johnny Bull with a timid sense of dependence? We are not dependent upon any of these nations, nor all of them together.

CLOSE.

Mr. President, only a word more, and, so far as I am concerned, as I said on yesterday, the issue may be concluded. In my heart I have no enmity for any of these unhappy nations, only sympathy for them. If I have a special sympathy for either of the greater powers in the war, although I doubt whether I should say that, it is for France. France does have an especially warm place in my heart, partly because of our historical association with her people in the earlier days of our national life, and partly because of the splendid way in which she has borne herself in this struggle against undeserved disasters—disasters enough to appal and crush almost any other people in Europe. But I am in no sense a partisan of France—not any more than of England or Germany. I stand unmoved for the maintenance of American neutrality.

I hope our ship of state can be steered away from these troubled waters and the dangers of wreck. But if, unhappily, war should come, it is needless to say that when the dread die is cast the gaps will be closed. Then, right or wrong, we will stand for America, and I need not say that no man of us all will more willingly bear his full share of the burden and toil of war.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of South Carolina submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 21, 24, 26, 29, 30, 44, 45, 48, 67, 68, 69, 70, 71, 75, 76, 77, 79, 82, 84, 98, 99, 100, 101, 102, 103, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 9, 12, 16, 17, 18, 20, 22, 25, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 78, 80, 81, 83, 87, 89, 92, 94, 95, 96, and 105, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: After the word "establishment" in said amendment insert a comma and the word "equipment," and strike out "$20,000" and insert in lieu thereof "$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: On page 9, line 5, strike out "$1,468,740" and insert in lieu thereof "$1,455,240"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 9, line 6, strike out "$1,796,640" and insert in lieu thereof "$1,783,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of "$269,200" insert "$277,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the word "equipment" in the Senate amendment strike out the words "and maintenance"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of "$2,604,956" insert "$2,613,236"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of "$3,445,326" insert "$3,555,326"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of "$90,010" insert "$82,510," and in lieu of "$15000" insert "$7500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of "$112,200" insert "$107,200," and in lieu of "$14,000" insert "$9,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of "$2,460,530" insert "$2,480,530"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of "$3,123,630" insert "$3,143,630"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Before the figures "1,200" in the Senate amendment insert the words "not exceeding"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Transpose the comma and the figures

"$66,100," following the Senate amendment, to a position preceding said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of "$1,814,567" insert "$1,817,567"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of "$3,261,475" insert "$3,264,475"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of "$5,709,275" insert "$5,712,275"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of "$2,992,580" insert "$2,972,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of "$3,127,660" insert "$3,107,660"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of "$813,395" insert "$843,395"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of "$1,688,575" insert "$1,718,575"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out the language "same to be additional to the existing 80 acres now used as a plant-introduction field station" and transfer the paragraph as thus amended to page 24, between lines 18 and 19, of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of "$139,500" insert "$104,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of "$160,000" insert "$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of "$24,581,213" insert "$24,679,113"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of "$25,831,213" insert "25,929,113"; and strike out the new language added by the Senate amendment; and the Senate agree to the same.

E. D. SMITH,
HOKE SMITH,
Managers on the part of the Senate.

A. F. LEVER,
GORDON LEE,
G. N. HAUGEN,
Managers on the part of the House.

Mr. SMITH of South Carolina. Mr. President, I ask for the present consideration of the report.

The PRESIDENT pro tempore. The Senator from South Carolina presents a conference report on the agricultural appropriation bill and asks for its present consideration.

Mr. HITCHCOCK. Mr. President, I can not at this time consent to that request. Possibly a little later an arrangement will be made. At the present time I desire to present a request for unanimous consent.

Mr. SMITH of South Carolina. Mr. President, a point of order. The motion to proceed to the consideration of the conference report must be decided without debate. I move to proceed to the consideration of the report, under Rule XXVII.

The PRESIDENT pro tempore. The Chair will so hold. The question is on agreeing to the motion.

Mr. GRONNA. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GRONNA. I shall not object to taking up the conference report, but I want to make an inquiry. After the report is taken up will it be subject to debate?

The PRESIDENT pro tempore. The conference report will be debatable. The motion to take up the report is not debatable.

Mr. GRONNA. I understand.

The PRESIDENT pro tempore. The question is, on the motion of the Senator from South Carolina, to proceed to the consideration of the conference report.

Mr. JAMES. Did I understand the Senator from North Dakota to ask if it would be subject to debate?

Mr. GRONNA. I did.

Mr. JAMES. Is it the purpose of the Senator to extensively debate it?

Mr. GRONNA. I will say to the Senator that I expect to debate the conference report.

Mr. HARDWICK and others. Regular order!

Mr. JAMES. Then I shall have to object, in that view of it.

Mr. WILLIAMS. I ask the Senator to permit me one interruption, just long enough to say that I hope that nothing will be permitted to take the place of the pending bill.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the conference report.

The motion was rejected.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that beginning at 9 o'clock all speeches be limited to 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. I object.

Mr. HITCHCOCK. I ask unanimous consent that beginning at 10 o'clock all speeches be limited to 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. I object to that also.

Mr. HITCHCOCK. I ask unanimous consent that beginning at midnight all speeches be limited to 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. I object.

Mr. HITCHCOCK. I ask unanimous consent that at 1 o'clock all speeches be limited to 15 minutes.

Mr. NORRIS. I object.

Mr. HITCHCOCK. I ask unanimous consent that beginning at 2 o'clock in the morning all speeches be limited to 15 minutes.

Mr. NORRIS. I object to that.

Mr. ASHURST. Mr. President, I want the names of the Senators objecting, so that they can be known.

The PRESIDENT pro tempore. The RECORD will disclose the names of those who have objected.

Mr. HITCHCOCK. Who objected to the last request?

Mr. NORRIS. I do not know who was noted down as having objected; but if there is any doubt about it I am ready to object to it.

Mr. HITCHCOCK. I ask unanimous consent that at 4 o'clock in the morning all speeches be limited to 15 minutes.

Mr. NORRIS. I object to fixing 4 o'clock or any other time.

The PRESIDENT pro tempore. The Senator from Nebraska announces that he will object to fixing 4 o'clock or any other time.

Mr. HITCHCOCK. Then I ask that at midnight to-night the Senate proceed to vote upon the bill and all amendments then pending and all amendments that may be offered to the bill. I ask unanimous consent for that agreement.

The PRESIDENT pro tempore. Is there objection?

Mr. CUMMINS. A roll call will be required before the unanimous-consent agreement proposed can be put before the Senate.

The PRESIDENT pro tempore. A roll call will be required.

Mr. HUGHES. Mr. President, in order to facilitate matters I suggest that if any Senator present desires to object it will save a roll call if he will make the objection now.

The PRESIDENT pro tempore. The Senator from Nebraska has yielded to the Senator from New Jersey?

Mr. HUGHES. Without his knowledge.

Mr. HITCHCOCK. I yield to the Senator from New Jersey.

Mr. HUGHES. I was going to suggest that if any Senator expects to object to the unanimous-consent agreement proposed he might as well save wasting the time necessary to call the roll by objecting now.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. I yield for a question.

Mr. NORRIS. If the Senator wants to submit a unanimous-consent request the rules provide how it must be done. It ought to be submitted in writing and read by the Secretary and then the roll called.

Mr. HITCHCOCK. Mr. President, I am not going to do anything here to kill time. I want to develop the fact that there is a deliberate intention to filibuster the bill to death. If Senators are willing to take that responsibility I want them to take it.

Mr. NORRIS. I would not hesitate to kill the bill if I could. I have always said I would be glad to kill it if I could. But the fact is that most of the time has been taken up by those who favor the bill. I do not know that I am going to be able to kill the bill; I do not know that I am even going to talk at all on it; but I object to having the debate run on for a couple of days by those who are in favor of the bill and then an effort be made to gag those who are opposed to it. I am within my right in objecting, and I do object to a limitation of any kind.

Mr. HITCHCOCK. Then I will ask unanimous consent that at midnight to-night the Senate shall proceed to the consideration of the bill and all amendments thereto, and all amendments that may be offered or pending through the regular parliamentary stages, without further debate.

Mr. NORRIS. I make the point of order that that request must be submitted in writing.

Mr. SMITH of Georgia. Mr. President——

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

Mr. HITCHCOCK. I do.

Mr. SMITH of Georgia. The desire for such a consent is submitted to the Senate informally to find out if any Senator will object. It is unnecessary to put it in writing and call the roll if some one present objects. If some one objects, that ends it, and we go on with the measure. I think it is entirely proper to make the preliminary inquiry. I take it for granted that any Senator present who intended to object would be courteous enough to the Senator making the request to tell him so now.

Mr. NORRIS. Certainly; I have said that. If the Senators who are in favor of the bill want to filibuster—I think they have taken up time enough—I can not consent to the unanimous consent.

The PRESIDENT pro tempore. The Chair will state that the rule requires that in the case of a time fixed for a final vote, as in the request made by the Senator from Nebraska, the roll shall be called. Heretofore the requests made have not required a roll call under the rule, as the Chair understands.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. HITCHCOCK. I do for a moment.

Mr. GRONNA. I will say to the Senator from Georgia that it is hardly fair that it should not be done in regular form, when a unanimous-consent agreement is requested. We do not know that we have a quorum here, Mr. President, and it requires a calling of the roll to ascertain that fact. There are Senators absent now who perhaps would object.

Mr. SMITH of Georgia. I agree with the Senator from North Dakota about that, but the inquiry would be made informally to ascertain if Senators who are present object.

Mr. GRONNA. But those present could not answer for those who are absent.

Mr. SMITH of Georgia. But if Senators present should object, it would be useless to call the roll, for the matter would then be ended.

Mr. SUTHERLAND. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SUTHERLAND. It was stated a moment ago, I think by the Senator from Nebraska, that under the rules it is necessary that a request for unanimous consent should be submitted in writing. I do not understand that there is any such rule as that; but I understand that before a request for unanimous consent can be put the roll must be called.

The PRESIDENT pro tempore. For the final vote.

Mr. SUTHERLAND. For a quorum. I ask the Chair whether the rule is that the request must be made in writing?

The PRESIDENT pro tempore. The Chair is trying to ascertain. There is a rule of the Senate which requires, on request of the Chair, that a motion shall be reduced to writing. The Chair does not at this moment recall exactly what rule it is.

Mr. SUTHERLAND. I have the rule to which I refer.

The PRESIDENT pro tempore. The Chair would be glad to have the Senator read it.

Mr. SUTHERLAND. The rule is:

> 3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

That is the rule in reference to obtaining unanimous consent.

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

The PRESIDENT pro tempore. The Senator from Utah will find in another rule some reference to occasions when motions must be reduced to writing. It is not in that rule, but the Chair does not recall the number of the rule he has in mind.

Mr. SUTHERLAND. But there is no requirement under the rules of the Senate that a Senator can not make a request for unanimous consent until he submits it in writing.

The PRESIDENT pro tempore. The Chair thinks the Senator is correct.

Mr. NORRIS. Mr. President, let me submit a parliamentary inquiry to the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield, and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from North Dakota.

Mr. GRONNA. I desire to ask the Senator from Utah if he knows of any instance where a unanimous-consent agreement has been made to vote upon a measure, except it has been made in writing?

Mr. SUTHERLAND. Oh, Mr. President, the practice is perfectly well settled. A Senator rises in his place, and there makes a request for unanimous consent. That is stated at the desk. The Secretary usually reduces it to writing and reads it to the Senate, but there is no requirement in the rule that that shall be done. It is merely the practice of the Senate to do that.

Mr. NORRIS. Now, Mr. President——

Mr. SUTHERLAND. Just a moment.

Mr. President, the Senator from North Dakota says that it is necessary to call the roll because there may be some Senator who is not present who would object to the unanimous-consent agreement. It is a perfectly useless proceeding to do that, if there is a Senator present who is going to object. The practice in the past has been that a Senator would rise and make his request for unanimous consent, and it would be inquired as to whether or not any Senator would object to it. If it appeared that objection would be made, the calling of the roll would be a useless formality, and it has never been indulged in.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. If the Senator from Nebraska will suspend a moment, the Chair calls the attention of the Senator from Utah to Rule XXI in regard to the reduction of motions to writing, which is as follows:

> 1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

That is the only rule on the subject of which the Chair knows.

Mr. SUTHERLAND. But this is not a motion.

The PRESIDENT pro tempore. That is true.

Mr. SUTHERLAND. It is a request for unanimous consent.

The PRESIDENT pro tempore. That is the only rule of which the Chair has knowledge about the reduction of motions to writing.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. I yield for a question.

Mr. NORRIS. I want to ask the Senator a question. I ask if the rule read by the Senator from Utah [Mr. SUTHERLAND] does not, on its face, specifically declare that no request for unanimous consent shall be submitted by the Chair until the roll has been called?

Mr. SUTHERLAND. Oh, yes, Mr. President.

Mr. NORRIS. I have not objected to the informal request which has been made.

Mr. HITCHCOCK. Mr. President, I can not yield any further for this discussion.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HITCHCOCK. I wish now to once more make my request, and for the roll call to demonstrate just who it is that objects to the consideration of this bill.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me?

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

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

Mr. SMITH of Georgia. I wish to make this suggestion to the Senator: The object of the oral inquiry is to ascertain whether or not there is any time which would be agreeable to

all the Senators present for a unanimous consent to vote on a measure. When that is done orally it is done before the formal request is made, in order that the views of Senators may be ascertained and that, if possible, the formal request shall be one which will meet with unanimous consent. It does seem to me that the Senators would answer the Senator from Nebraska informally, as we always do on such occasions, if there is no time they are willing to fix for a vote.

Mr. NORRIS. Will the Senator yield to me?

Mr. SMITH of Georgia. Yes.

Mr. NORRIS. I have tried to do that.

The PRESIDENT pro tempore. The senior Senator from Nebraska has the floor. Does he yield to his colleague?

Mr. HITCHCOCK. I yielded merely to the Senator from Georgia.

Mr. CLARK. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. I understand the Senator from Nebraska [Mr. HITCHCOCK] has made a request for unanimous consent.

Mr. HITCHCOCK. I have not yet made it.

Mr. CLARK. I thought the Senator had.

Mr. HITCHCOCK. I suggested it, but there was objection. Now, I wish to phrase it in a different way.

Mr. President, I ask unanimous consent that at not later than 3 o'clock on Sunday morning the Senate will proceed to vote upon the pending bill and all amendments thereto then pending, and all amendments that may be offered through all the parliamentary stages to the final disposition of the bill, and that between the present hour and the hour at which this unanimous-consent agreement will go into effect, the time shall be divided, two-thirds upon the other side of the House and one-third on this side of the House.

Mr. CLARK. Mr. President, I think upon reflection the Senator from Nebraska will not want the request put in that form. I think he will hesitate to divide the votes upon this question upon party lines.

Mr. HITCHCOCK. I accept the suggestion of the Senator from Wyoming.

Mr. CLARK. Therefore, I hope the Senator will withdraw that part of the proposition.

Mr. HITCHCOCK. I ask that two-thirds of the time be accorded to opponents of the bill and one-third to the advocates of the bill.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. CUMMINS. In view of the statement made a few moments ago by the Senator from Nebraska, and in view of the unanimous-consent agreement which is now asked, I think it is only fair to some of us to say that personally I have never filibustered for one moment in this Chamber. I do not intend to do so now. I am opposed to the bill as it is; but I hope to secure a modification of it, so that I may be able to vote for it. There are, I think, a dozen Senators, at any rate, who want to speak upon the question. It is a vital, important question, and no man can deal with it in 15 minutes or within such time as has been suggested.

I for one, Mr. President, will not be willing to give my consent to an agreement to vote upon the bill at 3 o'clock to-morrow morning in the present situation. I want to know, before I give my consent to it, that those who have a desire to speak upon it shall have an opportunity to do so; and I do not know whether I would have, or whether others who desire to speak upon it would have, such an opportunity. Therefore, in harmony with the statement made by the Senator from Georgia [Mr. SMITH], which I think is in accordance with our usual practice, I say to the Senator from Nebraska that the calling of the roll is now unnecessary, because I will object to the request for unanimous consent which he has now asked.

Mr. HITCHCOCK. Mr. President, would the Senator object if it were provided that debate should continue until 4 o'clock in the morning?

Mr. CUMMINS. Mr. President, I think that the present is not an appropriate or apt time to ask for a unanimous-consent agreement. I think that the debate upon the matter must be developed first, and that we must be able to see with moderate clearness the end of the debate before we enter into a unanimous-consent agreement.

Mr. HITCHCOCK. Then, I will modify the request so that all of the time between now and 3 o'clock in the morning may be given to the opponents of the bill.

Mr. CUMMINS. Mr. President, from my point of view, that is very objectionable. That is treating the matter as though there are certain Senators who propose to vote for the bill no matter what may be said in the meanwhile. That may be true in fact; but if true, it is unfortunate. If we are to have debate upon the question, I think it ought to be conducted in the usual way, and we ought to assume, at least, that there are open minds, both upon the part of those who are opposed to the bill in its present form, as well as upon the part of those who are in favor of it in its present form.

Mr. HITCHCOCK. Would the Senator consent if 10 hours' time for speeches by those opposed to the bill were accorded?

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. WEEKS. The Senator from Nebraska must know that he is wasting his time. Personally, I am going to vote for the bill in the best form in which it can appear when a vote is taken, and I am not going to speak, because I have no desire to delay action; but I saw a list of those who were going to speak this morning, and there were at least six or eight Senators in favor of the bill who desired to speak. I do not know whether it is their intention to speak now or not; but the Senator from Nebraska has no right to ask that all the time be given to those opposed to the bill, for I am confident that two or three Senators who are in favor of the bill intend to address the Senate upon the subject; and it comes with poor grace, Mr. President, to discuss a filibuster and try to put the responsibility of filibustering on Senators on this side of the Chamber, when the leader of the majority has spoken four and a half hours this afternoon. If the Senator from Nebraska——

Mr. LEA of Tennessee. I rise to a point of order.

Mr. WEEKS. If the Senator from Nebraska will let this measure go on and be discussed in a reasonable way until midnight, it is possible he may reach some conclusion; but it must be apparent——

Mr. LEA of Tennessee. I rise to a point of order.

Mr. WEEKS. It must be apparent that he is delaying action now and preventing the passage of the bill.

Mr. LEA of Tennessee. Mr. President, I rise to a point of order, which is that after the request for unanimous consent is made the calling of the roll is the only thing in order.

Mr. HITCHCOCK. I have been modifying my request and have not yet got it in the form in which I desire to present it.

The PRESIDENT pro tempore. The Chair must sustain the point of order. The Chair has been following the universal custom of the Senate in permitting negotiations as to the unanimous-consent agreement.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SUTHERLAND. Will the Chair hear a word about that? As I understand, the rule is not as the Chair stated it. The rule is, that when a request is made for unanimous consent it shall not be "submitted" until the roll is called; the Chair can not submit it for action by the Senate until the roll is called; but there is nothing to prevent an interchange of views before the matter is submitted. That is the precise language of the rule.

Mr. HITCHCOCK. Mr. President, in reply to what the Senator from Massachusetts [Mr. WEEKS] has said, I believe I can say definitely that those who favor this bill are sufficiently in favor of it to take a vote without further remarks on the subject.

Mr. LANE. Mr. President——

Mr. HITCHCOCK. They fear that a systematic filibuster has been inaugurated here for the purpose of defeating the bill, and all that they ask is an opportunity to vote.

Mr. WEEKS. Mr. President, the Senator from Nebraska can not say any such thing with any assurance that it is within the facts. I have talked within five minutes with a Senator who expects to address the Senate on this measure, and who is in favor of it. The Senator from Nebraska has not seen him since I have.

Mr. HITCHCOCK. I should like to hear from any Senator who favors the bill——

Mr. WEEKS. The Senator to whom I refer is not on the floor of the Senate now.

Mr. LANE. Mr. President, I want to say—and I think I have the right to be heard—that the tone adopted in presenting this matter to the Senate is an insult to every Senator in it——

The PRESIDENT pro tempore. The Senator must address the Chair.

Mr. LANE. Mr. President——

Mr. HITCHCOCK. I decline to yield further to the Senator.

Mr. LANE. I think the Senator will find it wiser——

Mr. HITCHCOCK. I decline to yield further to the Senator.

The PRESIDENT pro tempore. The Senator from Nebraska declines to yield further.

Mr. LANE. The Senator is not making any friends for the bill by impugning the motives of Senators or by refusing them leave to be heard, and I resent it.

Mr. HITCHCOCK. Mr. President——

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

Mr. HITCHCOCK. Mr. President, having tested out the sentiment of those who are opposed to this bill at this time, I shall for the present abandon the effort to secure unanimous consent.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri.

Mr. LANE. Mr. President, I desire to call attention to the unkind little remark just made by the Senator from Nebraska. There are plenty of Senators here who want to get through with this bill, and I am one of them. I have an admiration for the President, and I am going to support him to the limit in his efforts to keep this country at peace. If this bill will do that, I am with him. For the pseudo chairman of the committee, or the Senator who is acting in the place of the chairman of the committee, the Senator from Missouri, to state that he intends to test the position of all Senators out before the question has been discussed by them is unfair. We have had too much of those tactics in the management of the affairs of the people in the Senate. I think all Senators ought to be given credit for just as much decency and desire for securing the enactment of a good measure as the acting chairman of the committee.

We went through a performance yesterday in connection with another bill, where the time by agreement had been limited to a certain hour, and all the time was taken up in the discussion of amendments put in by the friends of the bill, while others who wished to be heard, not at length but briefly, were excluded, and as a result the bill was returned with a rebuke from the House for glaring errors contained in it. A Senator rises in the Senate, with his face wreathed in smiles, and states that he would like to secure a unanimous-consent agreement. Another Senator starts to protest, when the Senator who makes the request unctuously hopes the Senator will not "object," urging that we will get through quicker and everything will be attended to, and then, as soon as the humbug agreement is entered into, the gentleman who sought it follows right along after it and gets both feet in the trough, and nobody else gets in a word upon important matters.

Mr. WILLIAMS. Mr. President——

Mr. LANE. I do not wish to reflect on anyone in any unkindly way, but the practice is getting to be a bit outworn. I have ceased to like it.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. LANE. I yield.

Mr. WILLIAMS. I want to say to the Senator from Oregon that he has mistaken the observation made by the Senator from Nebraska.

Mr. LANE. I hope I was mistaken.

Mr. WILLIAMS. He did not say that he had tested out anything except the willingness of those in opposition to the bill to grant any unanimous consent at all at this time. Having sufficiently developed that question to satisfy his own mind, he desists for the present from the effort.

Mr. LANE. I was referring, Mr. President, to a remark which the Senator from Nebraska made earlier in the discussion. I think I am right about it.

Mr. WILLIAMS. Undoubtedly what the Senator from Nebraska said has been fully justified.

Mr. SUTHERLAND. Mr. President, I had intended to discuss this bill briefly, and had made some notes which I have before me for that purpose. This Congress will adjourn finally within 18 hours from this moment, however; and it is perfectly evident that to make speeches upon this bill at this late hour in the session is to jeopardize it.

I am a friend of the bill. I think it ought to pass. I have more confidence in the President of the United States than some of the Senators upon this floor who belong to his party seem to have. I think the President of the United States can be depended upon to administer with discretion any power which the Congress may vest in him in this matter.

The situation is very serious but very simple. We have locked up in the ports of the United States a large proportion of the merchant shipping of the United States. That is a condition which is intolerable. It is a condition which no real American can look upon with complacency; and yet they are locked up there under a threat that if they go upon the high seas, where they are entitled to go, they will be sunk.

Mr. President, the best remedy for this situation, in my judgment, is to provide for arming those ships in order that they may defend themselves against the unlawful attacks which are threatened to be made by the German submarines. As it seems to me, nothing less than this can be done.

I myself have no doubt that the President has power to do this even if we do not pass this bill. I agree perfectly with the argument that was made here yesterday by the Senator from Montana [Mr. WALSH]; but I think the power of the President to deal with this situation rests upon even broader ground than that stated by that Senator. I have maintained for many years—and I am convinced by further reflection that my view is sound—that there are two classes of powers which can be exercised by the Federal Government. I think there are the constitutional powers and there are the sovereign powers of the Government.

The Constitution is made by the people of the United States for their own affairs. The Constitution constitutes a series of grants to and limitations upon the power of the Federal Government in dealing with internal affairs, in dealing with the several States and with the people of the United States. I think the Constitution of the United States does not limit the sovereign or external powers of the United States to such as are granted. If it did, then this Nation of ours would be less than sovereign. The Constitution does not reach out of the borders of the territory of the United States. It, of course, does not bind any foreign country or any foreign citizens. Whenever Congress or any department of the Government is asked to do something which affects the States or the people of the United States in their internal relations, then authority in affirmative terms, either express or implied, must be found in the Constitution. But when the Federal Government deals with affairs external to the United States it may have recourse to its sovereign powers; and it is not necessary, as I view it, for the Federal Government to find precise authority in the grants of the Constitution for doing those things which affect only external affairs. It will possess the powers, unless prohibited by that instrument. If this were not so we might be confronted with the anomalous condition that certain sovereign powers would be nonexistent in our scheme of government, since power to deal with foreign or external matters can not from their very nature exist in the several States, and therefore can not be among the reserved powers.

Why, Mr. President, we have acquired territory when there was no war and no treaty, and yet there is not a syllable in the Constitution of the United States which authorizes the Federal Government to acquire territory. We acquired Louisiana as the result of a treaty, and it may be said that that can be referred to the treaty-making power of the United States. We have acquired other territory as the result of a war or of a treaty; but we passed a law in Congress some years ago which provided that whenever a citizen of the United States had discovered an island valuable for its deposits of guano or other substances the President of the United States might declare that that territory appertained to the United States, and it thereupon became territory and property of the United States. That statute was before the Supreme Court of the United States in a murder case, a case where the life of an individual was at stake. A homicide occurred upon one of these islands, and the person responsible for it was brought to the United States for trial; and the question was raised in that case as to whether or not the statute under which this was made territory of the United States was valid under the Constitution. The Supreme Court of the United States sustained the verdict of guilty in that case and a judgment sentencing the defendant to death; and they put their decision wholly upon the ground that under the rules of international law, without the slightest reference to the Constitution, a sovereign nation, as a sovereign right, might acquire territory. Now, that can not be referred to any other rule than the rule which permits a sovereign nation to exercise sovereign powers.

I said a moment ago that if that were not so, this Nation would be less than sovereign, and it would. If this is a sovereign Nation, in dealing with external matters it has every right and every power that any other nation in the world has, because nations are equal in the eyes of international law; and if there is some sovereign right or some sovereign power in such matters that this Nation does not have, then it is less than sovereign.

Is there any doubt that every sovereign nation has the inherent right to protect its territory and its people? An American ship is territory of the United States—not, perhaps, in the same broad sense that land is, but it is territory; so that if a child is born upon an American ship upon the high seas, that child is a citizen of the United States. If a will is made on board an American ship upon the high seas, it is a will which is to be construed according to American, and

not according to some foreign, law. So an American ship is American territory, and may be defended as completely as if it were the soil of the United States. Can there be any doubt that the President, as the repository of the executive power, has the right to protect the soil of the United States from invasion? If he has a right to do that, he has a right to protect a merchant ship of the United States from an attack which is the equivalent of invasion.

So that, while I shall not attempt to elaborate upon the matter, because it would take altogether too much time, I have no doubt as to the power of the President of the United States to arm these ships and to protect our citizens by resort to force, if that be necessary. But, notwithstanding the fact that the President may do this without the authority of Congress, he has asked the authority of Congress; and, I think, this is a time when all Americans ought to present a united front. They ought to let it be known by the world that, in a matter which concerns the protection of our soil and our ships and our citizens, we stand together, and that we stand behind the President of the United States.

I think it would be a crying shame if this piece of legislation were to fail. It would be misconstrued abroad, without any doubt. It would be said that the Senate of the United States had refused to give the President the authority he had asked, and would weaken his hands in dealing with the matter in the future.

I am not afraid of the result, whatever it may be. I believe that we ought to stand for rights so important and vital and maintain them, even if in doing so it leads to war.

I hate war and I love peace quite as much as does the senior Senator from Missouri [Mr. STONE], but I want it to be the peace of courage and honor and self-respect, and not the peace of cowardice and craven surrender.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The bill is in Committee of the Whole. The question is on the amendment of the Senator from Missouri [Mr. STONE].

Mr. CLARK. Mr. President, I think before taking this vote we should have a quorum. Therefore I suggest the absence of a quorum.

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

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

Ashurst	Hughes	Norris	Smith, Ga.
Brady	Husting	O'Gorman	Smith, Md.
Brandegee	James	Overman	Smith, Mich.
Broussard	Johnson, Me.	Page	Smith, S. C.
Catron	Johnson, S. Dak.	Penrose	Sterling
Chilton	Jones	Phelan	Stone
Clapp	Kenyon	Pittman	Sutherland
Clark	La Follette	Pomerene	Swanson
Cummins	Lane	Ransdell	Thomas
Curtis	Lea, Tenn.	Reed	Tillman
Fall	Lee, Md.	Robinson	Townsend
Fernald	Lewis	Saulsbury	Wadsworth
Fletcher	Lodge	Shafroth	Warren
Gronna	McLean	Sheppard	Watson
Harding	Martin, Va.	Sherman	Weeks
Hitchcock	Martine, N. J.	Shields	Williams
Hollis	Newlands	Simmons	

Mr. JAMES. I desire to state that my colleague [Mr. BECKHAM] is detained from the Senate on account of illness in his family.

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, I do not assume that I take my responsibilities here any more seriously than other Senators; yet I regret that a question of this character, a measure of this importance, a proposition that may lead to such far-reaching and tremendous consequences to the people of this country, should be treated in the way that the last demonstration on the floor would indicate that it is to be treated. We had the suggestion made here a few moments ago that this measure should be voted upon without consideration, without discussion. The suggestion was thrown out that Senators on the floor were disposed to filibuster against it simply because some might desire to discuss it. No one can say, with any basis for it, that there has been any so-called filibuster against this measure or any unusual, unnecessary, or uncalled-for debate on this measure.

Mr. JAMES. Will the Senator yield?

Mr. JONES. No; I can not yield.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. JAMES. That is all right; I thought perhaps he would not under the circumstances.

Mr. JONES. The Senator would consume considerable time and would probably aid in the apparent filibuster that seems to have been carried on by those who profess to be friends of the bill. The Senator in charge of it wasted half an hour's time, that anybody might have known would be wasted, in trying to reach an agreement to limit debate and to vote. It simply illustrates the method by which those in charge of the measures during this Congress have handled them heretofore, and which has resulted in the congestion of business, and now they are trying to throw off the blame on somebody else.

I note in the afternoon's paper a suggestion that if this bill should fail or certain other bills should fail, and if the Army appropriation bill fails, as the paper says, "in the jam at the close of Congress to-morrow the President will absolve himself of any responsibility and will charge that responsibility to Republicans and pacifist Democrats, who, the White House charges, held up these measures in an effort to force the President to call an extra session."

I hope there is not any truth in that. I hope that the President of the United States is not endeavoring to drive the Congress to do things. I hope that the President of the United States, because certain measures do not pass, does not feel impelled to charge any Member of Congress with deliberately preventing the passage of such measures. We have our responsibilities, and it is not for the Executive to question the sincerity with which we discharge them.

For instance, Mr. President, take the sundry civil appropriation bill that is not likely to be passed, a bill carrying $138,000,000. It passed the House of Representatives on the 28th day of February and was reported to the United States Senate from our committee on the 1st day of March. What consideration was given to that measure by the committee? None. It could not give any; it did not have time to do it. The members of the committee know that they did not have time to do it. No charge at any rate can be laid to the door of the Senate for the delay with reference to that measure. No one will say that that bill has been purposely delayed. As a matter of fact, the Executive has been urging so many measures and has been so interfering with the business of Congress by urging measures that could not pass that necessary measures have been delayed most seriously.

The measure that we now have under consideration was not laid before this Senate until after midnight last night. And yet now, forsooth, because some Senators desire to discuss it and desire to discuss the possible results that may come from it, it is charged that they are filibustering.

Mr. President, if there ever was a measure that ought to be discussed in this Senate it is the measure that we have now before us. In my judgment, no such momentous question has been presented to the American Congress since the breaking out of the Civil War, and yet it is urged that it must be passed without discussion. Senators who in good faith, in the discharge of their duties as Senators, desire to discuss it are charged with trying to delay the passage of the measure. Why? Apparently simply for the sake of passing it. It has been suggested that strong-arm methods are going to be used to pass a bill to hurry us into war. Ah, Mr. President, the people of this country do not want legislation of this character considered in this way or disposed of by any extraordinary methods, and it will be a sorry day for this Republic when, for the sake of passing legislation, we must use revolutionary methods in order to get it through; and it is a sad day for this Republic when legislation affecting the peace of this people must be passed by Senators refraining from expressing their views with reference to it, simply to get it through in a certain time. Are we in a hurry to get into war? Are we for the sake of an easy summer or to comply with the will of the Executive to stifle our views and give up our convictions and constitutional prerogatives?

There are some things with relation to this matter—but I do not know whether I ought to state them. It ought to be considered in a broad way, and yet there are one or two suggestions that I am going to make.

What is the plea that is made? What is the character of telegrams that come? It is "Stand by the President." I have always taken the position that on matters of this character, in controversies with foreign countries, I will stand by my country whenever it acts, whether it is right or wrong. I have taken the position with reference to the acts of the President that whenever the President acts within his constitutional authority I will stand by that act, whether I agree with it or not, because it is the act of my country. I have taken that position in political campaigns. I took that position with reference to his action some time ago, because, while I did not agree with the wisdom of the action taken, I considered that he acted within his authority, and therefore his acts became the acts of my Government, and I will stand by them. In connection with this matter, whenever my country acts through its proper agencies I propose to stand by it. When the majority of this Senate

acts on this matter I will stand by it as the act of my country whether it accords with my views or not.

The President does not seem to manifest any particular desire to stand by Congress. He ought to do so when we act within our power, just as we should stand by him within his powers. He does not do it. He does not seem to want to do it. Instead, we are to be compelled to do things. We are to be forced to pass laws and we are to be charged with a lack of patriotism if we do not do just as somebody wants us to do, just as we are told or asked to do.

There have been several cases during this Congress when matters were proposed here in the Senate that it was charged were infringements upon the Executive authority and we were urged not to take the action because of that. Then we have been asked to do things that it is said the Executive has full power and authority to do. The President, in his message to Congress a few days ago, said that the authority he was asking he already had. If he has that authority, I do not think he should have come to Congress and asked us to give him authority that he already has. It should have been assumed that we would stand by his acts dealing with foreign countries. I would stand by him in his action upon any proposition within his authority. I do not believe that the President has the authority that this act confers upon him. I think he needs the passage of this act or something like it in order that he may do what it proposes he shall have the authority to do.

I am willing to do whatever the Congress considers it ought to do, but I think that the responsibility now is ours. I do not want to shirk any responsibility. If we are confronted by a situation that requires legislation by Congress, then Congress ought to act and it ought to discharge its duty, it ought to discharge its responsibility, it ought not to try to shirk it or to throw it off on somebody else, even though somebody else may ask that it shall do it. It should not take the judgment of the President without question.

I want to stand by the President; I will stand by the President; but above all else I want to stand by my country and the Constitution of the United States and the laws of the land. Surely the people of this country do not want Congress to shirk any responsibility or throw off any of its duties upon the President of the United States. The President of the United States has plenty to do. He has many responsibilities. They are great and wearing. I want to help him in every way that I can. Why is it that we must pass this legislation by 12 o'clock to-morrow? Why is that important? The only possible reason that can be given is that we may get away from here; that Congress need not continue in session; that Senators and Representatives may go home. Ah, Mr. President, the people of the country do not want a Congress which in order to get home will shirk its duties and responsibilities and throw them onto somebody else. The strange thing to me is that the President of the United States seems to want Congress to get away from here. The strange thing to me is that the President does not seem to want the assistance and the aid and the counsel and the help of Congress, of the Senators and Representatives.

I have heard it suggested that teamwork was necessary, and that to get things done efficiently there should be teamwork. If there ever was a time in the history of this country when there should be teamwork between the President of the United States and Senators and Representatives of the Congress, this is the time. Is it possible that the Executive does not need our help? Is it possible that he does not need our counsel? Is it possible that he does not have any confidence in our patriotism? Is it possible that he does not have any belief in our ability? Is it possible that he thinks he can do better by himself in these trying times? Is it possible that he thinks he can handle this situation better, more patriotically, if the Congress were away than if we were here? Oh, Mr. President, it is hard for me to believe it, and yet I am almost forced to that conclusion from what has taken place here in connection with this measure.

This is the time, Mr. President, when the President of the United States should have everybody assisting him, counseling with him, and helping him to carry the country through these times of trouble and of danger. These are times when the solution of these questions and the destinies of this country and the peace of this people should not be left to one weak mortal, however great in ability or strong in intellect or intense in patriotism. Counsel, help, and cooperation should be sought and not shunned.

Mr. President, I shall do nothing to force an extra session of Congress, and yet I believe that it would be for the best interests of the country if Congress should stay here this summer and stand by the President in anything he may need or want in this trying time. I am willing to stay here; I think others are willing to stay here; and I believe that the people of this country would feel easier if they knew that Congress was here; that it was organized; that it was ready to act upon any demand or request or suggestion of the President in meeting the emergencies and the critical situations that are very likely to present themselves.

Mr. President, I hear Senators on this floor say, "I have confidence in the President, and I am willing to do whatever he asks." Well, Mr. President, that may be all right; I have confidence in the President; I have the utmost confidence in his patriotism, in his good intentions, in his great ability; but I have taken my oath as a Senator of the United States to stand by the Constitution and the laws of the country, and I feel that I have a responsibility and a duty to discharge and that, while I should give most careful and thoughtful and considerate attention to the requests or suggestions of the President, I will not comply with those requests simply because he made them or simply because I have confidence in his ability and in his patriotism and in his wisdom. I feel that upon the proposed legislation that is now here the responsibility is mine as to the action I take in this Chamber, and, while I want to be in accord with the President, especially upon matters of this kind, where there should be no suggestion of partisanship, where there should be no intimation upon this floor or elsewhere that any Senator is moved by any other motive than that of patriotism and devotion to the country and the good of his people, and we should here feel that every man is an American citizen, an American patriot, and an American representative in the best and highest sense of the term, and I conceive it nothing short of an insult for anyone on this floor or elsewhere to suggest or to intimate otherwise. I will not shirk my duty or try to place the responsibility upon some one else.

Mr. President, the passage of this measure should not be hurried. Every Senator should be left to do what he conceives to be his duty as a patriot. The responsibility is his. Let him account to his constituency, the people whom he represents, for the way in which he discharges his duty here.

I charge no one with desiring to get this country into war; I do not believe that there is a Senator on this floor who desires war. We may differ as to what we think ought to be our course with reference to this situation and to that situation; some Senators may look upon this situation in one way and some in another; some may think that one course should be taken and some may think that another should be taken; but I believe that every Senator is actuated by the highest motives and the purest patriotism.

Mr. President, as I have said, I think this is the most momentous question that has confronted our people and the Congress of the United States since 1861. The question of war with Spain, at the time it came up and under the circumstances that confronted us, was not of great seriousness. There was no doubt as to the outcome; there was not very much question as to the character of the battles that we might have to fight, or any doubt as to the result of those battles. There is not very much doubt in my mind as to what the outcome might be if we should get into this controversy; but, Mr. President, when the war with Spain began no one thought of the far-reaching consequences of that war, and one of the greatest problems that confronts us to-day grows out of the Spanish-American War. What the final outcome may be in connection with the Philippine Islands, the questions growing out of them, and the effect of them upon the destinies of this country, no one can say. So, Mr. President, if we do get into this war no one can tell where it will lead or what questions for the future will confront us by reason of our getting into it. We do not want to get into it. The people of this country do not want to get into it.

Ah, Mr. President, it has been said that the election last fall was determined upon the basis of the cry, "He kept us out of war." That is true, and yet what must the crowd who have gathered here in this Capital to view the inauguration of the man who was elected because "he kept us out of war" think when they learn that Congress in its closing hours is being urged and commanded to grant his request to pass legislation that the leader of his party, on this floor, says means war and will lead to war, and that some confidently claim is a declaration of war?

Why, Mr. President, one of the great Senators on this floor this afternoon in supporting this measure said that it is a declaration of limited war. That is the legislation we are urged to pass without discussion; that is the character of legislation that Senators are denounced for discussing simply forsooth because they have confidence in the President or because they hope to avoid an extra session of Congress and get us away from here. Ah, Mr. President, that is not the way to

consider legislation of such tremendous importance and of such far-reaching consequences as this.

I do not claim to know much about international law; I have not given it any special consideration; I am not a member of any of the committees having charge of such questions. My time has been taken upon other committees and with other character of committee work, and I have had to depend for my information largely upon those who have given these questions special study. I have had to take my information largely from those who are especially qualified to speak upon these questions; and yet what do I find? I find a great difference of opinion as to what can be done under this legislation and what can not be done under it and what it means. One Senator contends that, if the Government puts its guns and sailors on board these ships they will lose their merchant character and become naval auxiliaries. If that is true, Mr. President, what do we gain by action of that kind? Is it possible that we are going to use naval auxiliaries to carry the products of this country, whether ammunition or otherwise, to belligerent countries across the sea? Is that neutrality? Is it even armed neutrality? If that is a true view this act is a declaration of war. Well, it does not seem to me that we should do that; it does not seem to me that that is common sense. What does the Senator to whom I have referred say about it? He says it would be an act of war.

In this connection, I desire to read what the leader of the minority on the Foreign Relations Committee says about it, a man of the widest learning, of the greatest ability, and of almost unsurpassed experience in connection with matters of this kind, and a Republican who appeals to us to vote for this legislation because he has confidence in the President. He has no more confidence in the President than I have, but apparently he looks at the discharge of his responsibilities as a Member of the Senate in a little different way than I do. He may be right and I may be wrong; but I have to account to my constituents for my acts, and not for his. What does he say about putting Government guns and Government men upon these ships? He says, at page 5292 of the RECORD, that he proposes to take up the amendment offered by the Senator from Missouri [Mr. STONE], the Democratic chairman of the Foreign Relations Committee, a man who, because of his ability, learning, experience, and patriotism, fills with honor the high position of chairman of the Foreign Relations Committee, a man who ought to be closer to the President in these trying times than any other man in this body, who has proposed an amendment to this bill to prohibit the arming of ships carrying munitions of war. Now, he evidently believes that we ought to put that in this legislation; he evidently thinks that if we do not do so the Government of the United States may put Government guns and Government sailors upon ships carrying munitions of war. The learned and able Senator from Massachusetts says that that, in effect, would be an insult to the President that he does not want to countenance. I do not, either. Neither does the Senator from Missouri desire to countenance an insult to the President. But there can not be any question as to the sincerity of both of these Senators in the views that they hold with reference to this measure.

What does the Senator from Massachusetts say about it?

He says:

> Mr. President, in my opinion for us to arm a vessel loaded with contraband, or to convoy a vessel loaded with contraband, would be—

What?—

> would be an act of war.

Ah, Mr. President, if that is so, if that opinion is right, unless we want to declare war, should we not be careful to see that the legislation which we pass prohibits any act of that character?

> I voted against that amendment in the committee, and it seemed to me going very far to say to the President that he must not commit an act of war. He is as well aware of what constitutes an act of war as we are; and I feel very sure that if the President were ready to make war, and thought the time had come for that action, he would call Congress together if it were not in session, and that in any event he would submit it to Congress. I do not believe for one moment that the President will undertake to make or declare war without the authority of Congress, which is the only constitutional body which can declare war.

Mr. CLAPP. Mr. President——

Mr. JONES. Mr. President, we must not forget what I said a moment ago, that one of the strongest supporters of this bill, one of those who urges most earnestly its passage, declares it is a declaration of war—limited war—and he wants it passed. I yield to the Senator from Minnesota.

Mr. CLAPP. I have been very much surprised to-day and last night to hear Senators express an opinion as to what——

Mr. JONES. Of course I am yielding only for a question—the Senator understands that—under the rule.

Mr. CLAPP. That is what I desire—to ask a question. I have been surprised to hear Senators express an opinion as to what they thought *the* President would do. Is not the real question in passing this law what *a* President might do? We are not dealing with any one man under this bill; we are dealing with a great office and whoever happens to occupy it.

Mr. JONES. Yes, Mr. President, that is true; but it seems to me that the greater question is, What does Congress want done?

Mr. CLAPP. Undoubtedly.

Mr. JONES. And it is for us to say what ought to be done and what shall be done. It is for us to legislate and give to the President whatever power we want him to have, and direct him to do what we want him to do. He is the proper agent to carry out our will, and I am sure he will do it, but he should not ask or expect us to surrender our legislative will to him.

Mr. CLAPP. Certainly.

Mr. JONES. Right in that connection, I just want to call attention to the character of the acts that were read by the Senator from Missouri, passed in 1798. They specified there what they authorized the President to do. That was not very long after the adoption of the Constitution. Those who passed that legislation must have had clearly in mind the discussions in connection with the Constitution. They had clearly in mind the limitations of the power of the President and the authority given to Congress and reserved to Congress, and so they pointed out specifically what they authorized the President to do; and, Mr. President, that is what we ought to do. That is our duty. That is our responsibility. We can not shirk it by saying we have confidence in the President; and, Mr. President, it does not show a want of confidence in the President when we, or some of us, insist that Congress ought to declare what it wants done.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield to the Senator, for a question.

Mr. WORKS. The Senator from Washington says it is the duty of Congress to tell the President what he ought to do.

Mr. JONES. No; what he may do.

Mr. WORKS. What he may do?

Mr. JONES. What we want him to do.

Mr. WORKS. Does not the Senator think, if this is a question of a declaration of war, that Congress should do it itself, and not impose that duty upon the President?

Mr. JONES. That is what I was trying to say. I was very unfortunate in my expression if I did not give that impression. That is what I wanted to say. If we want war, we ought to say so. If we want war declared, we ought to declare it. If we want the President to commit acts of war—to make war—we ought to tell him what we want him to do, and give him the authority to do those things and many others. If we want the President of the United States to arm our ships and send them out to sink submarines, we ought to tell him so.

Right here another thing, Mr. President: The act of 1798 said to the President, "Go out and seize ships," but it did not say, "Seize any ships that unlawfully attack ours." It said, "Seize the ships of France that do so-and-so." And so, Mr. President, if this act is aimed at Germany, let us say so. Do not let us hide under general terms that may mean one thing to one man and something else to another, and that may lead our merchantmen into troubles and dangers that they do not anticipate.

Mr. SUTHERLAND. Mr. President——

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

Mr. JONES. Yes; I yield to the Senator for a question.

Mr. SUTHERLAND. Do I understand the Senator from Washington to say that the act of 1798 authorized the President to seize the ships of France, irrespective of what they had done?

Mr. JONES. Oh, no—no; not at all; not at all; but it did not say to seize the ships of any other country. It said to seize the ships of France. Then, later on, it said, of course, upon what terms that should be done.

Mr. SUTHERLAND. It authorized him to seize the armed ships of France that had committed depredations, or were about to commit depredations, upon American shipping.

Mr. JONES. Yes.

Mr. SUTHERLAND. Well, is there any difference between authorizing the President to seize the ships of a particular country that have committed depredations, and authorizing him to seize any ships that have committed depredations, on American shipping?

Mr. JONES. Mr. President, I will tell the Senator one reason why I say we ought to specify it. The Senator from New Mexico [Mr. FALL]—one of the Senators strongly in favor of this legislation, and who, I think, has well qualified himself for membership upon the Foreign Relations Committee by the special study he has given to these questions—expressed the opinion that this act would not apply to any ships except those of Germany. Now, the Senator may contend otherwise.

Mr. SUTHERLAND. No; I do not. I think the Senator from New Mexico was exactly right.

Mr. JONES. Well, then, why do we not say so?

Mr. SUTHERLAND. I have no objection to saying so.

Mr. JONES. Then there would be no difference between us on this point. I think we ought to say it.

Mr. SUTHERLAND. But I have no objection to voting for the bill as it is——

Mr. JONES. Oh, I know that.

Mr. SUTHERLAND. Because no other country has committed the acts which Germany has committed, and therefore, under the facts, it will not apply to any other country.

Mr. JONES. Ah, Mr. President, this bill does not say anything about any special country having committed acts; but it says the ships of any country making an unlawful attack upon our ships. It holds out to our merchantmen that they will be protected against the unlawful attacks by any country. Mr. President, Germany is not the only country that has closed the high seas to American ships. Great Britain has closed and denied to our ships the right to travel upon certain portions of the high seas. She has not sunk any of our ships. Why? Because they have not gone there. They have not braved her power. That is why, and the only reason why, she has not done it. Why do not our merchant ships insist upon going to Germany?

Mr. STERLING. Mr. President, let me ask the Senator——

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

Mr. JONES. Yes.

Mr. STERLING. I should just like to ask the Senator from Washington if he thinks Great Britain would have sunk the ships of the United States?

Mr. JONES. I do; and I will tell the Senator why.

Mr. STERLING. Have they given any evidence of a disposition of that kind?

Mr. JONES. They have.

Mr. STERLING. Have they during the present war?

Mr. JONES. Not as to our ships, but as to other innocent people, they have shown such a disposition.

Mr. STERLING. Will the Senator mention any of them?

Mr. JONES. I will—I will.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. JONES. Yes.

Mr. NELSON. In every case where the British have seized any neutral ships they have always proceeded according to international law. They have held up the ship, searched it, and if they found what they regarded as contraband goods they would take the goods; but they have not in a single instance sunk a ship. Over 300 Norwegian ships have been——

Mr. JONES. The Senator, I know, does not want to take me off the floor.

Mr. NELSON. All right; I will not.

Mr. JONES. They are enforcing the rule, you know, with reference to this matter. I would myself be glad to yield to the Senator.

Mr. NELSON. I do not want to take the Senator off the floor.

Mr. JONES. I know it; and right there I want to call attention to the fact that in the consideration of a measure of this importance the technical rules of this Senate have been invoked against Members in the discussion of a question of this character. In my judgment, such a course was not only unjustified but uncalled for, and is a serious reflection upon the Senate as a body—that in the consideration of a question that means war or peace a Senator does not dare to allow himself to be interrupted except for a purely perfunctory question. Why, Mr. President, we ought to seek for all the light and all the information that we can get to enable us to reach a wise and a patriotic conclusion. We ought to counsel with each other and exchange views most fully.

Now, Mr. President, as to the questions asked, it may be true that England has not sunk any ships, because she did not have to, because she did not consider it necessary to do so; but I was not referring to the mere question of sinking ships. That is not the only inhumane——

Mr. STERLING. That is the very question I asked——

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

Mr. JONES. Well, I am going to answer the question the Senator asked.

Mr. STERLING (continuing). As to whether England had sunk any ships or not.

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

Mr. JONES. Oh, no; the Senator asked me, as I understood him, whether or not England had done anything like this. I want to say that England has done that which has the same principle in it, and that shows to me that England would do exactly as Germany is doing if she considered it necessary for her self-defense and for her preservation; and I will tell the Senator, and I will tell the Senate, and I will tell the people why I say it.

Greece is not a belligerent power. Greece is not a party to this war. Greece is a neutral, and yet the rights of Greece have been no more regarded by England and France than the rights of the United States have been by Germany—not so much—and the Government of England by its action is starving the innocent people of Greece to-day. Where one American or where one neutral citizen has gone to the deep by reason of the blow of a submarine, which I do not justify or excuse in any way, there has been another innocent woman or an innocent babe or an innocent man sent to his grave by the blockade by England of a neutral country. The same principle is at stake that animated Germany in going through neutral Belgium and that animates Germany in sinking neutral ships. It is the principle that leads the man or the nation that is fighting for his life or preservation to do anything to preserve it, regardless of the rights or the lives of anybody else.

Listen: In the Washington Post of Monday, February 19, I find this news item:

Blockade makes Greeks eat grass, legation says, telling of deaths.

This comes from the Greek Legation. It is not a rumor, it is not a speculation, but it comes from the Greek Legation, telling of the effects of a blockade by England of a neutral country. Germany had to march through Belgium, so she claims. England must starve the Greeks to accomplish her purpose.

Officials of the Greek Legation, in a statement issued here yesterday, say famine is resulting from the entente blockade of the coast of Greece, and the poor classes are living on herbs and grass. The statement follows:

"The Greek Legation has received information to the effect that the results of the blockade of the Greek coasts enforced by the entente allies since December 8 are of the most grewsome character.

"The deaths from starvation have been reported from the Province of Janina, 1 at Laurium, 10 in Acarnania, 2 in the Province of Prevesa, 1 in Eubia, and 1 in Messina. The poor classes have begun to live on herbs and grass."

Mr. REED. Mr. President——

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

Mr. JONES. I yield.

Mr. REED. I will ask the Senator from what is he reading?

Mr. JONES. I am reading from an article in the Washington Post of Monday, February 19, purporting to give a statement from the Greek Legation in this city:

The epidemics of enteritis and dysentery are rapidly spreading in the country.

Notwithstanding the complete execution of the allies' ultimatum, no relaxation of the blockade has been brought about.

Now, listen. It is said that ships have not been sunk. Listen to what this legation says:

Numbers of the fishing boats constantly are sunk or sequestered by the ships enforcing the blockade.

Those are ships of a neutral country, the boats of the poor fishermen that are sunk, and there is no telling how many lives have been lost by the sinking.

Coasting trade between ports of the Kingdom is completely prohibited.

Ah, Mr. President, talk about humanity, talk about inhumanity; it simply illustrates that war is war, it does not make any difference who is waging it; and it also shows that every nation will do whatever is necessary or whatever it considers necessary for its own preservation.

Mr. SUTHERLAND. Mr. President——

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

Mr. JONES. I do.

Mr. SUTHERLAND. Does the Senator from Washington think if all that be true, that England and France have committed outrages upon the Greeks or other neutrals, it should reconcile us to accepting the destruction by Germany of the lives of our women and children?

Mr. JONES. Oh, the Senator ought not to make any suggestion of that kind. He ought to know that I do not think anything of the kind.

Mr. SUTHERLAND. What has this to do with it, then? What has it to do with the question of our resisting the attack of German submarines upon our ships?

Mr. JONES. It was brought out by a question that was asked a moment ago.

Mr. TOWNSEND. Do I understand the Senator from Utah to insist that this legislation applies solely to Germany?

Mr. SUTHERLAND. No; the Senator from Utah does not insist upon any such thing. The Senator from Utah says that, according to the facts—the things that have thus far happened—there is no country upon the globe that can come within the scope of this legislation except Germany.

Mr. JONES. I am just as patriotic as the Senator from Utah. I do not condone the sinking of our ships and destroying the lives of our people any more than he does, and he ought not to make a suggestion of that sort in connection with this argument. It was brought out by a question a moment ago which intimated that England would not do as Germany is doing, that our ships would have the right or could go through this closed zone that she has established without danger. I am simply trying to show that if the necessity required it of her, she would do the same thing that Germany is doing. She has not been put to the necessity because our ships have not gone into the closed zone that she has established. For some reason, I do not know what, the vessels that sailed from New York have not asked or insisted upon going to Germany, as they have a right under international law to do, in the carrying of noncontraband. It seems that the only thing they must do is to go into danger, thereby endangering the peace of their country. It does not show very much patriotism, to say the least of it. Another news item that may be interesting as to the action of Great Britain in her blockade of Greece is the following:

Charge Greeks are starving.
Italians—

One of the allies—

Italians in that country call on Italy to end the allied blockade.
Millions of Greeks are on the verge of starvation from the allied blockade of Greece, a petition from the Italian colony in Greece to the Italian Government states, according to a copy reaching the State Department yesterday.

This is dated February 11.

The petition appeals to the Italian Government to "immediately raise the blockade and liberate from the terrors of starvation millions of innocent victims."
The petition declares the entente has "misinterpreted" the Greek state of mind as being "hostile" to the allied cause, where it is in reality but "indignant at the revolutionary movement against their beloved monarch."

Millions of the peaceful neutral citizens of Greece are being starved to death by the blockade established by the allies for their preservation. They have no more regard for the rights of the neutrals than Germany, when it is necessary, in their opinion, for their preservation.

Ah, Mr. President, if this Government a long time ago had taken a firm and impartial stand against the aggressions of all the belligerents, we would not have been in the trouble we are now. The Senator from Minnesota [Mr. CLAPP] makes to me a very valuable and very interesting suggestion with reference to the situation of the Greeks and with reference to America. It is that the Greeks can not get away from and that the Americans voluntarily go into danger.

I did not expect to speak more than 15 or 20 minutes when I started, and I am sorry that I have taken up so much time. I would not have done so except for the interruptions. I want to notice the bill for just a little while.

Mr. REED. Mr. President——

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

Mr. JONES. I yield for a question. I would gladly yield for any purpose if I could do so.

Mr. REED. The Senator is now giving us his criticism of the bill and of the past conduct of the administration. Before he sits down will he not kindly give us his suggestion as to the remedy?

Mr. JONES. I will. I have not been criticizing the administration. I have not been very favorably impressed with some of the things that have been done in connection with the attempt to force this legislation through. The President came to Congress last Monday. This bill passed the House yesterday. It was called up last night. All the discussion of it has been earnest and legitimate. It is reported that the President will not consent to a change from that sent here and introduced. It is in the language of his address to Congress. He insists on its passage with no change. It is urged that this shall be done. I think the Senate ought to act upon a different basis from a willingness to simply turn things over to the President. I think I am standing by the President better than the Senators who take the other position. Of course, they have a different opinion than that. I want to stay here and stand by the President. I want to stay here and help him out in every way that I can upon this question that affects the whole people, regardless of party. I want to be here as a representative of the people to discharge my duty and my responsibilities. If I can not be of assistance to the President I am satisfied that the Senate can be of assistance, and I am satisfied that the House of Representatives can be. If I can not be, I am satisfied that the Senators on the other side can be of help and assistance, and while the situation that now confronts us continues we ought to be here. I am not seeking, however, to force an extra session. I believe that we would be doing a patriotic thing if we were to do it, if it is necessary in order that the people's representatives in Congress might be here. The people's representatives and the Executive ought to do teamwork, if you please, in behalf of the peace and happiness of our country.

Mr. REED. Mr. President——

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

Mr. JONES. I yield.

Mr. REED. I certainly do not want to misrepresent the Senator, but I understood him to say if we had conducted our foreign affairs correctly, we would not have been in the present situation; that if we long ago had taken the position of insisting upon our rights against all countries, we would have avoided the present unpleasant conditions. I took that to be a criticism. Now, I ask——

Mr. JONES. Mr. President, I intended it as a criticism of the whole Government machinery. I think Congress has made a mistake along those lines and I think the administration has made a mistake, but I do not question the President's patriotism nor his good intentions. I may be mistaken. I have simply expressed my opinion; that is all.

Mr. REED. I asked the Senator for a suggestion before he sat down as to the remedy, as to what we ought to do in this emergency, and I take it from his answer that the only thing he thinks we ought to do is to keep Congress in session.

Mr. JONES. Oh, no; I have not yet sat down.

Mr. REED. I observed with considerable interest that the Senator has not sat down. [Laughter in the galleries.]

Mr. JONES. I thought the Senator might have observed with some trepidation that I had not sat down. I only yielded for a question.

The PRESIDING OFFICER. The Chair admonishes the occupants of the galleries that under the rule which has been invoked and which former occupants of the chair have enforced, manifestations in the galleries are not in order.

Mr. JONES. The Senator does not want to take me off the floor?

Mr. REED. Oh, no; I do not.

The PRESIDING OFFICER. Does the Senator from Missouri desire to ask the Senator from Washington a question?

Mr. REED. Yes.

The PRESIDING OFFICER. Proceed.

Mr. REED. I am asking the Senator if the only suggestion he has for a remedy is to keep the Congress in session, or whether he is prepared to-night to make a suggestion as to what ought to be done?

Mr. JONES. Mr. President, I said a moment ago I was going to take up the bill and make one or two suggestions. I have already suggested—I do not know whether the Senator was here—what I think we ought to do. I repeat that, and say this, that I think Congress ought to say definitely what it wants done. If it wants the President to do some particular thing, we ought to direct him to do it by this legislation, and not simply say to the President, "Do whatever you think it best to meet any emergency that may come up." That is what this bill does. That is what I think we ought *not* to do. What I believe we ought to do is, if we think we want the President to do something, tell him to do it. If we want the President to take our ships and arm them and go out and sink German submarines, let us tell him to do it, and let us make this legislation say to the President, "We authorize and direct you to arm the ships of this country and go out and sink German submarines in the barred zones." If we do not want him to do it, let us not give him authority under which he may assume to do it. If we want him to make war, let us declare war in no uncertain way and furnish him the means to carry it on.

I do not think the President wants to involve us in a war. But the President is human; he does not embody in himself all the wisdom and all the intelligence and all the patriotism of this country. He may make mistakes. I think he has made mistakes in the past. I think he has made very serious mistakes in the past. I think he has made mistakes in the past

that he would not have made if he had counseled fully with the Senate or with the Senators of his own party.

I think, Mr. President, I will point out right here one mistake that I believe he has made, that lies at the very foundation of all our trouble now. We hear a great deal about the *Lusitania.* That was a terrible thing. That was a terrible deed. It shocked the world. It shocked our people. It is a wonder that they maintained themselves as well as they did. They kept their equilibrium as they did, in my judgment, largely because of their horror of war and their intense desire to keep out of this struggle. What was the mistake in connection with the *Lusitania*—an honest mistake, a patriotic mistake, I concede, but nevertheless serious, even though it was a mistake?

Mr. President, when Germany notified our people that she proposed to sink the *Lusitania* and warned American citizens to stay off that ship there was one of two courses that our Government should have taken. Then was the time for prompt, definite, energetic action by the administration; then the President of the United States should have done one of two things: He should have said to American citizens, as he did to American citizens in Mexico, "Keep out of British territory; keep off the British ships; you know your danger; you know that ship is likely to be sunk; you know you are likely to lose your lives; you know you are likely to involve your country in war; keep off that ship; and if you do not, you go there at your own risk"; or else the President should have said to Germany, "Germany, conditions are different here from what they are in Mexico; American citizens have a right to travel on this merchant ship; they have that right under international law; we propose to stand by that right; we propose to maintain them in it; and, Germany, if you sink the *Lusitania* we will hold you strictly responsible for it." And, Mr. President, if he had said that to Germany the *Lusitania* never would have been sunk.

Mr. STERLING. Mr. President——

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

Mr. JONES. Yes.

Mr. STERLING. I should like to ask the Senator from Washington if he will venture an opinion now as to which would have been the better course?

Mr. JONES. Ah, Mr. President, I do not have to venture an opinion as to which would have been the better course. If one or the other of those courses had been taken we would not have been in the situation we now are. If Germany had known that we would hold her responsible the *Lusitania* would not have been sunk.

Mr. STERLING. Mr. President——

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

Mr. JONES. I do.

Mr. STERLING. I will put the question in a little different form. Which course would the Senator from Washington have recommended had he been charged with the responsibility?

Mr. JONES. Ah, Mr. President, it is not necessary for me to answer that now. I will say to the Senator, however, that Germany had a right to assume that we would follow the same policy toward American citizens in British territory that we followed with reference to American citizens in Mexican territory. If we had not told Americans in Mexico to get out of there or that they stayed there at their own risk, Germany would never have assumed to warn American citizens to stay off a British ship that they were going to sink.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Yes; I yield.

Mr. POMERENE. In the judgment of the Senator from Washington, does he not see a difference between Mexico, where there was no responsible government, and Germany or Great Britain, where there was a responsible government?

Mr. JONES. Oh, yes, Mr. President; and that is what I suggested—that the administration should have said to Germany, "You have not the right to treat this as the same situation as in Mexico; we do not propose to follow the same course with reference to this British ship that we did with reference to Mexican territory; and if you sink that ship and an American life is lost, we will hold you responsible for it."

Mr. TOWNSEND. And there was a responsible government in Mexico until Wilson destroyed the government.

Mr. JONES. I am not going to go into the Mexican controversy. I am willing to concede, for the sake of the argument, that there was a different situation there and that the administration would have been justified in saying that there was a different situation there; but the administration did not do it. When Germany gave this notice the administration said nothing; it did nothing; it said nothing to American citizens about staying off the *Lusitania;* it said nothing to Germany about the danger of sinking the *Lusitania,* and nothing was done until after the *Lusitania* was sunk. From that day until this our situation has been getting worse and worse, and I hope that the legislation which we pass may not make it still worse, but I fear it will unless we put in some limitations or make more specific directions.

The responsibility is ours; the duty is ours. We should discharge that duty and we should say what we think ought to be done. Now, as to the particular thing that we say ought to be done, I take it that it is the almost unanimous sentiment here that we should in some way protect our ships carrying goods that are not contraband or that are not munitions of war into any port that is not effectively blockaded under the terms of international law. I confess that I am not prepared to say very definitely just what steps we should take, except that I think we ought to adopt the amendment of the Senator from Missouri [Mr. STONE] to the bill, or that of the Senator from Iowa, and we ought to say to the President—and I do not think we would impeach his integrity or his patriotism or his intelligence in any way by saying to him—"Do not put any guns or American gunners on any ship that leaves our ports carrying munitions of war or articles that international law generally recognizes as contraband." Surely, the President will not object to that. Surely, no one could complain of that. Some Senators claim we could do that properly; others say that would be an act of war. Why not make it certain?

Of course, Mr. President, we know that international law has not a very solid foundation. International law has been torn to shreds during this war by practically all the great powers of the world, except the United States. What international law will be when this conflict ends no man can tell. It will not, however, be what it was before the war commenced unless some of the belligerent powers are absolutely destroyed. We will have to begin almost from the bottom to build up international law again. Again will the great rules for governing the conduct of nations have to be established by the common consent of all the nations of the earth. What they will agree to, no one can tell, but that the rules of international law will be modified greatly I think everyone will concede. The United States can not make international law; the United States can not force international law upon other countries; but the international law of the future will have to be born again, grow and develop, just as international law prior to the breaking out of this conflict was born, brought into existence, and developed for the control of nations so long as they would consent to it.

I would adopt the amendment of the Senator from Missouri, or of the Senator from Iowa, or that of the Senator from North Dakota [Mr. MCCUMBER], and, instead of giving to the President the power to use any and all means that seem to him necessary, I would cut that out; and if there is anything more than arming these ships and manning them with our men and authorizing them to go out without munitions of war that may be deemed necessary by the wise men of the Foreign Relations Committee, that is what I would put in this proposed law; that is the authority that I would declare and direct the President to execute and carry out. Why, Mr. President, the President ought to welcome legislation of that kind. The President ought to be glad to have Congress direct him as to what they want done in this emergency. He ought to welcome the judgment of the Senate, matured and expressed after due deliberation.

Mr. STERLING. Mr. President——

Mr. JONES. Then I would make it plain and definite either that we are to protect American citizens and American ships alone or that we are going to protect American citizens on American ships or any other ships.

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

Mr. JONES. I do.

Mr. STERLING. I merely want to ask the Senator a question in connection with the statement he made a while ago to the effect that almost every nation in the world had violated international law except the United States. If this bill is enacted into law, either the Senate bill or the House bill, conferring upon the President these general powers, does not the Senator think that the President, whoever he is, would be guided by the rules of international law, as the United States has heretofore been so guided, without any infraction of those rules in carrying out the powers conferred?

Mr. JONES. I have not any doubt that the President will do his best to comply with the principles of international law; but, Mr. President, that is not doing the duty of Congress.

Mr. STERLING. We do trust the administration——

Mr. JONES. It is not a question of trust.

Mr. STERLING. We do trust the administration with large discretionary powers in everything, do we not?

Mr. JONES. Oh, yes; but——

Mr. STERLING. And we trust the head of every department with large discretionary powers, do we not?

Mr. JONES. Yes; and that is one of the worst things that we do, and the Senator knows it. The Senator knows that Congress is abdicating its functions and powers day by day and delegating them to bureaus and to executive heads, until we are not able to legislate.

Why, Mr. President, we have been trying for years and years to enact legislation——

Mr. STERLING rose.

Mr. JONES. Wait a moment, please.

Mr. STERLING. Very well.

Mr. JONES. We have been trying for years and years to pass legislation along certain lines for the development of great possibilities in this country in the way of natural resources, but Congress can not act. Why? Primarily because the departments will not let it. Technically we have the power, but they exercise such control over us that we can not do anything unless it is what they want us to do. Ask the Senators from Colorado what the power of the bureaus and departments is. I heard a Senator on the other side of the Chamber just a few days ago denouncing the power and influence of the departments of the Government in controlling and dominating and directing legislation with reference to this body.

Ah, Mr. President, there is a conference report before this body now on the Agricultural appropriation bill. The Senate inserted an amendment in that bill in the interest of the farmers of this country and in the interest of the producers who send their products to the great markets and who receive word after they have shipped their products, "Your products reached here in bad condition." They have no way to dispute that statement. We provided an agency, a governmental agency, by which they would be protected. The amendment went to conference in the bill; but it has gone out. Why? It has gone out because it is said that the Secretary of Agriculture did not want it in.

Mr. STERLING rose.

Mr. JONES. I can not yield now. The Senator can in his own time express his views with reference to these matters.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. JONES. That is the department's view, and that is what we are doing by vesting in the Executive the power to do as he pleases.

Ah, Mr. President, I do not blame the President; I do not blame the department heads; they are human; they want all the power they can get. Give them an inch and they will grasp for a yard. But what I should like to see would be Congress asserting its rights and discharging its duties and legislating as it thinks it ought to legislate. I should like to see it pass the law that it thinks ought to be passed, instead of saying "Be it enacted, and so forth, that the Secretary of Agriculture may, under such rules and regulations as he may prescribe, do whatever he thinks is best for the people of this country." That is the character of much of the legislation that we pass, and that is the practical character of the bill that has been offered here for the solution of this great question that confronts our people.

Mr. President, if we put the amendment of the Senator from Missouri on this bill, if we will make it clear what protection we desire to extend to American citizens, I will stand by it; and if we can not frame it in the way it ought to be framed by noon to-morrow I am willing, much as I should like to get home, to stay here all summer, if it is necessary, to do it right and to help the President in solving this great question; and, as I have said, he ought to welcome our assistance, instead of trying to drive us out of Washington City.

Now, then, there is one suggestion I want to make with reference to this bill. As I understand, it has been amended by the Senator from Nebraska [Mr. HITCHCOCK]. The Senator from Nebraska has offered the Senate bill as a substitute for the House bill, and he has made the last clause in the first paragraph read as follows:

> And that he be, and is hereby, authorized and empowered to protect such ships—

That is, these armed ships of the United States—

> and the citizens of the United States thereon—

He has put in the word "thereon"—

> against unlawful attack in their lawful and peaceful pursuits on the high seas.

Mr. President, I am in favor of that; and yet should we stop there? What has brought about the situation that now confronts us? It has not been the sinking of American ships, with the loss of American lives thereon; it has been the sinking of British ships, with Americans aboard. That is where the trouble has been. That was what brought the trouble on. And yet by this bill and its amendments you do not offer any protection to an American citizen on a British merchant ship—none at all. What are you going to say to them? What do you say to them? Do you say to Americans, "If you are going to ride on British ships, you do it at your own risk; you do it at your own peril. We are not going to protect you"? Is that what you mean? If you do, say so. If Congress means to say that, let it say it; not leave it to implication. Let the American people know whether or not you are going to insist upon their right to travel on belligerent merchant ships. There has been a whole lot of talk about that. There has been a whole lot of controversy in regard to it. Senators on this floor have heretofore insisted upon that right. Are you going to accept that bill as the chairman of the committee having charge of it has proposed it? I do not know what you are going to do. I do not know whether you mean that or not. I do not know whether Congress, if it passes that legislation in the form presented, has said to the American people, "We are not going to assert your right to travel on belligerent ships."

Mr. HARDWICK. Mr. President, will the Senator yield for a minute?

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

Mr. JONES. I do, for a question.

Mr. HARDWICK. I want to ask the Senator if it does not look to him like we are not going to have much opportunity to accept anything?

Mr. JONES. Well, Mr. President, it does look that way. No; I do not mean that. I mean to say that we can have every opportunity to pass whatever legislation we think ought to be passed. Congress can meet on next Monday and go to work, and why should it not?

Mr. HARDWICK. I mean, of course, during the present session.

Mr. JONES. Oh, of course that may be so. As I said, I intended to speak only about 30 minutes when I started. I had no idea of taking so much time.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. JONES. Yes; but I will probably take another hour or two if I am interrupted in this way.

Mr. CHAMBERLAIN. My interruption will be very short.

Mr. JONES. Yes; the Senator's interruption may be short, but the results that come from interruptions are rather extensive sometimes.

Mr. CHAMBERLAIN. As suggested by the Senator from Georgia, as it appears that we are not getting along very fast and are not accomplishing much, I wonder if the Senator will yield while I move to take up the Army appropriation bill for consideration?

Mr. JONES. Why, I will yield in a moment; but if the Senator should try to do that, we would go on wasting time again, and somebody would be charging him with filibustering. The Senator in charge of the bill a while ago wasted half an hour in trying to do what he knew he could not do. I assume that he was filibustering against his own bill.

Mr. CHAMBERLAIN. I will state to the Senator, if he will allow me to interrupt him again, that I have not any desire in the world to filibuster.

Mr. JONES. I know that.

Mr. CHAMBERLAIN. I am very anxious to get that bill disposed of, however.

Mr. JONES. I think I had better not yield to the Senator. He is not asking me a question that I can answer. They are invoking the rule, Senator, and I can not yield. I would like to, mighty well. I hate to be cut off in these interruptions. I like them very much, and I would like to have more of them; but those who are pressing this measure seem to think that it must be passed regardless of its terms, regardless of the effect of it. They say, "You can not yield for interruptions." I know that I could enlighten the Senators very much if they were permitted to ask me some questions and permit us to interchange views; but they will not do it. Those in charge of the bill have decided to invoke the rule of the Senate and not permit us to have these interruptions; so I regret very much indeed that I can not yield to the Senator. Furthermore, I hope that he will not make his motion, because it would be a waste of time. It would simply deprive the Senators who have charge of the bill of some of the time between now and 12 o'clock.

Mr. President, I would like for us to say here whether we are going to maintain the rights of American citizens on belligerent

merchant ships, or whether we are not. In my judgment, if we pass the bill with the word "thereon" in it, we do abandon, at least for the time being, the rights of American citizens on belligerent merchant ships. If that is true, what becomes of all this loud talk we have heard of protecting the rights of American citizens. It means nothing. It is simply to catch the ear and deceive the heart. And, Mr. President, if we do that, I say that I do not really believe then we will have any trouble. If Germany believes that we have said to our people, "If you go on belligerent ships you do it at your own risk; but we will protect you on an American ship," she will not sink an American ship; but, oh, the slaughter that she will make with the British merchant ships will be sickening and terrible! What are going to be the consequences of that? What are going to be the consequences to American citizens? Well, probably they will stay at home until this trouble is over unless they can go in American ships.

Mr. President, I am in favor of maintaining the rights of American citizens. The Government can do nothing else but assert and maintain the rights of American citizens; but I hope and I pray that American citizens will show their patriotism by not insisting upon the right to travel for pleasure or profit now.

Oh, Mr. President, pass this bill—pass it, do what you want done—and you empower the President to go to the homes in this land and take the boys in order to maintain and assert the right of American citizens to travel for profit and for pleasure. Governments have been established to protect and maintain the rights of their individuals. The Government must do it. It may be unjust to many, but it must do it. We can not question the President's act, or his patriotism, or his devotion to the interests of his people when he asserts our rights and calls upon us to maintain them. But, Mr. President, we also have a right to call upon the citizen to do his duty in peace, as we expect him to do it in war; and while my home and every home in this land can be invaded and the first born offered upon the altar of his country to maintain the rights of its citizens, I say that the citizens of this country owe to the Government and to the people the patriotic duty in time of peace to refrain from exercising a technical right or a material right, if you please, that may involve this country in war. If our newspapers, instead of printing great headlines demanding war and predicting war and putting out scare stories of all sorts and character, whether having a basis or not, would put in great headlines, "We appeal to American citizens in this hour of trial and of danger to show their patriotism by not demanding the exercise of the rights which they have under international law, in order that they may not embroil the country in war and involve its homes in sorrow and trouble," then, Mr. President, the peace of this country would be assured with honor; and in a few months, when this war must come to an end in some way, this great country of ours—the only great nation that has maintained its peace—might exercise the influence upon the destinies of the world that its power and its wealth and high civilization entitle it to exercise.

Mr. TOWNSEND. Mr. President, I had not expected to occupy any of the time of the Senate on this bill, and I should not do so now were it not for some of the arguments which have been offered by its proponents.

When the President last appeared before the two Houses of Congress in joint session I was impressed with the fact that he was asking for unusual powers, and knowing the tendency of the Congress to grant whatever he asked I was greatly disturbed over the prospect. But since the bill has been introduced into the House and the Senate, and I have become acquainted with it, I have satisfied myself that it asks only for such congressional ratification of power as the President can now exercise without the authority of the Congress. I am confirmed in my belief by such distinguished authorities as the Senator from Montana [Mr. WALSH] and the junior Senator from Utah [Mr. SUTHERLAND].

I regret that there seem to have accompanied this bill in the House those psychological conditions which have become all too familiar in connection with matters which have been urged by the administration as of pressing importance. I remember that when the Panama Canal tolls bill was up, we were addressed by the President, and his address contained the suggestion that there were matters of greater importance and nearer consequence which he could not disclose to the Congress, which made it necessary for the Senate to grant his request ungrudgingly, and under that mysterious suggestion the Congress did act. My memory is fresh now of the events of that morning, some three years ago, when we were here discussing the President's request for approval of his conduct in Mexico, when suddenly there came before us the cabled intelligence that Vera Cruz had been fired upon, and this Chamber rang with the eloquence of Senators who commanded us to stand by the President because the occasion was one of war. Old Glory was unfurled and we were aroused to a high pitch of patriotism by the demand to stand by the President. The Congress did stand by him and in doing so condoned a mistake.

The other day when this measure was pending in the Congress and doubt of its passage was felt there came the news to us through the press of the Zimmerman letter. I was impressed at that time with the fact that the Congress had not been fairly dealt with; that that information had been with the department for days, and yet the Congress heard of it through the press. I have never heard it disputed that that information went to the press from the State Department before it came to Congress, which was obliged to ask for it from the Executive.

I have felt that our foreign relations have not been handled as well as they ought to have been handled. I am sure that the President has no confidence in Congress, and yet in emergencies he requests it to stand by and approve his conduct; that even the members of his own party have not been consulted in matters of great importance until after the President has decided them. During all the time our country has been engaged in these important foreign matters some distinguished men have sat in this body; men who have been especially and highly experienced in foreign affairs, but they have not been consulted by the President. And so when the President of the United States asked what seemed at the time to be unusual powers I did not feel that it was my duty to vote to grant them.

Mr. President, the Senator from Utah [Mr. SUTHERLAND], in putting a question to the Senator from Washington [Mr. JONES], stated that the provisions of this bill were to apply to Germany. He afterwards explained that it applied to all nations. This is as I understand it. I assume, of course—I know it is true—that Germany's recent action is the principal matter in the minds of Senators, but I had not so read this resolution or this bill as to believe that it was to be applied in its terms simply to Germany. I have known, sir, that there had not been equality and absolute neutrality practiced by our Government in relation to the belligerents. I hear the senior Senator from Nebraska rise and say that this bill means peace. He thinks that even the granting of power to the President means peace. He said he would trust the President before he would trust the Congress. A remarkable and humiliating admission, that seems to me, and the Senator has not always had such exalted opinion of the President's judgment. Certain other Senators on the floor insist that it may mean, probably does mean, war. Some go so far as to say that it is in reality a declaration of war. It is my opinion that the wish is father to the thought in all these cases.

If I agreed with the Senators that this bill meant war, that it meant the conferring of war power upon the President which he does not already possess, I should hesitate even in this trying hour, this fateful hour it may be, to give it my support. But as I said at the beginning, I am convinced that we are but ratifying a power already possessed, and the President having asked it and having solemnly requested it, I feel, sir, that it is my duty to make it impossible so far as within me lies to give notice to the world that the Congress of the United States is not behind the President in the performance of duties which his high office imposes upon him. At this time, sir, I would rather err on the side of what seems to be the strength of my country in this crisis than to stand out against what I have felt in the past has been an invasion of legislative power by the Executive. Congress has been drifting, with the approval, I am sorry to say, of the public generally, toward Executive control. That drift has been apparent for years. It has come to be popular throughout the United States to condemn the Congress, Senators, and Representatives as being less than representatives of the people, while the President has been their friend. Every thoughtful Senator here knows that that is not true. Senators and Representatives are charged with great responsibilities and it has been my experience of 14 years that that responsibility has been met with reasonable courage and patriotism.

Heretofore I have rebelled against undue Executive influence over legislation, and even now I would resist the passage of this bill if I felt that we were conferring powers upon the President to declare war, or if I felt that he would not execute the provisions of that law impartially against all of the nations who invade our rights.

I agree with the Senator from Washington [Mr. JONES] that if this position had been taken at the beginning of our strained relations with Germany there would be no U-boat controversy on our hands this night. But the past is gone. We can not recall it. Our duty is here and now, and with my understanding of the bill, impressed as I am with the awful situation which confronts us in relation to possible war, having in mind the

Zimmermann incident brought to our attention since the President's message to Congress, I can not refuse to support this bill. I hope, however, that it will contain some of the principles of the amendment of the Senator from Missouri [Mr. STONE]. If in order, when the vote comes on that amendment I am going to ask to have it divided. I do not believe his first proviso should be accepted, but I do think that the second and third ones should be adopted. Senators state that the President would not have the power, in their judgment, to use the armed forces of the United States to convoy ships loaded with munitions and arms for a belligerent nation that is friendly to the United States. It would do no harm then to insert the proviso in the bill. I do not believe that our Government would be justified in arming ships or sending convoys with a ship loaded with munitions and arms, because it is known that that has been prohibited by Germany, and Germany's very life depends, it may be, upon keeping those things from her enemies. Therefore I hope, Mr. President, that when this amendment is offered we will be able to divide it and that we may adopt the two provisions which I have mentioned or something similar.

Mr. HARDWICK. Mr. President, it is not my purpose to consume any considerable time in the discussion of this bill. Indeed, I hesitate, after the occurrences of the day, to speak at all, and should not do so except after conference with the Senator in charge of the bill, because I am heartily and sincerely in favor of the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK], and in the form in which he presented it I shall give it my earnest support.

It seems to me, Mr. President, however, that the Senate of the United States finds itself at this moment in a most serious position, a position which might well cause everyone of us to halt and consider calmly what the result will be if this Congress shall expire and its Members return to their homes without any action whatever being taken on this measure.

In less than 15 hours by operation of law the Sixty-fourth Congress of the United States will expire. In its closing hours we are presented with a proposition the most momentous in some respects that has confronted an American Congress in many decades, if not in our entire history, the effects of which may be so far-reaching that the children and grandchildren of every one of us may in after years feel them.

What is this situation? On the 26th day of February, less than one week ago, the President of the United States called the Congress in joint session to ask of it certain powers relating to our foreign relations and the situation in which the country finds itself with respect to them.

Is it the power to declare war that he asks the Congress to delegate to him? Not at all. Every Senator knows and every Member of the other House knows that Congress can not delegate that power to anyone. What, then, does he ask? He asks us to confer on him certain powers that he already possesses by clear implication. What are those powers? The power to protect and defend American ships and American citizens on the high seas against unlawful attack and unlawful violence.

I assert it as a proposition of constitutional law—which no Senator in this body and no lawyer outside of it, in my judgment, can successfully controvert—that with the single exception of furnishing arms to merchant vessels there is not a power that either the House bill or the Senate bill confers upon the President of the United States that is not already his by clear and necessary implication. Let us see. The bill proposes—

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them—

Undoubtedly that is a power which would have to be conferred upon the President by statute; it can not be inferred from any of his constitutional powers—

and also with the necessary ammunition and means of making use of them; and that he—

The President—

be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. President, what are the powers of the President of the United States with respect to these matters? First, the Constitution of the United States says that he is Commander in Chief of the Army and Navy of the United States. As the Commander in Chief of the Army and Navy of the United States he has the right, as indeed it is his duty, to protect every citizen of the United States against unlawful attack wherever that attack is made, if he can.

The Constitution of the United States also provides that the President shall take care that the laws, and so forth, are faithfully executed; it also provides that the executive power—and that is a very broad grant of power—"shall be vested in the President of the United States." I lay it down to-night, Senators, as a proposition that no man can successfully controvert, that the President of the United States, by virtue of his inherent powers, conferred on him by the Constitution as Commander in Chief of the Army and Navy of the United States and as the Chief Executive of this great Nation, in whom all executive power is lodged, has the natural, the inherent right to protect citizens of the United States against wrong and injury and unlawful attack whenever and wherever such wrong, injury, or unlawful attack may threaten.

Mr. President, the President of the United States evidently takes the same view of the matter, for in his address delivered to the joint session of Congress on the 26th day of February he used this language:

I can not in such circumstances be unmindful of the fact that the expiration of the term of the present Congress is immediately at hand by constitutional limitation, and that it would in all likelihood require an unusual length of time to assemble and organize the Congress which is to succeed it. I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers, but I prefer, in the present circumstances, not to act upon general implication. I wish to feel that the authority and the power of the Congress are behind me in whatever it may become necessary for me to do. We are jointly the servants of the people and must act together and in their spirit, so far as we can divine and interpret it.

Mr. President, I wish to say this to the Senate: It would be utterly impossible for me, constituted as I am, consciously and knowingly to vote either to delegate to the President of the United States, or to anyone else for that matter, a plain power of Congress or to devolve on him a responsibility that belongs to me, in part at least. This legislation, in my judgment, does not do that except in the respect that I have already called attention to. It adds nothing whatever to the existing power and authority of the President of the United States, and with the single exception of furnishing arms to private merchant vessels the President can do to-morrow or on the 5th day of March every single act that he could do whether this bill passes or not. He could do just as much without the bill, with the single exception I have mentioned, as he could with the bill.

If so, it may be asked—indeed it has been asked—why the President of the United States should then seek this legislation? He has answered that question for himself in his own language, which I have read to you. It is so that he may feel, and that the world may know, that the Congress and the people of the United States are behind him and with him when he exercises those powers. That is the reason—the only reason, the sole reason—that this bill is presented. For that reason, laying aside all minor considerations, laying aside all technical objections, laying aside every other consideration of any character, the Congress of the United States ought to pass this bill.

Is Congress dodging its responsibility, as was suggested by the Senator from Missouri [Mr. STONE]? The Senator from Missouri insists that if we are to pass legislation of this character Congress ought to take the responsibility on its own shoulders and declare war. Why, Mr. President, the Congress of the United States is passing this legislation, not that the President of the United States may wage war, but that he may, if possible, preserve peace. In my judgment the most certain, the most reasonable way of preserving peace at this juncture is to let the Imperial Government of Germany understand now and for all time, once and forever, that the American people are behind the President of the United States in the position that they will not submit to the murder of Americans on the high seas.

We have merely given, or we propose to give, by this bill authority to the President to do what? To defend the American flag; to defend and protect American citizens; not to wage offensive and aggressive warfare; not to make war on a foreign country, invading it, if necessary, with troops, but to resist unlawful attacks upon our own people and our own flag.

Ah, Mr. President, the surest way on this earth for any great people to preserve and maintain peace with all their neighbors is for other nations to understand that they are prepared to maintain their rights. It is a source of very great sorrow to me, of very great grief, that we are not able to present an absolutely solid front in this matter, so that Germany and the entire world may know that the whole American Congress, as well as the whole American people, are prepared to maintain American rights behind an American President whoever may assail them and whenever and wherever they may be assailed.

The most serious aspect of the present situation is that it may be misunderstood in other quarters, in foreign lands, by people who do not understand the peculiar institutions of the

American Government. Ah, Mr. President, that is one of the reasons I wanted to make these few remarks.

The House of Representatives passed substantially this same proposition by an overwhelming vote of 403 to 13, and the Senate of the United States, if it could vote, would pass it by a majority just as large in proportion to its number. No power on earth ought to misunderstand that. But the word may go abroad that the Senate of the United States has rejected it. Such will not be the case. The fact is, that it comes to us at a time when we can not force its consideration before the adjournment of this Congress and, therefore, can not secure action on it; and that is the whole truth. I deeply regret this situation; I hope, even against hope, that some method will be devised, that something can be drafted that will meet the situation substantially and which can be passed, so that we may meet the spirit of the President's demands, so that we may take such action as will prove, not only to the Imperial Government of Germany, but to all the world that on this question of protecting American citizens and defending American rights, the American people and the American Congress are an absolute unit behind their President.

Some Senators have insisted that this amounts to a declaration of war. Far from it. The proposition, in the very language of this bill, and so expressed, is capable of no such construction. The President is not authorized to assail anyone, to wage an offensive and aggressive warfare anywhere or on anybody, but simply to protect American citizens and American rights, in a defensive way. Why? Because we are about to adjourn this Congress, because the war-making and war-declaring power of this Nation is about to go into recess, because we do not wish to have war with Germany now or later or ever, unless Germany forces that war upon us. This is a declaration, if we should pass it in any form that is suggested, to Germany and to the world that we propose to protect and defend our citizens. We say to her, "We seek no war with you, no trouble with you; we will do anything on earth to avoid it except dishonoring ourselves and surrendering our citizens to be murdered at your hands." It is a declaration that we propose to protect and defend American citizens, pending the termination of this issue, pending the decision of this issue, pending the happening of this event, and that the issue rests not with us but with Germany.

My own opinion is that, if Germany should persist in her policy of destroying on the high seas American citizens without regard to international law, nothing on this earth can avert war with Germany; but my own hope is equally strong, as is the opinion I have just expressed, that, if Germany finds that the American people are absolutely determined that they will not submit to any such treatment, that they will stand absolutely firm and united on that proposition, and, if necessary, will wage war in which they will risk their all, if need be, to vindicate those principles, then Germany will modify her submarine policy, so far at least as we are concerned.

During the debate that has already occurred on this proposition, while the Senator from Missouri was on his feet, the Senator from Missouri asserted that under his constitutional powers, to which I have already made reference, the President of the United States had no authority to convoy merchant vessels with the armed ships of the United States. When I asked for the authority on which that statement rested, the Senator could not give it. Then I pressed him with this question: I said, "Suppose a warship of the United States were present at such an occurrence at a time and at a place when wrong or injury was about to be inflicted upon a merchant vessel of the United States, could not that ship, representing the Executive authority, either with or without express orders from the Chief Executive, resist the threatened wrong and defend the American citizen or the American ship against impending injury?" The Senator from Missouri answered that he thought so, if the ship happened to be there. Well, I think so, too, and I will tell you another thing. I think it ought to happen that ships will be there to do it. If the ships have got a right to do it without any action of Congress, if they happen to be there, I think some authority ought to see to it that they shall happen to be there when such things are threatened or are happening.

Just one other thing, Mr. President, and then I shall have finished. The power of Congress is to declare war; the power of Congress is not to direct the details of operations; it is not to make war in the sense that the term "make war" is commonly understood and commonly used. The power of the Congress is to determine what causes shall be sufficient upon which to make war, and then to declare that war.

Mr. President, in the case we have at hand we have simply said to the world, to the people of our own country, and to the President of the United States, "We think that you ought to defend, and we authorize you to defend, as you already are empowered by your constitutional authority to do, the citizens of the United States against wrongful attack from whatever source that attack may come." That is not the delegation of authority. We tell the President exactly what he ought to do. We do not authorize him to make any war, but merely to act defensively until the Congress itself can pass upon the question of aggressive warfare.

Mr. President, there is one other thought about this matter, and it embraces my whole view of it. I am anxious, as anxious as any man in this body, to preserve peace. I am opposed, as strongly opposed as any man in this body or in this country could be, to engaging in this war or any other, unless we are absolutely compelled to do so. I will tell you how I feel about that and how I believe my people feel about that: I do not want to engage in this war or any other war on account of what happens to some English ship, or French ship, or Dutch ship, or on account of what happens in connection with some disputed or doubtful question of international law in regard to which there may be honest differences of opinion; I should like to have questions of that kind settled in another way; but if the issue comes that American ships are sunk on purpose, knowing that they are American ships, and if the issue comes that American citizens are murdered on purpose, and knowing that they are American citizens, and perhaps for that reason, then, I say we must fight or we will be no longer worthy to have a place on the map of the world.

And if war comes, Mr. President, I think that the American people will rise up as a unit and fight such a war to a successful, triumphant conclusion, and that in its prosecution there will be no North, no South, no East, no West, no Republicans, no Democrats; nothing but Americans—and united Americans everywhere.

Mr. CUMMINS. I desire, Mr. President, to see if I understand correctly the parliamentary situation.

There is pending before the Senate at this time a bill passed by the House of Representatives. The Senator from Nebraska [Mr. HITCHCOCK], whose attention I would be glad to have, has made a motion to strike out the House bill after the enacting clause, and substitute the matter which he has presented. The senior Senator from Missouri [Mr. STONE] has presented, and there is now pending, an amendment to the House bill, or the part which is sought to be stricken out by the Senator from Nebraska.

Have I stated the parliamentary situation accurately?

The PRESIDENT pro tempore. The Chair believes the Senator has so stated it.

Mr. CUMMINS. In that view, Mr. President, I offer an amendment to the matter proposed to be substituted for the House bill.

The PRESIDENT pro tempore. The amendment, of course, to the part to be stricken out is first in order, and is the pending amendment.

Mr. CUMMINS. I present the amendment not because I desire to make it the pending question, but in order that it may be read for information.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The SECRETARY. It is proposed to amend by striking out, beginning with line 6, page 1, the remainder of section 1, and inserting, in lieu of the words striken out, the following:

against the unlawful attacks of submarines; and the President of the United States is hereby empowered to supply such merchant vessels with defensive arms and with ammunition for their use: *Provided, however,* That no such vessel shall be so supplied with arms or ammunition, or, having been so supplied, shall be cleared from any port of the United States, if laden in whole or in part with arms or munitions of war, and destined to a belligerent country.

So that, if amended, section 1 would read as follows:

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against the unlawful attacks of submarines; and the President of the United States is hereby empowered to supply such merchant vessels with defensive arms and with ammunition for their use: *Provided, however,* That no such vessel shall be so supplied with arms or ammunition, or, having been so supplied, shall be cleared from any port of the United States if laden in whole or in part with arms or munitions of war and destined to a belligerent country.

Mr. CUMMINS. It is my purpose, Mr. President, at this time to direct the observations which I shall make very largely to the amendment which I have presented.

It will be observed that, first, it authorizes the commanders and crews of merchant ships to defend themselves against the unlawful attack of public vessels, and thereby relieves them from the possible fate of pirates. It authorizes these commanders and these crews to defend themselves or to arm their vessels with defensive arms for the purpose of making success-

fully a defense against unlawful attacks. It authorizes the President of the United States to furnish or supply such merchant vessels with arms and ammunition, but it does not, either expressly or impliedly, authorize the President to furnish merchant vessels with men who are under enlistment in the Navy or the Army of the United States. It permits merchant ships which are not supplied with arms and ammunition by the United States to continue, if they so desire, to carry arms and ammunition to the belligerents of Europe and it permits such vessels to defend themselves with arms which they supply upon their own account; but with respect to vessels whose arms and ammunition are furnished by the United States, it forbids their departure from one of our ports if they are laden with arms or munitions of war destined to a belligerent.

I have made this explanation of the amendment because it is the thing which I want to authorize the President to do. It is the authority which I desire that commanders and crews of merchant vessels shall have; and I have mentioned it because I do not want to enter upon my discussion of this matter under the misapprehension that I do not fully realize the gravity of the problem which the American people are now endeavoring to solve. I do not want to enter it under suspicion that I am indifferent to the honor of the American Republic or indifferent to the safety of her citizens.

The whole country is divided with respect to some phases of this mighty question. There are people, and good people, who believe—sincerely and earnestly believe—that when the German Army marched into Belgium the United States ought to have declared war upon Germany. There are Senators, I assume, on both sides of the Chamber—I know upon my side of the Chamber—who believe, patriotically and sincerely believe, that when the German Army invaded Belgium, contrary, it is said, to a treaty which she had solemnly made, it became the duty of the United States to make war for the sacredness of international compacts and for the civilization which such treaties represent. I am not one of them. I do not believe that the United States should imperil the peace and the lives of her millions for the quarrels of Europe.

There are other Senators, and there are a great many people, who believe that when Germany sank the *Lusitania* we should have declared war against her, and avenged in that way her violation of international rights. Recognizing the enormity of the offense—and I think no one recognizes it more clearly than I do—I am not one of those men. I do not believe that we should have made war on Germany for this offense against humanity, however cruel it may have been.

There are Senators who believe—and their sentiments have been uttered here to-day—that when the *Laconia* was sent to the bottom of the sea by a German torpedo we should have instantly made war in order to vindicate the rights of American citizens to travel upon peaceful errands. I do not so believe. As shocking and heartbreaking as these incidents have been, as atrocious as they are, I do not believe they are causes for war, in and of themselves, on the part of the United States.

Recognizing these varieties of opinion among equally patriotic citizens and Senators, I come to another division.

There are other Senators who do not believe that we ought to declare war on Germany at this time, who would not vote to declare war upon Germany at this moment, but who are perfectly willing, apparently, to abandon the responsibility which the Constitution imposes upon them and transfer to the President of the United States the decision of a question which they themselves dare not answer. I would infinitely rather meet this question fairly and squarely. I would infinitely rather that some Senator should offer a resolution declaring war on Germany and ascertain in that way the sentiment of Congress. If we ought to declare war on Germany, Congress should say so, say it boldly, say it so that the world might know the attitude which Congress intends to take upon these vital questions.

I have said so much, Mr. President, simply to indicate my own solemn judgment that hitherto, as unbelievable as these offenses are—unbelievable a year or two ago—for we would not then have regarded as credible a statement that would have imputed to either Germany or Great Britain the offenses which both of them have committed against humanity, civilization, and international law as well. Inasmuch as I expect to vote against either the House bill or the Senate bill unless it is materially amended, and inasmuch as I know there will be a determined, a persistent, and a malicious effort to misrepresent, distort, and pervert the real sentiment, the real attitude of those who can not find it within their constitutional conceptions of duty to vote for the bill which is now before us, I intend to give in some detail my opinions relating to the proposed legislation and the history out of which the proposal grows.

In doing that, Mr. President, I do not intend to be tempted into any disparagement of the President of the United States. I feel the seriousness of this occasion too deeply, I appreciate the solemnity of the act we are about to perform too profoundly, to bring into the discussion any difference of opinion that I may ever have entertained with respect to the conduct of foreign affairs during the last three years. I am bound to say that if I were willing to give these powers to any man, I would just as soon give them to the present Chief Executive as to any President who ever sat in his chair. My objection to the legislation is not because I distrust Woodrow Wilson. It is not because I believe that he would consciously or intentionally abuse the power which we are attempting to confer upon him, but because I think it is an unmanly as well as an unconstitutional act on the part of Congress to attempt to divest itself of the responsibility which the Constitution of the land imposes upon it and to destroy, or, rather, to violate in that way the confidence which the people of this country have given to those whom they have commissioned at this time to make their laws.

No man can realize the overwhelming sense of responsibility that ought to rest upon every representative of the people in such an hour as this more than than I realize it; and, following a thought just uttered by the junior Senator from Georgia [Mr. HARDWICK], permit me to say that no man is willing to do more to make the act of the Government of the United States stand as the act of all the people of the country than am I. I want Germany, Great Britain, France, and all the world to understand that when the Government of the United States acts respecting anything that pertains to our relations with foreign countries 100,000,000 people stand by that act and will defend and support it with their lives if that be necessary.

The difficulty is that it has, in some fashion or other, become a part of the current literature that to stand by the President is an equivalent term for loyalty to the Government, devotion to our country's welfare.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. For a question only.

Mr. POINDEXTER. Do I understand that the objection of the Senator from Iowa to this bill——

Mr. CUMMINS. I decline to yield for any argument, because I am advised that in so doing I can no longer retain the floor.

The PRESIDENT pro tempore. The Senator from Iowa declines to yield.

Mr. POINDEXTER. I was not going to make an argument. I was just going to ask a question of the Senator.

Mr. CUMMINS. I yield if the Senator desires to ask me a question.

Mr. POINDEXTER. The question is asked in perfect good faith and the purpose of ascertaining the position of the Senator from Iowa. Is the Senator's objection to this bill based solely upon the ground which he has just stated, that we are shifting the responsibility of Congress onto the President of the United States; and if that is true I will add this clause to the question, If that is the basis of the Senator's objection, will the Senator before he has concluded his argument state how Congress, if it should decide to protect American ships and American passengers upon those ships, can do it in any way except through an agent, except through designating an agent to do it, and if we have to designate an agent what better agent is there than the President of the United States?

Mr. CUMMINS. If the Senator from Washington will patiently await my discussion of these various questions, he will be informed as fully as I can inform him of my views upon the inquiry which he has put to me, for I do not intend to leave any part of that field unexplored. I do not desire to answer the question categorically at this time, because it is a part of the discussion to which I have addressed myself. When the Government has acted, there will be no division or lukewarmness anywhere in executing whatever the Government determines to do.

The terms "stand by the President" and "loyalty to the Government and devotion to our institutions" are not synonymous. When the President, within his constitutional or lawful power, establishes a relation between this Government and any other, Congress should follow him faithfully and patriotically, and Congress will follow him, and the people will follow him in any relation that he establishes under the law and the Constitution. When it is the constitutional duty of Congress to establish the relation between this country and another, the President should follow Congress; and loyalty to our institutions and fidelity, so far as the world is concerned, will consist in standing by whatever action Congress may take in defining or prescribing our relation to other countries. The watchword of

the times should be changed a little, and I appeal to those who have the power to change it. It should be "stand by the Government," instead of standing by either the President or Congress. To stand by the Government is the true test of loyalty. It is the true test of the patriotic citizen who is willing to devote his service, his treasure, and his life, if necessary, to the interests of the people as represented in the Government of their country.

To avoid any possible misunderstanding, I desire to say further that I look upon the warfare of German submarines upon merchant ships as unspeakably atrocious. I have no word of defense or justification for the practice which has been pursued by the Imperial German Government in this regard. I have no word of justification or excuse either for the British act of filling the high seas with submerged mines.

I was reminded of the striking parallel between the destruction of a ship by a mine and a submarine during the observations of the senior Senator from Washington [Mr. JONES]. Someone asked, I think, whether the British mines had ever resulted in the loss of an American ship or an American life. The Senator from Washington did not answer the question, but I answer it. There have been more American ships destroyed by British mines planted in forbidden places than there have been American ships destroyed by German submarines. I can not recall at this moment whether American lives were lost in the instances to which I refer, but I will undertake to supply that information a little later.

I agree with the suggestion of the Senator from Utah [Mr. SUTHERLAND] made at that point, that the fact that Great Britain has violated all the laws of nations, has interfered with our rights to sail the seas vastly more than has Germany, although not in so cruel and murderous a way, taken as a whole, does not change the character of the act with which Germany is charged and which the President of the United States asks us to consider in passing this legislation.

As shown by the amendment which I have proposed I want to give our merchant ships the right to arm themselves against these submarines. I want to relieve their commanders and crews from the dangers of piracy if they should unfortunately be captured, and I would expect to see these merchant ships of ours sink a submarine on sight if it were possible for the ship to do so.

I am not a man who believes that one should stand by and see murder committed. I am not a man who will allow any other man to attack me without defense, if I am capable of making the defense. When Germany proclaimed that after the 1st day of February of this year, within a certain zone, she would sink every merchant ship of every nation, neutral or belligerent, armed or unarmed, laden with contraband or otherwise, I think that a merchant ship of the United States sailing in those forbidden waters and apprehending or discovering a submarine charged with that duty and sailing under that proclamation ought to sink her at the first instant it is possible to do so. I am willing to give the President of the United States the authority to supply from the governmental arsenals the arms and ammunition, if the vessels can not otherwise obtain them, that will be adequate to enable those vessels to make a defense of that character, because I think it is purely, strictly, and in every sense a defense and not offense.

I disagree entirely with those who have stated here that the mere arming of our merchant ships and the granting of authority to defend themselves against such attack is an act of war limited or general. It is not an act of war. It might be regarded by the Government which authorized warfare of that kind as a hostile act, but it is simply putting these merchant ships in a position in which every man of the least spirit, the least sense of honor or manhood, desires himself to maintain, namely, the attitude of being able to defend himself against an unwarranted and unlawful attack. It might be—I do not claim otherwise—that if one of these merchant ships upon encountering a submarine should proceed to destroy her Germany might declare war upon us. If so we must meet that issue. We must meet it as brave and patriotic men. We must meet it because there is no way we can evade the issue, and there ought to be no desire to evade the issue.

The amendment that I have proposed, however, makes one exception with regard to the vessels so armed through the intervention of the United States. If the vessel is laden with arms and munitions, while all the rights of defense are given to her, she must not go out with the arms and ammunition provided by the Government of the United States.

Mr. President, so stating my general attitude upon the subject, I come to a very brief review of the situation. I have already alluded to it, or one or two phases of it, and the Senator from Missouri [Mr. STONE] elaborated upon it carefully this afternoon.

I would not have it understood from anything I have said that I believe that in principle the German Government has been a more flagrant violator of our neutral rights than has Great Britain. I put it more strongly still. I believe that in practice, if I may employ that word instead of principle, the violations of Great Britain against the laws of humanity, of civilization, and of decency have been as flagrant as those of Germany. The consequences of the violations of these laws by Great Britain have not been so serious, have not been so shocking to the moral sense, to the instinct of men, as have the consequences of the violations by Germany.

As stated by the Senator from Missouri [Mr. STONE], when this war fell upon the world the first thing that the Government of the United States did—and it was one of the best things the Government ever did; it is a thing for which the present administration should have the highest praise and universal commendation—was to ask the belligerent countries whether they were willing to abide by the outcome of the London conference of 1909.

That conference was made up not only of men of war but of men of peace. It was made up of the most distinguished scientists in the profession of war which the world knows. There came out of that conference a recommendation to the various nations represented in it that so long as history is preserved will be a monument to the humanity and the patriotism of those who composed the conference. It did more to humanize war, if war can be humanized, it did more to recognize the civilization of war, if war can be civilized or has any element of civilization in it, than any production that every emanated from a body of men.

Our Secretary of State asked Great Britain, Germany, France, Russia, and Austria-Hungary whether they were willing to abide by the code which has been promulgated by the conference, which many nations had already accepted absolutely, and which many more had accepted conditionally, and which all nations should have accepted. In the progress of time there came answers. Germany said, "We will accept this body of rules, this code of warfare, which has for its object the amelioration of some of the horrors of war." Great Britain said, "We will not agree to accept the result of this conference, for there are serious modifications and changes which we desire to be made in it so far as our warfare is concerned."

I ought to have said that Germany replied that she would accept it if the other nations would agree to abide by it. I need not pursue these responses further, because they were all in accordance with the action of either Germany or Great Britain, dependent upon the alliances of the several nations with Germany or Great Britain.

Pause for a moment, Senators, and consider what the situation would now be if all the belligerent nations had agreed to conduct this war according to the code promulgated in London in 1909. It would have been awful enough in any event, but if the maritime warfare, if the blockades and the manner in which they were to be established, if the rights of neutral powers had been recognized as declared in the London conference the problem with which we are now wrestling would never have arisen.

While I am not here for the purpose of either defending Germany or criticizing Great Britain, I am here for the purpose of tracing very briefly the development of this important subject. It was not long after war was declared before Great Britain had established a blockade upon every German port, either in the North Sea or near the English Channel. It was Great Britain's definite and announced purpose that she would not permit any contraband of war to enter Germany, either directly or indirectly, and at the same time—and I am now simply recalling the impressions which I received from one of the most instructive addresses ever made in the Senate, the one that came from the senior Senator from Georgia [Mr. SMITH]—it was then that Great Britain enlarged the contraband list, contrary to international law, contrary to the agreement that was reached in London in 1909, until it embraced practically everything which either the United States or any other neutral country sought to export to Germany.

I am not intending to discuss technically the law of blockade. I have heard so much international law this afternoon and so many niceties drawn, that the subject has ceased to be interesting to me; but, sufficient to say, that, through this blockade, which was not only directed against German ports, but against neutral ports as well, upon the ground that if these goods were once permitted to enter Norway or Holland, they would find ultimately an avenue into Germany. It was not long until

Great Britain had established a blockade, a cordon drawn around Germany and around Norway, through which we could not penetrate. In order to make commerce between the United States or any neutral power with Germany absolutely impossible, Great Britain also established a mine zone, how wide I will not attempt to say, because the widths were not uniform. It is enough to mention the fact that intercourse with the neutral ports became practically impossible in any commodity, and exports to any German port became absolutely impossible.

Mr. President, in that situation Germany found herself deprived of practically all exterior help, either in arms and ammunition or food or clothing or any commodity that was essential to sustain either the lives or the activities of the people.

In that condition—of course, I do not dwell on the details—Germany attempted to establish a blockade, a submarine blockade, around Great Britain, France, and through the Mediterranean Sea. This blockade took the form of a forbidden zone of various widths, sometimes extending almost to mid-ocean. I look upon that effort as a clear, plain violation of the neutral rights of the United States and of every other neutral power. There have been many other instances of violation of neutral rights which, considered simply as a submarine blockade, would be as objectionable as the one that Germany attempted to establish; but Germany stated, "We will attempt to prevent any ship entering a British port or a French port or any other port belonging to any of the allies, and we will sink every ship on sight without warning and without regard to the loss of life that might ensue." When Germany did that, I care not how essential such a procedure may have been to the effectiveness of her arms, she did a thing that shocked the civilized world and that violated and repudiated all our instincts of civilization; and I, for one, do not intend by any act or word of mine in the least degree to justify or excuse it. I want to see our merchant ships, if they are so disposed, if they are willing to incur the danger and the hazard and the peril which must come upon entering this field of death which has been outlined by the German Government, if they are willing to do it with arms through which they can defend themselves—I say that if they do they are entitled by virtue of all that has gone before to destroy a submarine bent upon such a mission the very moment that it comes within the vision of the merchant ship; and I think that such destruction would meet the approval of all Americans, of all men who either love their country or love humanity.

So much I am willing to do. Now, what do you want to do more? I am now addressing myself to the author of the bill, whoever he may be, for its paternity seems to be in some doubt. It has been fathered and repudiated so often that I find it difficult to trace it to its real source. What more do you want to do?

And now I come to answer some of the appeals to the patriotism of the people and the intelligence of Congress. I take the bill—I do not speak now of the House bill in detail, because I rather agree with many who have spoken, that there is no substantial difference between the House bill and the Senate bill, so far as the power attempted to be given to the President is concerned. There may be some difference, but there is not enough difference to attract my support to the House bill in this regard. I devote my attention for a few moments to the Senate bill, being the substitute which has now been offered by the Senator from Nebraska for the House bill. It says:

> That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Mr. President, that presents the first objection I have to the proposed substitute, being the Senate bill. I am opposed to arming our merchant vessels, through the intervention of the United States, for any other purpose than fighting submarines. It has been rather lightly dealt with here; but the Senator from Nebraska [Mr. HITCHCOCK] in explaining the bill, and the Senator from Utah [Mr. SUTHERLAND] in defending it—and they are both capable judges, not only of the interpretation of the proposed legislation, but of international law as well—agree that under this bill we authorize our merchant ships, with arms and ammunition which we furnish—although I do not agree that that makes them auxiliaries of the Navy—to resist with force any unlawful seizure or attack. I asked the Senator from Massachusetts [Mr. LODGE], when he was discussing the matter, whether it would cover the case of the seizure which follows visitation, under the right of visitation and search, and he very properly, and in entire harmony with the views that had been expressed by the Senator from Nebraska, said that it did.

We are, therefore, proposing in the Senate bill, the substitute which has now been offered, to furnish our merchant ships with these arms and ammunition for the purpose of trying out, in a capture made in the ordinary way, the legality or the illegality of the seizure. I am opposed to that, Mr. President, because it is a certain forerunner of war and is not necessary to the maintenance of the rights of American merchant ships.

The President and the State Department have united over and over again in declaring that scores of seizures or attacks made upon our merchantmen by British men-of-war or British ships were unlawful. The President has lodged with the foreign office in London, over and over again, the strongest, most emphatic protests against the flagrant violations of which Great Britain has been guilty. I agree that they are flagrant; I agree that we must seek reparation for them; but I do not agree that our merchant ships, armed with our guns and our ammunition, should enter into a war with a British ship proceeding in that way.

That is my first objection. Why should we do it, anyhow? If there were no such thing as a submarine, or if the German Government had never attempted to sink a merchant ship without warning with a submarine, is there a Senator here who would have dared to hold that we should arm our merchant ships to resist a seizure in the general way recognized by international law in warfare? No; not one. I therefore seek in my amendment to do the thing which we all desire to do, and to avoid doing the thing that no Senator here wants to do. Why we should offend all the belligerent countries of the earth by passing a law authorizing our commanders and crew to resist seizure if we believe it to be unlawful and illegal, and in that way invite the most serious difficulties, I can not understand. My amendment does not say, Mr. President, "German submarines." It says "submarines." We are trying to overcome the menace upon our shipping by submarines simply because the submarine can not capture and take into port as a prize a vessel which it may believe to be carrying contraband of war.

This is my first objection, Mr. President, to the substitute offered by the Senator from Nebraska. My second objection is much more serious, and to me it is insuperable.

The Senator from Georgia [Mr. HARDWICK]—who, I think, all things considered, gave the Senate the clearest, calmest review of the bill and the fundamental principles of the law relating to it which we have heard—said that there is nothing in the bill which confers any authority upon the President which he does not already possess under the Constitution. He made an exception to that, and very wisely. If he was speaking of the House bill, it was accurate. If he was speaking of the Senate bill, it was not accurate. This bill, as well as my amendment, gives to commanders and crews of merchant ships, directly from Congress—not from the President, because the President could not confer any such authority nor give them any such immunity or any such status as is here desired—the bill, in the first place, gives to the commanders and crews this status in war or in peace. It then gives the President the power, which he has not now, of supplying our merchant ships with arms and ammunition.

I am quite willing to give him that power. I am quite willing to supply the President with every power that he has not now to do a thing that we want done, to do some specific thing that we want done. I will not be niggardly with either power or money if I am permitted to pass my judgment upon the propriety of doing the thing which is to be done by the President or with the money. This answers the inquiry made a few minutes ago by the Senator from Washington.

There is no man whom I would rather trust in this matter than the President of the United States. I have said that once. I repeat it, because I hope I am not a coward, and it makes my blood boil sometimes to hear suggestions that the American people have become cowards. It is a gross slander upon the noblest race of men and women who ever lifted their faces to the shining sun. They are not cowards, and whenever they believe that their honor has been touched, whenever they believe that their vital interests have been attacked, they will be quick enough to vindicate and maintain to the last degree these rights and this honor. But I am willing, whenever a specific thing is to be done in the way of executing the policy which belongs to Congress to establish, to give the authority to the President. It is properly there. It is properly to be exercised by him. But let us see.

I give him in my amendment the authority to equip these merchant ships so that they can make a successful defense against the attacks of submarines—and I think every attack of a submarine upon a merchant ship, under the proclamation which Germany has issued, is an unlawful attack. I do not dispute that. I would regard it as an unlawful attack if the matter were presented to me under the circumstances which must surround those who are attacked. But I now come to the proposition laid down, I repeat, by the Senator from Georgia. I think it was said in a way by the Senator from Utah [Mr. SUTHER-

LAND], and I believe it was affirmed by the Senator from New Mexico [Mr. FALL], and I have not heard it disputed.

It is stated that the President has the constitutional power, and that it is his constitutional duty, to defend and protect the citizens of the United States in their rights under the law; that he has the power and that it is his duty to defend the lives of the citizens of the United States. I agree to both those propositions. I care not whether the power is derived from the grant of commandery of the Army and Navy, whether it is conferred from the injunction to see to it that the laws are faithfully executed, or whether, as the Senator from Utah thought, it is an attribute of sovereignty of any country and, of course, of the United States. It matters not to me what particular phrase of the Constitution we may invoke in order to find this power. I think he has it, and I have no doubt of his duty or his obligation to execute it.

It might at once be said, if that be true, why should the Congress of the United States attempt to belittle the power which is given to him by the Constitution by an act of legislation? To me it is worse than the classical effort to paint the lily. If the President has the power—and I agree he has it—it is rather a monstrous thing to ask Congress to ratify a power which the people of the United States gave to him when they ordained the Constitution of the country. It is a violation of all propriety. It proceeds in absolute indifference to the spirit of our institutions. I would no more think of giving to the President, or attempting to give to him, power that is conferred upon him by the Constitution than I would think of asking him to give us power which is given to us by the Constitution.

But notwithstanding the absurdity of a proposal of that sort, I am not opposing the bill or that part of the bill on that ground. I think it brings into discredit everybody who is connected with it, anybody who proposed it, and, measurably, anybody who votes for it. But I would be willing, in order to present a united front, as it is said, to suffer that humiliation. That is not my chief objection to it.

The Senator from Georgia [Mr. HARDWICK], repeating what had been said by various other Senators who preceded him, declared that we gave him nothing more than was given to him by the Constitution. I dispute that contention. I assert that we are giving him a great deal more than is given to him in the Constitution. We are not enlarging the scope of his obligation to defend or protect the property and the citizens of the United States; but, with the Constitution as it is, there are certain things that he can do in defending the lives of our citizens and in protecting their property, and certain things he can not do; and we are attempting to confer upon him indefinite and uncertain power to accomplish his duty by any instrumentality or any method which he may think necessary to use for that purpose.

That is my objection to it; and I marvel that anybody who loves the Constitution, anyone who believes that the welfare of our country depends upon maintaining the three departments of the Government distinct from each other, independent of each other, free in their operation, dares to vote for a bill which says the President, in order to protect the people and the property of the United States, can use any instrumentality or any method which he may be able to command. Now, let us see if I am right. The bill is in these words, so far as the point I am now discussing is concerned:

> And that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States thereon.

I admit that he has the power or it is his duty to protect these vessels and the citizens of the United States who may be lawfully upon them. I agree to that. But is there a lawyer here or is there a thinking man here who will say that in the execution of that duty the President can employ any instrumentality or any method which he might believe to be necessary or adequate? It can not be affirmed; and yet we are attempting to give to the President the right to reach anywhere, to anything, to any instrument or any method, and bring them to the execution of his duty to protect the people in these rights.

Our effort in that respect is futile, of course. The difficulty is that it never can be reviewed. If there were a court to which that question could be appealed, I would risk whatever reputation I have with respect to law that it would declare that an effort on our part to transfer to the President every instrumentality and every method which, in his judgment, was required was an exercise of power that we were not given by the Constitution. This gives the President, if it were valid—and it must be accepted as valid because, as I say, there is no way, so far as I know, in which the judgment of Congress in that respect can be reviewed—the power to make war if he so desires and if he believes that that is a necessary and adequate instrumentality to protect the property and the citizen. Are you willing that the President shall make war without any further action of Congress in order that this protection may be afforded? I might be willing myself to vote for war in order to protect our rights upon the high seas in these regards, but I am not willing to give the President or any other man the right to make war in order to protect them. If there is anything that he desires which we have not already given him in the previous part of the bill, and which he thinks is necessary, and which we think constitutional, and which we think effective in order to more completely protect our property and the lives of our people, I am willing to give it to him, and there will be no hesitation so far as I am concerned.

The Senator from Massachusetts [Mr. LODGE] said yesterday that this would not authorize him to do an unneutral thing; in other words, that it would not authorize him to commit a hostile act. I think it would. It is a difference in judgment between the Senator from Massachusetts and myself. But when we begin with the proposition that the President has the constitutional power to protect and defend our people and that he can use without any act of Congress at all certain instrumentalities and certain methods in harmony with our municipal law and international law, then in order to enable him to better accomplish his purpose we say he can use any instrumentality and any methods that may be adequate. I hope it will not be thought that I have in my mind the belief that the President would do these things. I do not think he would. But I am not willing to give any man, high or low, the right to exercise that judgment for me, and no Senator can vote to give any man the right to exercise that judgment without abdicating the office which the Constitution has imposed upon him and without surrendering, as it appears to me, the most serious responsibility of legislation.

I think these words, if they were valid to their full extent, would authorize the President to enlist an army and join the British force in France against Germany in order to better protect our rights upon the high seas. I think they would authorize the President of the United States to take our Navy and sail it straight into the port of Bremen and bombard the German fleets assembled in that vicinity. What else? Why do we attempt to confer power in the broadest and most comprehensive language which the English tongue can utter? I challenge any Senator to suggest any phrase or any term that would give the President more complete power over instrumentalities and methods than the phrase which is found in this bill.

Mr. President, as was so well said by a Senator who preceded me, I want to protect the lives of American citizens on the high seas, and I am willing to do it. I want to protect American property on the high seas, and I am willing to do it. I am not willing, however, and we might just as well reach the real question, to go to war at this moment because an American citizen has met his death upon a British ship loaded with arms and munitions for the British Army. I understand perfectly that there is in the minds of some Senators the thought that we ought to do that, and I do not question their patriotism and sincerity, but I am not willing to give the President the power to do that thing. I am not willing to give him the power to make war on Germany, or on Great Britain either, for such a reason, grave and deplorable as the acts of these belligerents may have been.

It is for Congress always to determine the character of an act and to declare to the world whether the act is sufficient to bring on war. I make no distinction between making war and declaring war. There is a technical distinction. Many wars have been fought without any declaration at all. But I am speaking of a state of war; and we are attempting in this bill, and I believe it to be the purpose of those who employ this language, to give the President a right which he has not under the Constitution in order to defend or protect our rights upon the high seas. They are honorable rights. I want to maintain them.

But there is a notion apparently in the minds of a great many people that there is a freedom of the seas. There is no such thing as the freedom of the seas. We have not the freedom of the seas, and no other nation in the world has the freedom of the seas in time of war. Have we freedom to sail into a German port with our cargo? Have we the freedom of the seas that permits us to send our vessels into the ports of Norway and Holland? No. Have we a freedom of the seas that will enable us to pass safely through the zone which Great Britain has planted with mines? No. Mr. President, we have no more freedom of the seas against Great Britain than we have freedom of seas against Germany. Belligerency always interrupts the freedom of the seas.

I am not attempting to say that Great Britain has interfered with the right or freedom on the seas in the same way that Germany has, but I am saying that our freedom is denied. The interruption exists, and our commerce is curtailed and restricted.

Mr. President, I do not intend to consume the time of the Senate or delay the disposition of this bill by expressing my profound devotion to peace. That devotion has been described in terms so much more beautiful and graphic than I can command that I must forbear; but I want to express my devotion to that provision of the Constitution which gives to the Congress of the United States the right to determine whether the relation of this country to another shall be that of peace or of war.

I believe it to be the only guaranty of a permanent and honorable peace. I believe it to be more necessary for the preservation of the rights and the liberties and the welfare of the American people than any other provision in that immortal instrument, of which Gladstone said that it was the most wonderful ever struck off at a given time by the brain and the purpose of man. I deplore any attempt to invade the rights of the Congress of the United States, to establish these relations between our Republic and the countries of the world.

We are drifting away from the democracy of our forefathers, and we are atoning now for some of the sins of recent years. We ought to hold fast to this safeguard of liberty and freedom and peace and honor; and I for one am not willing to give my vote to a measure which evidences the most serious and determined inroad upon our fundamental privileges. I am not in favor of the drift elsewhere, of giving the right to declare war to one man. That is the difficulty with Germany now. She has developed a system in which one man was, and still is, the guardian of the welfare of all the people. It was his will which led to the most devastating conflict and the most awful struggle which ever ravaged a continent. Are you prepared to follow the footsteps of the German civilization in that regard? You may be, but I am not. I am opposed to kaiserizing the United States.

NAVAL APPROPRIATION BILL—CONFERENCE REPORT.

During the delivery of Mr. CUMMINS's speech,

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment to present a conference report?

Mr. CUMMINS. I will gladly yield, assuming that it will not take me from the floor.

Mr. SWANSON. It will not. I merely desire to present a conference report on the naval appropriation bill (H. R. 20632). I shall not ask for its consideration at this time. The Senate can not act upon it until the House acts, but I desire to file the report so that any Senator may see it and get any information he desires in reference to what has been agreed to.

Mr. CUMMINS. I yield to the Senator.

Mr. SWANSON. I desire to file the report of the committee of conference on the naval appropriation bill, and ask that it lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

During the delivery of Mr. CUMMINS's speech,

MESSAGE FROM THE HOUSE.

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

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;*

S. 8301. An act to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown;* and

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

The message also announced that the House had passed the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, with an amendment, in which it requested the concurrence of the Senate.

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

H. J. Res. 392. Joint resolution providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917; and

H. J. Res. 393. Joint resolution making appropriation for the construction and operation of railroads in the Territory of Alaska.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

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

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;*

S. 8301. An act to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown;* and

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

RAILROADS IN ALASKA.

Mr. MARTIN of Virginia. Will the Senator from Iowa [Mr. CUMMINS] yield to me?

Mr. CUMMINS. I yield for a proper purpose, not to be taken from the floor.

Mr. MARTIN of Virginia. I do not think it will take three minutes to dispose of a joint resolution which has just come from the House of Representatives. The Senator from Nebraska [Mr. HITCHCOCK] has agreed to yield to let me ask unanimous consent to consider this joint resolution, which I ask the Chair to lay before the Senate and that it be read.

The joint resolution (H. J. Res. 393) making appropriations for the construction and operation of railroads in the Territory of Alaska was read the first time by its title and the second time at length, as follows:

Resolved, etc., That for carrying out the provisions of the act approved March 12, 1914 (38 Stat., p. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, to continue available until expended.

Mr. MARTIN of Virginia. I will state to the Senate that the joint resolution makes an appropriation of $3,000,000 to relieve a very critical condition in Alaska. There are about 4,000 laborers there without any means of subsistence, and the Government is without the means to pay them.

Mr. SMOOT. It is simply to continue the work in Alaska.

Mr. MARTIN of Virginia. That is all.

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

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

After the conclusion of Mr. CUMMINS's speech,

VALEDICTORY ADDRESSES.

Mr. KERN. Mr. President, before taking leave of this body I desire to take a very few moments in which to express partially my deep appreciation of the many kindnesses and courtesies shown me since I have been a Member of the Senate. It

will be only a partial expression, for there are no words with which I can tell you fully of that which is in my mind and heart.

I have no thought, sir, that my leave-taking is a matter of any great moment either to the country or the Senate, for Senators have come and gone since the foundation of the Government and the Republic has survived the loss of the ablest and best, but I feel that it might not be deemed inappropriate for me before leaving to try to tell you not how greatly you will miss me but rather how I will miss the association and companionship which has so enriched my life during the past six years.

Mr. President, it will be with a sense of relief that I lay aside the burdens and responsibilities incident to the duties of a Senator. My work here may not have been very effective, but for the past four years it has been hard, continuous, and very earnest work, taxing heavily at times my health and strength, and I shall lay my armor by in happy anticipation of rest and the enjoyment of the delights of home life.

My party associates here have twice conferred upon me the highest honor in their power to bestow and have given me generous and constant proofs of their hearty good will, and I can look back over the past four years and through the heated debates and exciting contests without being able to call to mind a single word or act on the part of any Republican Senator indicating the slightest ill will.

So, Mr. President, my chief, if not my only, regret in leaving this distinguished company is because it involves a separation from friends who have grown very dear to me. These friends, thank God, are on both sides of this center aisle; and the memory of these friendships will cheer and comfort me during the remaining years of my life.

Mr. President, every man who engages in political or other contests hopes for success, and defeat under any circumstances is usually attended by feelings of disappointment if not humiliation; but the man who is not prepared to accept defeat with apparent cheerfulness and in a manly way would do well to avoid the arenas of political conflict.

In my case the sting of defeat at the late election was greatly mitigated by the fact that my successful opponent is my neighbor, and for more than a third of a century has been my warm personal friend; so that my pride in his promotion largely compensates for the natural regret at my own defeat. I stated after the election, and repeat it in this presence, that if I had been permitted or required to choose a Republican successor I would, without hesitation, have named the Hon. HARRY S. NEW. He is a splendid gentleman, a high-minded, patriotic American citizen who will wear the robes of office with modesty and dignity. It is a matter of great satisfaction to me to know that the splendid Commonwealth of Indiana will be represented by two of her native sons, who, I am sure, will serve their State and country with honor and distinction.

In conclusion permit me to repeat that I shall leave here happy that I shall be free from burdens often onerous and oppressive, rich in the friendship of my fellow Senators, which I shall always cherish as amongst my dearest possessions, sorrowing only because the companionships which have given me so much delight and so many hours of happiness must be severed.

May God bless you every one.

Mr. LODGE. Mr. President, among the trials, the cares, the labors, and sometimes the bitterness that public life brings there are rewards. They are neither so many nor so delightful as the outside world may suppose, but there are some very real rewards. One of them, the chiefest perhaps, is to be found in the friendships and associations which men closely associated together as we are in this Chamber are certain to form, but, like most happinesses and most rewards in this world, they have their inevitable penalty connected with them. The penalty comes in the severance of the friendships, by the partings that must occur. Those partings come to us here every two years. They bring sorrow, not the "sweet sorrow" of Shakespeare's immortal lovers, but a very real sorrow, which grows more serious and more grim as the years pass by and age advances.

It is with a feeling of great sorrow that I—and I am sure I express the sentiments of all other Senators—find myself compelled to part with the Senator from Indiana [Mr. KERN]. He has been the official leader of his party during four years, a position which has put him in the front of conflict. I can only say that he has borne himself with fairness, with courtesy, with unvarying good temper to those opposed to him, and Mr. President, wholly apart from that, I am sure the feeling I am about to express is shared by all. We are losing a friend. He has been to me not only a very valued, but a very good friend, and it is sad for me to think that he is about to withdraw from the interests and activities we have so long shared together. His kindness, his good temper, and the generosity which he has just shown in his cordial words with regard to his successor have endeared him to us all. It is hard to say "good-by," and I will not say it, but I will say that he goes back to private life carrying with him the affectionate regard of all those who have been associated with him here, quite as much of those who sit on this side of the aisle as of those who sit on the other side. He carries with him every good wish that we can give for his health, his happiness, and his peace of mind in the years to come.

Mr. SMITH of Georgia. Mr. President, it is not necessary for Democratic Senators to tell Senator KERN, the Senate, and the country how much we esteem him and how much we will miss him.

Just two years after he came here he was elected by his Democratic associates their leader. Two years later he was again unanimously elected their leader.

He has, with great ability, with marked tact, with perfect fairness, and with uniform courtesy, served them as their leader and served with his associates as a Senator.

We all honor him; yes, and he will always have our warmest love.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. CLAPP. Mr. President, it has been in a way a partially formed purpose of mine, during the last two or three months, at some time during this session, which closes my official career, to submit some remarks to the Senate. It had been my purpose to make those remarks somewhat extended, dealing in a measure with the changes that have taken place in the methods of electing the Senate and the issues before the country during 16 years of my service, including a survey of existing conditions, but from day to day the thought has impressed me that this was a short session and that perhaps it would hardly be fair to trespass upon the time of the Senate with an extended address, covering a review of public conditions, which I had in a measure contemplated making. I shall therefore at this time simply avail myself of the Senate's patience to say a word, not to bid the Senate good-by, for I do not intend that to-morrow shall sever my personal association with the Members of the Senate.

The most striking change that has occurred is found in the fact, significant and solemn, that in those 16 years of the Senators who sat in this Chamber the day I entered and who have sat here since, 40 have died in service, and 31 have died outside of the term of their office. That is solemn and significant.

Mr. President, those 16 years have been years of political contest. At times issues have been sharply defined, and yet I know of no sting which remains; and, while for some time I have looked forward to retiring from public life with a sense of satisfaction, I would be false to myself if I did not say, as the clock admonishes me of the few hours I have to remain here, that it brings to me a sense of real sadness that I will no longer in my daily calling be in the association of you with whom I have been so long associated.

I believe the American Senate is the grandest body of men assembled upon this earth. We have our differences, our struggles, our rivalries, and our ambitions. But back of all that there is a genuineness of friendship which I doubt can be found elsewhere in the association of men with men. That association, in its closer and daily relations, I am about to terminate. I shall look back with pleasure to these associations and the kindnesses that have been shown me by one and all. I wish for one and all the full measure of happiness and success and with no regrets save the regret of separation I shall ever remember with affection and kind regard my association and the kindness with which I have been treated by my fellow Senators.

Mr. REED obtained the floor.

Mr. WATSON. Mr. President——

Mr. REED. Mr. President, I understand that the Senator from Indiana desires to make some remarks, but not on the bill. I understand that he desired to speak with reference to Senator KERN.

The VICE PRESIDENT. The Chair will recognize the Senator from Indiana, and the Senator from Missouri will next be entitled to the floor.

Mr. WATSON. Mr. President, I was out of the Chamber when the news was brought to me that my distinguished colleague had uttered an address of farewell to the Members of this body, with which he has been so long associated, and I felt that I could not let the opportunity pass without paying

my tribute of respect to him as a man and as a citizen and as a neighbor.

It is indeed a characteristic of the American people, and a most fortunate one, that in the midst of a great emergency like that which confronts us at this time, and an agitation almost international that seems to be centered here for the moment, we can even temporarily lay it aside to pay a tribute of respect to one who is about to depart from our midst. This shows, Mr. President, that, after all, behind all political divisions we are one in sentiment, one in aspirations, and one in patriotic purpose.

Of the service of my colleague here I shall not speak, because you are more familiar with that than am I; and I only rise for the purpose of expressing the feeling of the people of Indiana for this distinguished Hoosier who is about to return to the body of her citizenship. As a Senator, as the reporter of the Supreme Court, as the candidate of his party twice for the governorship, as the candidate of his party for the Vice Presidency, he has ever displayed those characteristics that have endeared him to the people of his State; and as you say farewell to him here, the people of Indiana bid him hail and welcome, because there he will be loved by many and admired by all.

Mr. THOMAS. Mr. President, the Democratic colleagues of the Senator from Indiana [Mr. KERN] have united in a written testimonial of their affection and esteem, and in a mutual expression of deep regret that the time has come when their association under his wise and considerate leadership will be terminated. It is unnecessary, at this late hour, when the time of the Senate is so valuable, to do more than to assure our friend and brother from Indiana that the testimonial presented to him is an earnest although an entirely inadequate expression of our love and affection.

Mr. President, I can not let this opportunity pass without briefly referring to the public services of the distinguished Senator from Minnesota [Mr. CLAPP], whose term is also about to expire, and to express for this side not only our appreciation of his great ability and his valuable contribution to all the details of public affairs which have arisen to demand legislative consideration during the time he has honored the State which honored him with a seat in this body, but as well to assure him that the love and the affection and the esteem of this side of the Chamber are and will continue to be with him as they have been since we have been given the privilege of knowing him through the close association of official companionship; and we trust that in private life he will recall us, as we shall think of him, sometimes perhaps with envy that the burden which we still must carry has been lifted from his shoulders. In his retirement the State which he has so well represented loses a valuable representative; we lose a most useful, capable, and honored colleague.

Mr. WORKS. Mr. President, I had not expected to say anything about my own departure from the Senate, but I feel that I can not let this occasion pass by without saying to Senators how much I have appreciated my association with them through the six years that are coming to a close. It has been one of the bright spots in my life. With all the toil and stress and sometimes disappointments of public life here in Washington I have always and invariably enjoyed my association with my brother Senators.

Mr. President, I am going out of the United States Senate under a dark shadow that may resolve itself into a great tragedy to this Nation. I am giving up voluntarily the responsibilities that have rested upon me in the past. I expect, in a very short time, to address myself to the bill which is before the Senate. I find myself constrained to oppose the sentiments of a great majority of my associates in the Senate. I have learned by experience that this will bring upon me cruel criticism and abuse; but I have tried during my service here to serve my State and my country to the best of my ability, and to be guided by my own conscience and my own judgment of what is right and what is wrong, let the critics say what they may.

I have always accorded to my brother Senators with whom I have differed the same conscientious convictions of right that I have entertained myself, and the controversies that have taken place on the floor of the Senate have left no bitterness. I am going out of the Senate to-morrow with the most kindly good will to every Member of this body on both sides of the Chamber. I have received at their hands the utmost kindness and courtesy throughout the six years that I have been here, and I can not tell you to-night how much I appreciate the good will and the kindness that have been extended to me by every Member of the Senate.

Mr. STONE. Mr. President, I have not generally been in accord with the political views of the Senator from California [Mr. WORKS] or with his conceptions of what best conduces to the public interests. My thought has run along somewhat different lines from his, ordinarily; but the Senator from California will bear with him when he leaves this body my entire personal respect, and also the universal respect of all his colleagues because of their belief that he has always acted courageously and conscientiously. He has been a useful public servant, and he will take to his home the good will of the colleagues with whom he has served with great distinction in the Senate.

In this connection I wish also to say that the Senator who brought this matter very appropriately before the Senate—I mean the senior Senator from Indiana [Mr. KERN]—will also be missed from the councils of this body; missed because of his fine qualities of head and heart, because of his manliness, his courtesy, his gentleness, and his wisdom. He has been the titular head of the Democratic Party in the Senate for some years, and has served in that very difficult and responsible position with great efficiency and satisfaction to his colleagues. There has been no man in the Senate during my service here who will go out of the Senate more beloved, or whose absence will be more sincerely regretted, than JOHN W. KERN, of Indiana.

Mr. TOWNSEND. Mr. President, it becomes my very pleasant duty—if farewells can be called pleasant—to express, in behalf of the Republican side of the Chamber, its deep appreciation of the services and characters of all of the Senators who are to sever their relations with the Senate to-morrow. To me it would seem even more appropriate if the Senate could have set aside a day to commemorate the virtues of the departing living than to set aside a day to talk about the virtues of the dead. It is a sad time for every Senator in this body when he stops to consider the fact that those Senators with whom he has associated for so many years under such favorable circumstances are to be here no more.

I am particularly requested to say a word in relation to the junior Senator from Minnesota [Mr. CLAPP], although I do that without any idea of being invidious to the other Senators who are to go out, because their virtues are known to us all.

But the junior Senator from Minnesota has always impressed me with the fact that he has been something more than a statesman—he has been a philosopher. His is that kind philosophy which is based on good will to all and which has induced him to see things broader than politics or than matters of legislation, because they reach out and take in humanity. This has made him a marked character in the Senate. I am sure all agree with me when I say that he will be missed because of his rare characteristics and because of his exceeding loyalty to his friends. I say this without any thought of being invidious to the others, all of whom we love, all of whom we respect, and for whose departures we are exceedingly sad.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, I rose to inquire whether it would be possible at this time to secure unanimous consent for a limitation on the debate and for a vote upon the amendments and upon the bill through the final parliamentary stages to its passage. I shall not make the request formally, so as to necessitate the calling for a quorum, but I desire to read a proposal to the Senate to see if it is possible to secure such an agreement.

Mr. CLAPP. Mr. President——

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

Mr. CLAPP. Without objecting in the usual form and spirit, I do not believe it would be possible now. I know of two or three Senators personally who desire to speak beyond the limitation that will probably be included in any unanimous-consent agreement. I feel that the bill is one I should want to speak upon, not in any extensive remarks but possibly somewhere about half an hour or even more. I regard it as one of the most important steps that has been under consideration in the Senate since I have known anything about national legislation. I am not speaking for other Senators, except I understand in a general way there are other Senators who feel that they will want to speak longer than any probable limitation that could be placed in a unanimous-consent agreement at this time. I have no desire unnecessarily to delay a vote. I assure the Senator from Nebraska of that.

Mr. HITCHCOCK. I understand the Senator is undoubtedly acting in entire good faith, and so am I. I have endeavored in this unanimous-consent agreement, which I desire if possible to propose formally, to allow such time as I believe

will be considered amply sufficient for all those who desire to speak. I feel justified in saying that there is very little time to be taken up by those who advocate the bill. This is in the form in which I will put it if I receive any encouragement to propose it formally:

It is agreed by unanimous consent that not later than 1 o'clock a. m. Sunday, March, 4, no Senator shall speak more than once nor more than 30 minutes upon the bill H. R. 21052, nor more than once nor longer than 15 minutes upon any amendment offered thereto, and at not later than 6 a. m. of said day all debate on said bill and the amendments thereto shall cease, and the Senate shall proceed to vote upon said bill and all amendments offered thereto through the regular parliamentary stages to its final disposition.

That will allow six hours of debate. I am perfectly willing to modify it in any way that will afford every possible legitimate opportunity for any Senator to express and record his own convictions or to endeavor to change the convictions of others; but, in view of the fact that we are now within a short time of final adjournment, and that there is an overwhelming majority of the membership of this Senate ready for action now, and that the bill has already been passed by the House of Representatives by one of the most tremendous majorities ever recorded in that body, I do urge Senators who are interested in this bill, even in opposition, to give an opportunity to express the sense of the Senate.

Mr. President, if any Senator will say that he will object to unanimous consent, I shall not take the time of the Senate to have a roll call.

Mr. WORKS. Mr. President, I have up to the present taken no time to discuss this bill. I think it is a measure of exceeding importance. I place very little importance upon the fact urged by the Senator from Nebraska that a large majority of the Senators are in favor of the passage of the bill. I am satisfied that a large majority of the American people outside of the United States Senate are opposed to any step, this or any other, the tendency of which is to lead this country into war. It is not my purpose to consume any unnecessary time or to endeavor to prevent a vote upon the bill. I have never taken part in a filibuster. I do not believe in filibusters. Certainly, I would not resort to it in a case of this kind, however much I may be opposed to this proposed legislation.

But, Mr. President, probably two-thirds or three-fourths of the time that has been devoted to a discussion of the bill has been taken by Senators who are in favor of the passage of the bill that they say will be passed by an overwhelming majority. If the bill fails of passage, it may be justly said that it was killed by its friends.

It would be entirely unjust, it seems to me, at this stage to undertake to limit to 30 minutes the speeches that may be made by Senators opposed to the bill when Senators favoring the passage of the bill have devoted hours to its discussion. For that reason, because I desire the opportunity to express my own views on the subject, that I am quite sure will take more than 30 minutes, if I say what I hope to be able to say, I am disposed to object.

Mr. HITCHCOCK. Would the Senator be satisfied with any other phraseology which would give him sufficient opportunity, and others also?

Mr. WORKS. I would have no objection at all to any unanimous-consent agreement that would give Senators an opportunity to discuss the bill. That is all I desire.

Mr. HITCHCOCK. Suppose, instead of suggesting 1 o'clock as the time at which the unanimous-consent agreement shall begin to take effect, we agree upon 3 o'clock?

Mr. WORKS. That would be entirely satisfactory to me personally, if I should be able to make the speech I desire to make between this and 3 o'clock, but it might be entirely unsatisfactory to some other Senator who is to come on later.

Mr. CLAPP. Mr. President, it hardly seems to me that it is, I will say, fair, although I use the word without any thought of imputing unfairness, to place those of us who have waited our turn and who feel that we should speak upon the bill in an attitude of either objecting or insisting that sufficient time shall be given each Senator. I hope that the Senator will for a time, at least, abate the effort to get unanimous consent. I do not like to be placed myself in the attitude of appearing to object to an agreement, and yet I want to say to the Senator from Nebraska that to my mind this is a most vital question, not only in relation to the immediate future, but much more far-reaching than that. We have waited, and now we are to be placed in the position of pleading here for an opportunity to be heard or interposing an absolute objection to unanimous consent. I think it would be better to defer the request a little while.

Mr. HITCHCOCK. Does the Senator think that if the proposed agreement should be amended so as to simply provide that a final vote should be taken upon the bill and all amendments at 8 o'clock in the morning——

Mr. CLAPP. I will be perfectly frank with the Senator. I am not very much given to crowding myself into debates. I never have taken very much of the time of the Senate in the years that I have been here, considering the fact that I am somewhat given to public speaking. I would not consent to a situation which, in courtesy to others who obtained the floor, would leave me at 8 o'clock without an opportunity to make a fair and full presentation of my views upon the bill; nor do I want to be singled out in an order of unanimous consent and given any special time myself. That is the embarrassment which is placed upon those of us who have not yet spoken upon this question. If I can not get a consideration of the suggestion to defer the request, I shall have to interpose an objection, much as I dislike doing it, in view of the situation.

Mr. HITCHCOCK. Then, Mr. President, I shall for the present defer making the request, but I announce that some time before noon I shall again request unanimous consent, and the Senate will remain in session until the period of adjournment.

Mr. CLAPP. Mr. President, I think the Senate ought under the circumstances to remain in session, and I am willing, for one, to stay here, as I have in the days and nights that have immediately preceded this hour, to help the majority maintain a quorum.

Mr. REED. Mr. President, before I address myself to the bill I desire to say a word with reference to the distinguished junior Senator from Minnesota [Mr. CLAPP], who, unfortunately, is about to sever his connection with this body. I know of no man who has been in public life during the past decade who has been bolder in thought, more independent and patriotic in his entire public thinking and public speech, than the Senator from Minnesota. He bears with him as he leaves this body the good will of every Member.

Mr. President, I hesitate to discuss the bill, because after the observations that have been made one may almost be suspected of a desire to kill the bill by talking even in its favor. I think I would say nothing except for the concluding sentence of the speech of the Senator from Iowa [Mr. CUMMINS]. That sentence was, "I am opposed to kaiserizing the United States." The inference conveyed was that the President of the United States is seeking to establish an autocracy in the United States similar to that which exists in Europe.

Mr. President, whether this legislation be wisely or unwisely conceived, whether the amendments offered are vital or otherwise, every candid man knows that the purpose of the President is to protect this country against kaiserism and not to impose kaiserism on the country.

Frequently in considering questions the wisest of men approach them at such an angle as to give to themselves a false view. I can not escape the conclusion that much of the difference of opinion that has been expressed here on the floor arises not from a difference as to fundamentals but merely springs from a difference of viewpoint. There is not a man in the Senate of the United States who desires or is willing to impinge upon the Constitution of the United States. I do not believe that the President of the United States has any more desire to trench upon the constitutional authority of Congress than I believe the Congress desires to trench upon the constitutional authority of the President.

Mr. CUMMINS. Mr. President——

Mr. REED. Will the Senator allow me to conclude this statement, and then I shall be glad to yield?

The trouble is that some very good men magnify a situation and conceive that evil results will flow, when there is no purpose in the heart of any man to produce any one of the evils that may be imagined or feared. I yield now to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I think it is due to the Senator from Missouri, as well as to myself, to say that the sentence to which he has referred was not used in connection with the President of the United States. On the contrary, I said, and said repeatedly, that I would rather give this power to the President of the United States than to any other man of whom I knew. The sentence was used with regard to the legislation itself and the tendency that had been developed in recent years in that direction.

Mr. REED. Mr. President, I am glad to have the statement of the Senator from Iowa, and I have not meant, I assure him, to do him any injustice. If the sentence had stood out by itself, I should not have given it so much prominence in my own mind, but it was one of a series of sentences that had been uttered from time to time on the floor by other Senators, all, it seemed to me, to the same general purpose and effect.

Mr. President, if it be conceded that the President of the United States has no desire to kaiserize the United States or to centralize power and authority in his hands to the detriment and injury of the Constitution, it must be conceded that there is no intention on the part of Congress to destroy its constitutional authority and rights. So, if the Constitution is about to be destroyed, as some fear it is to be destroyed, by Congress passing a law without intention of surrendering any of its constitutional rights or destroying the Constitution, and that destruction of the Constitution is to be accomplished by turning over power to a President, who, all of these Senators will agree, will never abuse that power—if that is the case, pray what are we growing excited over?

To state it again, Congress has no idea of surrendering a constitutional power or of destroying the Constitution. The President has no desire to see the Constitution destroyed. It would seem, under those circumstances, that we need not grow very much excited.

Let us examine the question a moment from another angle. This President who, all concede, desires to maintain the Constitution; who, all concede, to be honest and patriotic, instead of exercising those powers which most men believe he possesses, comes to Congress and asks the express sanction of Congress. Does that look like the act of one who would kaiserize the United States? Does that appear like the conduct of a man who is willing to trample upon the Constitution? On the contrary, it is the highest evidence of respect for the Constitution.

Now, examine the question from still another angle. The President comes to Congress and asks Congress for certain specific powers to meet a certain condition, and Congress proceeds to grant him those powers to meet that condition. Is that a surrender by Congress of any of its prerogatives, even though the condition named should be one eventuating in war?

Instead, sirs, of its amounting to an abandonment by Congress of its right to declare war it is the exercise by Congress for that right to become effective upon the happening of a contingency. Congress could undoubtedly confer upon the President the power to begin war upon the happening of a contingency and be as completely within its rights as it would be if it were directly to declare war itself.

So, it seems to me, under these conditions it can not be argued that Congress is abandoning its constitutional right when it declares that the President may employ the forces of the United States in a certain manner and under certain conditions, of the happening of which the President shall be the judge. I see no insurmountable difficulties in the way, so far as the Constitution is concerned.

When we come now to consider the three propositions that are before the Senate, while they are somewhat different in their terms, I can not see how they will be very different in their practical operation. This legislation must be considered with reference to the facts which confront this country and the world; and, applying those facts, I reaffirm that, at least in my humble judgment, if any one of three propositions is passed the same result will happen.

What are the three propositions? The House proposes in its bill to give the President the power and authority to arm merchant vessels and to give to the owners of merchant vessels full authority to defend themselves. The Senate bill proposes the same thing, employing a little broader language. The amendment offered by my distinguished colleague [Mr. STONE] permits the arming of merchant vessels and permits the merchant vessels to defend themselves, the single point of differentiation being that under the amendment offered by my colleague the Government would not "employ or direct any person to manage or operate any arms placed on any merchant vessel." I think that is a wise restriction. I am quite in accord with it. Then it is provided "that it shall not be lawful for any merchant ship supplied by the President with arms" to carry or convey "munitions or other supplies of war" as a part of her cargo; neither shall a vessel carrying munitions as a part of her cargo be convoyed.

All three of those restrictions, it seems to me, would improve this bill. I am in accord with them, but when we come to apply all of these measures to the practical facts before us, will there be much difference of result? I fear there will not be much difference.

What are the facts that confront us? If we can agree as to those facts, and if you see them as I see them, the phraseology of this bill is not of very great importance.

We know what this legislation is aimed at. It is aimed at the conditions which have been brought about by the recent action of the German Government. It is not directed at other countries; it is not directed at what has happened in the remote past. It is directed to a condition that now immediately confronts us; and what is that condition? The German Government has drawn a line around Great Britain; it has prescribed certain lanes through which, under certain conditions, it will permit the commerce of the United States to go. It has said that, if ships enter the forbidden zone under any other conditions than those laid down by the Imperial Government of Germany, these vessels will be sunk. Against that condition it is proposed now that we shall take some action; and the act which all concede is proper is to arm or to permit the arming of merchant ships; and it is conceded here upon the floor, indeed it has been asserted with great force by the Senator from Massachusetts [Mr. LODGE] and by the Senator from Montana [Mr. WALSH], and generally concurred in, that it will be the business of these armed ships to fire upon a German submarine the moment a submarine comes within gunshot.

Mr. President, let us apply these facts. Let us assume that any one of the bills now proposed, the House bill or the Senate bill, the Senate bill amended as the Senator from Iowa [Mr. CUMMINS] would amend it, or amended as my distinguished colleague [Mr. STONE] would amend it, is accepted and becomes the law. Immediately the merchant vessels of the United States will be armed. A part of them will be armed, we may assume, with guns from the navy yards, and upon those same vessels will go expert gunners from the Navy. If the amendment offered by my distinguished colleague is adopted, such vessels will carry no contraband; but other vessels, privately armed, may carry contraband. It seems to me, Mr. President, that this is what is bound to eventuate: If the privately armed vessel goes from an American port, especially if it happens to be one carrying no arms or munitions, and the moment it sees a submarine it begins firing upon that submarine and a battle ensues upon the high seas, where that vessel, sailing under the American flag, has a right to be—the moment that battle begins the war between Germany and the United States will have begun; and, if that vessel is sunk, the cry will go up from every quarter of the United States demanding that the blood shed by American citizens shall be washed out in other blood; and you can not, after these events I have spoken of have occurred, any more stop war than you can arrest the tides of the ocean.

We need not indulge in any fine legal distinctions as to what constitutes war and what does not. We need not trouble ourselves about our rights under international law. As Cleveland said, a condition and not a theory confronts us. Whenever the guns from the deck of an American ship over which floats the American flag shall have spoken with iron tongue to a German war vessel, whether it be a submarine or an ordinary man of war, and when that German war vessel has sent back its iron answer, war will exist; and once it has begun it will go on to the end.

Mr. President, the great question we have to settle to-night, I think, is not the form of these resolutions so much as the steps which will be taken under any of these resolutions. If we have arrived at a point where war with Germany is inevitable, then I am in favor of fronting that question in all its gravity. I have seen, I think, a little disposition, even in this body, to fail to appreciate the solemnity of the act we are called upon to perform. Men speak of this condition as though if we were to enter war all we had to do was to gather victory within our arms, as though it were a slight and trivial thing. They talk of it in the same spirit in which we might speak of some pleasant adventure, where we were to assert our gallantry and escape unscathed. And so we hear such expressions as "we will defend our rights," and "we will vindicate our rights," and "we will sink ships," "we will destroy vessels," as though there were no enemy to consider.

Mr. President, I hope no man is so much of a poltroon that he will sacrifice his country's honor to escape a danger; but I also hope no man is so thoughtless that he will not, on an occasion of this kind, give solemn consideration to the effects which may follow his act.

I tell you, Senators, if this war is begun, the youngest man in this body may be dead and in his grave before the effects of our action taken here to-night shall have passed away. No man can foresee the end. No man can prophesy with safety the end. How long will it last? How long will the present war in Europe last? How long will the present alignment exist? And when that war shall come to a close, will it be a permanent close, or will it mean a realignment, new battles, new wars, and new horrors? And shall we be able to extricate ourselves from all of this without even the smell of smoke upon our garments; or shall the intrigues of European courts plague us for a century of time, and shall the dragon's teeth still bring their crop of evil as the years go by?

What shall the immediate cost be? I tell you, sirs, if we are to engage in a conflict with Germany, we might as well understand now as understand later we are engaging in a desperate conflict with the most puissant power of this earth. We might as well now as later count the cost—the cost in blood and treasure; and I say, if we are to enter this contest, we ought to enter it with such force and with such mighty power, with such resistless energy, as to determine the result, and do it speedily. We can not afford, with such an antagonist, to trust to any halfway measures.

We can not afford to enter this contest and trust to other nations to win the victory. They may too soon compose their differences; they may not gain the victory; and we may find ourselves confronted by a mighty nation that has disposed of its enemies by treaty or by conquest; and in such a case, who will tell the end of the struggle, or count the cost in blood and treasure?

Mr. President, if we are going into this contest, we may as well get ready, not with one hundred million dollars, but with billions; not with a few guns from navy yards to be placed upon the thin shells of the decks of merchant vessels, but with all our armaments of the sea and with all we can create. We may as well get ready, sir, with all the vast resources of our land. We may as well prepare to call on every home for its best beloved. We may as well steel our hearts to the sound of grief that comes from the lips of wailing women. We may as well turn our eyes to doors the lintels of which will be sprinkled with the blood of our sons.

This is no idle thing we are doing. We may have occasion for regret. There was a time, a little over 24 months ago, when four or five men could have held up their hands and stopped a world conflict. But they heard the voices of ambition; they listened to the cry of "Onward" and "Victory"; they dreamed of triumphal marches; they heard the huzzas of the enraptured multitudes; they reached out hands in anticipation for laurel wreaths that were to be woven for their brows; and there is not one among them who has not prayed God a thousand times that he might escape the result of his act in plunging his country into war.

So, I say, if we must take these acts, let us take them with full knowledge of the gravity of that which we do. Let us not deceive ourselves with the thought that we are certain, by taking these acts, to gain for ourselves peace. We are very likely, sir, to be entering upon a crimson field, the horizon of which lies beyond the boundary of our vision, the agonies of which our souls can not conceive.

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 amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

NAVAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SWANSON. Mr. President, I ask the Chair to lay before the Senate the conference report upon the naval appropriation bill (H. R. 20632). I filed the report several hours ago, so that Senators who were interested might find what action has been taken.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the naval appropriation bill, which will be read.

The Secretary proceeded to read the report. During the reading,

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Virginia what the purpose of the conferees was in changing the emergency appropriation of $115,000,000 so as to eliminate aircraft from the purposes for which it could be used, among others?

Mr. SWANSON. I will say to the Senator that the report does not do that. It increases the use.

Mr. POINDEXTER. Mr. President, the report does do that. It has the peculiar effect of authorizing the purchase of ammunition for aircraft without authorizing the purchase of aircraft.

Mr. SWANSON. No.

Mr. POINDEXTER. The original language of the emergency-fund appropriation did authorize the purchase of aircraft. This one does not. I regret it very much. I only desire to call attention to it. I do not desire to impede the adoption of the conference report for that reason, but simply to call attention to that omission and to express great regret that the conferees have omitted that from the provision, for the reason that aircraft are of constantly increasing importance—one of the greatest needs, in fact, in the enlargement of naval equipment.

Mr. SWANSON. If the Senator will examine the report he will find that he is entirely mistaken.

Mr. POINDEXTER. I am not mistaken, Mr. President. I have read the provision with the greatest care, and I am perfectly competent to understand what the language of it means.

Mr. SWANSON. After the reading of the report is finished, if I can get consent, I will explain it to the Senator.

The PRESIDENT pro tempore. The Secretary will resume the reading of the report.

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

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 34, 38, 39, 48, 83, 87, 89, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 35, 36, 37, 40, 41, 42, 43, 45, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 91, 92, and 94, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Page 3, line 5, of the engrossed amendments after the word "Government," insert quotation marks (") ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "removed" at the end of said amendment, and in lieu thereof insert "increased to $2,080,956"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "including the acquisition of necessary lands"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In said amendment strike out the words "acquisition, by" and "or condemnation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Change total to "$16,976,255.01"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "The President, in his discretion, is authorized to reduce the course of instruction at the Naval Academy from four to three years for a period of two years from the date of the approval of this act and may during said two years, graduate classes which have completed a three-year course"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: Strike out the following words "the present fund being inadequate to meet the requirements of the service at this time"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Strike out said amendment and insert the following:

"That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, an assistant paymaster in the United States Navy, as an additional number in said grade or to any grade to which he may hereafter be promoted: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall, for purposes of pay be credited to him as service in the Navy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: Strike out said amendment and insert:

"NAVAL EMERGENCY FUND.

"To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft, guns, and ammunition for all of said vessels and aircraft and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000, or so much thereof as may be necessary, and to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Strike out said amendment and insert in lieu thereof the following:

"In addition to the 18 submarines hereinbefore appropriated for, the Secretary of the Navy is hereby authorized and directed to proceed at once to cause to be constructed 20 coast submarines to have a surface displacement of about 800 tons each at a cost not to exceed $1,300,000 each, exclusive of armor and armament, on the most approved lines according to plans and specifications to be provided or adopted by the Secretary of the Navy. The same may be let by contract to private builders or constructed by the Government in navy yards, or both, as may be directed by the Secretary of the Navy. Said 20 submarines shall be constructed on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlantic coast plus the cost of transportation from the Atlantic to the Pacific. Eighteen million dollars is hereby appropriated toward the construction of said submarines."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the matter stricken out insert the following:

"(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per cent shall make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In the proviso of said amendment strike out the word "*further*" and, at the end of said amendment, add the following proviso: "*Provided further*, That in computing said 10 per cent and 5 per cent increases of salaries, the specific increases of salaries made in this act shall be included as a part of such increase"; and the Senate agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
N. P. BRYAN,
BOIES PENROSE,
H. C. LODGE,
Managers on the part of the Senate.
L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. LODGE. In the amendment to amendment No. 85 there is a word left out by mistake.

Mr. POINDEXTER. It does not provide for aircraft.

Mr. LODGE. It has been left out by mistake. We can correct it by a resolution.

Mr. SWANSON. Let the Secretary read it again.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 85 and agree to the same with an amendment as follows: Strike out said amendment and insert:

NAVAL EMERGENCY FUND.

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo boat destroyers, submarine chasers and such other naval small craft, including aircraft guns and ammunition for all of said vessels and aircrafts and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000, or so much thereof as may be necessary, and to be immediately available.

Mr. SWANSON. The only mistake is that there should be a comma after "aircraft," so as to read "aircraft, guns and ammunition." If a comma is put in there, it will make it entirely correct.

The Secretary read as follows:

Including aircraft, guns and ammunition.

Mr. SWANSON. The purpose is to furnish guns and also ammunition for the aircraft. There was a comma left out. I ask unanimous consent that the unfinished business be temporarily laid aside and that we proceed to dispose of the conference report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

Mr. JONES. I merely wish to ask the Senator from Virginia what the conferees did with reference to the provision relating to dry docks.

Mr. SWANSON. Where?

Mr. JONES. Out of the emergency fund.

Mr. SWANSON. That was eliminated. The House conferees were very insistent that it should be eliminated, and the Senate conferees had to recede.

Mr. JONES. I am very sorry that was done.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SWANSON. The chairman of the committee has a statement prepared. He had to leave to-night, and I desire to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT OF SENATOR TILLMAN.

"Mr. President, the conferees on the naval appropriation bill have agreed, as you have been informed by Senator SWANSON. Owing to my feeble health, I asked him to take charge of the bill in the Senate, and he kindly consented to do so. He had a severe attack of grippe three weeks ago, which lasted 10 days or more, and he was so weakened by it that he almost gave up once or twice from sheer exhaustion. Senator BRYAN, whom we all regret to see leave the Senate, especially we of the Naval Committee, kindly took Mr. SWANSON's place and very ably, under most difficult circumstances last night, when the House of Representatives refused to accept the bill and sent it back, conducted it to its final passage.

"The situation seemed desperate, and was desperate; but by patience and tact he won and succeeded in passing the bill when it looked hopeless. I know I would have failed.

"But for the unwise unanimous-consent agreement we entered into night before last for the final vote on the bill yesterday an important item authorizing the new building for the clothing factory at Charleston would be in the bill. As it is, the Senate was unable to act upon it yesterday because of that unanimous-consent agreement. Nevertheless, the bill contains very many meritorious and valuable provisions. It is the most important ever enacted by any Congress.

"It will be noticed, however, that the House, although it has been laboring on the bill since December, sent such a loosely drawn and defective bill that its conferees could not but accept nearly all the Senate amendments. I grew tired of writing 'H. R.' which means 'the House recedes.'

"We are building ships or trying to build them feverishly, without preparing any way to repair or care for them, which is as foolish a procedure as buying blooded horses and not building stables in which to house them. I have given up the item of $1,085,000 for lengthening the Charleston Dry Dock, because I either had to do it or jeopardize the passage of the bill at all, and its failure to be enacted at this session can only be at-

tributed to stubbornness and prejudice. I have endeavored, so help me God, ever since it was established to develop the Charleston yard in a legitimate way for the good of the Navy and the American people. Had I not believed it the best yard on the South Atlantic coast and the best possible place for a great southern base, I would have not fought for it as I have. That dock is able to take in and care for only those battleships up to the *Utah* class, whereas if it were lengthened it could dock all the battleships now authorized and all the battle cruisers we have already built. In conference the managers on the part of the House refused absolutely to agree to any kind of a proposition in regard to this dock. I begged them to leave it to the discretion of the President and so word the provision for the $115,000,000 emergency fund as to allow him to lengthen it if, in his judgment, it was for the public welfare and the good of the Navy, but they would not do that even; so, rather than see the bill fail, I finally surrendered.

"The Secretary of the Navy has, in his annual report recommended the lengthening of this dry dock. It was in the bill last year. It was regularly estimated for, but because the estimate was a supplemental one, and not in the first estimates sent to Congress, the chairman of the House Naval Committee and his brother conferees were deaf to all pleas. There are many items in the bill which were not estimated for.

"We all know, at least the naval strategists tell us, that the next great naval battle in which this country is to be engaged will probably take place in southern waters, either north or south of Cuba or in the Gulf of Mexico. That we have a coast line reaching from Hampton Roads to the Mexican border in which there is only one dry dock, that at Charleston. Moreover, there is only one commodious deep-water land-locked harbor south of Hatteras, and that is Charleston, and should our vessels in that battle be damaged the dock at Charleston would be the only one in reach of a wounded ship. Naval strategists say that a dock south of Hatteras is vital to the Navy; but as soon as the Potomac is reached the Naval Committee heretofore, and many naval officers, have been unwilling to see any merit in anything this side of Guantanamo, over 1,500 miles away.

"All well-informed men know, too, that the Charleston dock can be lengthened for about one-third as much as a new one would cost, and can be done in 18 months, whereas it will take four years and three and a half or four millions to build a new one. Prudence and farsightedness show this dock should be lengthened, but prejudice and partisanship were too strong for me, because at the present time the Navy Department is dominated by a coterie of officers who are opposed to anything south of Cape Hatteras on the mainland. The southern Secretary of the Navy approves it and advises that it be done; the chairman of the House Committee on Naval Affairs, himself from Tennessee, is opposed to it bitterly, seemingly with unnecessary vindictiveness. My conscience would not let me defeat the whole bill, as I believe I could have done, for the sake of this one item.

"The chairman of the House committee seemed willing, and I believe would rather have seen the bill defeated than to allow the item for the lengthening of the Charleston Dry Dock to stay in. He is welcome to all the glory he can get out of it. I do not accuse him of lack of patriotism, nor do I accuse him of insincerity, but I do accuse him of a stubbornness and narrowness with which no statesman in a time of national necessity like this should be afflicted. My conscience is clear, because I fought for what I know was right, and owing to my sense of patriotism, knowing the country needed a naval bill so badly, I did not endanger its passage for the sake of that item.

"I put this statement on record so that in time if we ever have a war with a naval power and lose the control of the sea it will be shown whether a longer dry dock at Charleston would not be a most valuable asset for the Navy and the entire country.

"I spoke day before yesterday about the unwisdom of putting a great naval base anywhere except in continental United States, and I am sure time will prove the wisdom of that assertion, because, as I have already said, if we ever get at war with a naval power stronger than we are that base would be immediately seized by that power and be an asset to them rather than to us. Moreover, to put such a base out of the reach of railroads which can carry supplies to the fleet in southern waters it is proof positive of the lack of wisdom and foresight in such a failure."

Mr. SWANSON. Mr. President, I should like to say in this connection that the chairman of the committee has acted very generously and splendidly in yielding up the dry dock at Charleston, and other provisions in the bill, in order to secure its speedy passage in this emergency.

PUBLIC BUILDING AT PARIS, TEX.

Mr. SHEPPARD. Mr. President——

Mr. VARDAMAN. I yield for a moment to the Senator from Texas.

Mr. SHEPPARD. I ask the Chair to lay before the Senate the amendment of the House to Senate bill 5270.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5270) for a public building at Paris, Tex., which was, in line 3, to strike out "$200,000" and insert "$170,000."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger; and

H. J. Res. 393. Joint resolution making appropriations for the construction and operation of railroads in the Territory of Alaska.

LIQUOR ADVERTISEMENTS.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. VARDAMAN. I yield to the Senator for a formal matter.

Mr. BANKHEAD. I ask the Chair to lay before the Senate House joint resolution 392.

The joint resolution (H. J. Res. 392) providing that section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, shall not be in effect until July 1, 1917, was read the first time by its title and the second time at length, as follows:

That section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall not be in effect until July 1, 1917.

Mr. VARDAMAN. I shall have to object to the consideration of the joint resolution. It proposes to suspend the famous Reed amendment to the Post Office appropriation bill.

Mr. BANKHEAD. Until the 30th of June. Surely the Senator from Mississippi will not object.

Mr. VARDAMAN. I do not see why it should be permitted to go.

Mr. BANKHEAD. I will state the reason of it. If the joint resolution does not pass, it will certainly bring great distress to a great many men in this country who are entitled to fair treatment. If the joint resolution does not pass, it means bankruptcy and ruin to many people who have been engaged in a business which has been heretofore recognized by the Government. It does seem to me that the Senate ought to pass the joint resolution extending the time until the 30th of June.

Mr. VARDAMAN. What is the purpose of it? The purpose of it is simply to throw the door open and continue the sale of liquor prohibited by the Reed amendment. Banks, and I suppose interests of that character, at the expense of the American people, who are to be protected by this sort of legislation. I do not like to do injustice to anybody, but the purpose of this proposed legislation is to prohibit the traffic in alcoholic drinks, and if we are going to extend the time why not make it a year until they can dispose of their stock?

Mr. BANKHEAD. Nobody has asked that the time shall be extended for a year. It is only until the 30th of June. I wish to say to the Senator from Mississippi, who is always fair and just, that if the joint resolution is not passed, conceding all he says, it means bankruptcy to a great many banks in the country, and it means bankruptcy to manufacturers of whisky that is in bond. It is just like the case of a cotton planter in Mississippi. He raises 10 bales of cotton. If he carries it to a warehouse and gets his receipt, he goes to the bank and borrows money, and you pass a law that he can not sell or ship his cotton. What is the planter going to do and what is the bank going to do? That is exactly this situation. I do not believe the Senator from Mississippi will object.

Mr. VARDAMAN. I will ask the Senator to let the matter remain as it is a little while and I will see about it later.

Mr. BANKHEAD. Then you object?

Mr. VARDAMAN. I do at this moment.

GRAND CANYON NATIONAL PARK.

Mr. ASHURST submitted amendments intended to be proposed by him to the bill (S. 8250) to establish the Grand Canyon National Park in the State of Arizona, which was ordered to lie on the table and be printed.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 3, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

How swift, O Lord, is the flight of time! And to what whitherward are we bound? Thou alone knowest the beginning and the end.

Behold, we know not anything;
We can but trust that good shall fall,
At last—far off—at last, to all;
And every winter change to spring.

Hold us to Thy heart and bear us on our way, keeping ever before us the one perfect man, the goal of all, that we may run the race with patience.

What though we have stumbled and fallen in the past, what though we have met defeat and disappointment, what though we have been overwhelmed with sorrow and grief; these are but angels in disguise to strengthen us for the future.

The end of the Sixty-fourth Congress is rapidly approaching, and we pray that its work may live a blessing to us and to coming generations. Grant that the coming together of these Representatives from widely different sections may be the means of uniting if need be the different States into a stronger union.

May the friendships formed in the last two years amongst the Members be a joy forever. Bless, we beseech Thee, the outgoing Members of this Congress and their families, and the incoming Members of the Sixty-fifth Congress and their families; that the work of this body may be a perpetual example of the wisdom in popular government through Him who taught us liberty, truth, justice, mercy, righteousness, and brotherly love.

We have heard with profound sorrow of the death of a Member of this House. Comfort us and his loved ones through faith and confidence in Thine Eternal Love. Amen.

The Journal of the proceedings of yesterday was read and approved.

COLUMBIA INSTITUTION FOR THE DEAF.

The SPEAKER announced the appointment of Mr. PORTER as a member of the Committee on the Columbia Institution for the Deaf.

COMMITTEE ON PRINTING.

The SPEAKER. The law requires that on the last day of the session the Chair shall fill any vacancy in the Committee on Printing, and the Chair appoints the gentleman from South Dakota [Mr. GANDY] in lieu of the gentleman from Illinois [Mr. TAVENNER], who retires.

THE LATE REPRESENTATIVE CONRY.

Mr. KITCHIN. Mr. Speaker, by direction of the Committee on Ways and Means I present the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 551.

Whereas death has again invaded our ranks and removed from the scene of his earthly activities our friend and colleague, the Hon. MICHAEL F. CONRY, of the State of New York:

Resolved, That in his death we experience a keen sense of personal loss. As a Member of the House for four terms, and many years a member of this committee, he discharged at all times with distinguished ability and patriotism the duties devolving upon him;

Resolved, That in his death the House and the committee have lost a wise, diligent, patriotic member and the district he represented, a citizen and a public servant devoted at all times to high ideals and prompted by those lofty purposes and motives which make for the very best type of American citizenship;

Resolved, That a copy of these resolutions be spread upon a page of the record of this committee to be set apart for that purpose, and that a copy of the same be presented to the House by the chairman of this committee for printing in the CONGRESSIONAL RECORD; and

Resolved, That a copy of these resolutions appropriately engrossed be transmitted by the clerk of this committee to the family of the deceased.

The SPEAKER. Without objection, these resolutions will be spread upon the record.

LEAVE TO EXTEND REMARKS.

Mr. MADDEN. I ask unanimous consent that my colleague [Mr. CHIPERFIELD] may be allowed to extend his remarks in the RECORD by printing a speech recently delivered by him before the New York Traffic Club.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his colleague [Mr. CHIPERFIELD] be permitted to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORGAN of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of national prohibition.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD on the subject of national prohibition. Is there objection?

There was no objection.

Mr. GARNER. I ask unanimous consent that my colleague [Mr. MCLEMORE] may extend his remarks in the RECORD by inserting a resolution passed by the Texas Senate.

The SPEAKER. The gentleman from Texas asks unanimous consent that his colleague [Mr. MCLEMORE] have leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE AND JUDICIAL APPROPRIATIONS.

Mr. KEATING. Mr. Speaker, I desire to call up a conference report. We had a unanimous-consent agreement last night that after the reading of the Journal the House would take up the matter of the disagreement between the House and Senate on amendment 9 to the bill to pension survivors of the Indian wars——

Mr. MANN. I hope the gentleman from Colorado will permit a conference report on the legislative bill to be taken up.

Mr. KEATING. So long as we do not lose our place.

The SPEAKER. The gentleman will not lose his place.

Mr. BYRNS of Tennessee. I desire to call up a conference report on the legislative, executive, and judicial appropriation bill, H. R. 18542.

The SPEAKER. The gentleman calls up a conference report on the legislative, executive, and judicial appropriation bill. The Clerk will read the report.

The Clerk read the report, as follows:

CONFERENCE REPORT (NO. 1576).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 23, 24, 25, 32, 33, 34, 37, 38, 39, 42, 43, 44, 51, 53, 55, 59, 61, 69, 70, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, and 68, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Senate resolutions Nos. 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its next regular session.

"The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to the Secretary of the Treasury and to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government, banks of the Federal Reserve System or farm-loan banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government.

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision.

"The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States, and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services.

"Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "departments," insert the following: "and independent establishments of the Government"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For employees now paid from appropriation for emergencies arising in the Diplomatic and Consular Service, $4,140"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Federal Farm Loan Bureau: For 4 members of the board, at $10,000 each; secretary to the board, $4,500; chief, bond division, $3,000; 4 private secretaries, at $2,000 each; clerks—1 of class 4, 1 $900, 3 at $720 each, 1 $600; clerk and stenographer, $1,200; stenographers—7 at $1,000 each, 4 at $900 each, 3 at $720 each; messenger; and 3 assistant messengers; in all, $77,920;

"For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees in the District of Columbia and elsewhere as the Federal Farm Loan Board may find necessary, $182,080; in all, $260,000. A detailed statement of expenditures hereunder shall be made to Congress.

"Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates."

And the Senate agree to the same.

Amendment numbered 58: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 58, and in lieu of the matter inserted by said Senate amendment, insert the following: ": *Provided*, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisoned for not less than six months, or by both such fine and imprisonment as the court may determine"; and the House agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session."

And the Senate agree to the same.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

LEE S. OVERMAN,
REED SMOOT,
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 amendments of the Senate, except amendment No. 62, to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On Nos. 1, 2, 3, and 4, relating to the Senate: Strikes out the provision, proposed by the Senate, for an additional assistant clerk at $1,440 to the Committee on Post Offices and Post Roads; appropriates $1,800, as proposed by the Senate, for rent of a warehouse for storage of public documents; inserts the paragraph, proposed by the Senate, repealing certain Senate resolutions, modified so as to eliminate from such repeal Senate resolution No. 421, Sixty-third Congress, second session.

On No. 5: Appropriates for clerk hire to Members and Delegates as proposed by the House instead of as proposed by the Senate.

On Nos. 6, 7, 8, and 9, relating to the Library of Congress: Appropriates $900, as proposed by the Senate, for an assistant in the reading room for the blind; makes the appropriations of $1,400 for waterproofing parts of the east driveway and $1,075 for fire hose and fittings, "immediately available," as proposed by the Senate.

On No. 10: Makes the appropriation of $12,000 for the Botanical Garden available for the purchase of "office equipment," as proposed by the Senate.

On Nos. 11, 12, and 13, relating to the Bureau of Efficiency: Appropriates $60,000, as proposed by the Senate, instead of $43,000, as proposed by the House; inserts the paragraphs, proposed by the Senate, for an investigation by the Bureau of Efficiency of auditing and examining claims and the accounts of disbursing officers, an investigation of the work performed by the Subtreasuries, an investigation of the methods of transacting public business in the Civil Service Commission, an investigation of the rates of pay of employees of State and municipal governments and commercial institutions as compared with rates of pay of the Federal Government for similar services, an investigation of the classification, salary, and efficiency of Government employees in the District of Columbia; and requires officers and employees of the Government to furnish representatives of the bureau with information necessary for the performance of the duties imposed upon it by law.

On No. 14, relating to the Civil Service Commission: Limits the appropriation of $7,500 for field examiners at the rate of $1,500 per annum to five persons, as proposed by the Senate.

On Nos. 15, 16, 17, and 18, relating to the State Department: Provides for a chauffeur at $1,080, and strikes out provision for a driver at $840 and a hostler at $720; appropriates $4,140, as proposed by the Senate, for employees now paid from the appropriation for emergencies arising in the Diplomatic and Consular Service; and makes the appropriation of $4,000 for an automobile, for official use of the Secretary of State, immediately available, as proposed by the Senate.

On No. 19: Abolishes the branch printing office in the State, War, and Navy Department Building, as proposed by the Senate.

On Nos. 20 and 21: Provides for an assistant to the Secretary of the Treasury at the rate of $5,000 per annum from March 1, 1917, to June 30, 1918, as proposed by the Senate.

On No. 22: Provides for the Federal Farm Loan Board, as proposed by the Senate, with the following exceptions: The salary of the secretary of the board is increased from $3,000 to $4,500, the salary of the publicity agent at $2,000 per annum is omitted, the salaries of the four private secretaries are increased from $1,800 to $2,000 each, and the lump-sum appropriation made available for personal services in the District of Columbia and elsewhere.

On No. 23: Strikes out the appropriation of $250, proposed by the Senate, for law books for the Comptroller of the Treasury.

On Nos. 24 and 25, relating to the office of the Auditor for the Navy Department; transfers a clerk of class 3 from the register's office, as proposed by the House, instead of a clerk of class 4, as proposed by the Senate.

On No. 26: Provides for an "unapportioned" check assorter at $900, as proposed by the Senate, in the office of the Auditor for the Interior Department.

On Nos. 27, 28, 29, 30, and 31, relating to the office of the Auditor for the Post Office Department: Appropriates $254,730, as proposed by the Senate, instead of $284,730, as proposed by the House, for compensation of employees auditing accounts and vouchers of the Postal Service; and makes permanent, as proposed by the Senate, the authority granted the Secretary of the Treasury to diminish positions as vacancies occur and use the unexpended balances of salaries for the payment of employees in auditing accounts.

On Nos. 32, 33, and 34: Omits a clerk of class 3 in the office of the register, as proposed by the House, instead of one of class 4, as proposed by the Senate.

On Nos. 35 and 36; Appropriates $1,400, as proposed by the Senate, for a private secretary for the captain commandant in the office of the Coast Guard.

On Nos. 37, 38, and 39: Appropriates $4,500 for the pay of the Chief of the Secret Service Division, and $3,500 for the assistant chief, as proposed by the House, instead of $4,000 and $3,000, respectively, as proposed by the Senate.

On Nos. 40 and 41: Strikes out, as proposed by the Senate, the language relative to per diem in lieu of subsistence, in appropriations for collecting internal revenue.

On Nos 42, 43, and 44: Provides for 61 assistant messengers, as proposed by the House, instead of 40, as proposed by the Senate, in the Office of The Adjutant General, and restores the language, stricken out by the Senate, requiring employees of The Adjutant General's Office to be exclusively engaged on the work of his office, during the fiscal year 1918.

On No. 45: Appropriates $5,000, as proposed by the Senate, for a blue-printing plant in the Bureau of Steam Engineering of the Navy Department.

On Nos. 46, 47, 48, 49, 50, and 51, relating to the General Land Office: Provides for two additional clerks at $1,600 each, three additional clerks at $1,400 each, four additional clerks at $1,200 each, and four additional clerks at $1,000 each, as proposed by the Senate, and strikes out the paragraph, inserted by the Senate, authorizing the use of $6,500 of the appropriation for surveying for the current year in the payment of field employees detailed to the General Land Office.

On Nos. 52, 53, 54, and 55, relating to the Pension Office: Strikes out a chief of division at $2,000, as proposed by the Senate; provides for a law clerk at $2,250, as proposed by the House, instead of a chief of the law division at the same salary, as proposed by the Senate; and strikes out the language, inserted by the Senate, modifying the limitation on the filling of vacancies occurring during the fiscal year 1918.

On Nos. 56 and 57, relating to the Patent Office: Appropriates $10,000 for special and temporary services of typewriters to keep current the work of furnishing manuscript copies of records; and inserts authority for the purchase of law books, as proposed by the Senate.

On No. 58, relating to the Bureau of Education and the General Education Board: Inserts a substitute for the matter proposed by the amendment of the House to the amendment of the Senate and the matter inserted by said Senate amendment which prohibits after July 1, 1919, Government officials and employees from receiving salary as such officials from any source other than the United States Government or State, county, or municipal governments, and affixes a penalty for the violation of the act.

On No. 59: Strikes out the appropriation of $20,000 for rent for the Geological Survey and $6,000 for the Bureau of Mines, proposed by the Senate.

On Nos. 60 and 61, relating to the Post Office Department: Appropriates for the officers and employees of the Post Office Department in the manner proposed by the Senate, instead of in the manner proposed by the House; strikes out the paragraph, proposed by the Senate, placing postmasters in the classified service.

On Nos. 63, 64, and 65, relating to the Census Office: Provides for an additional chief statistician at $3,000, as proposed by the Senate, and appropriates $647,000, as proposed by the Senate, instead of $512,000, as proposed by the House, for securing information for census reports.

On No. 66: Appropriates $120,000, as proposed by the Senate, instead of $110,000, as proposed by the House, for contingent expenses of the Steamboat-Inspection Service.

On No. 67: Increases the amount for personal services in Washington that may be used from the appropriation for the enforcement of wireless communication laws from $7,150 to $8,050, as proposed by the Senate.

On No. 68: Reduces the rate per day to be paid to experts and temporary assistants in Children's Bureau from $8 to $6, as proposed by the Senate.

On Nos. 69 and 70, relating to the Court of Claims: Provides for four stenographers at $1,200 each, as proposed by the House, instead of five stenographers at $1,200 each, as proposed by the Senate.

On No. 71: Provides for additional compensation to employees of the Government paid from appropriations in the legislative, executive, and judicial appropriation act for the fiscal year 1918, as proposed by the House, as follows:

"SEC. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of position, the original rates of compensation, and the increased rates of compensation provided for herein."

On No. 72, relating to the section authorizing the President to report upon the coordination of the work of the departments: Inserts a substitute for the Senate amendment requiring the Bureau of Efficiency to investigate the duplication of work and to report such duplication of service to the President; and gives the President authority to abolish duplications where they may be found to exist.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. I hope the gentleman from Tennessee will explain what the conference report is on these disputed items.

Mr. BYRNS of Tennessee. The Senate receded from its provision with reference to the increases of salaries of clerks in the various departments and agreed upon the House provision providing for a 10 per cent increase on all those carried in this bill who are being paid less than $1,200 and a 5 per cent increase to those receiving from $1,200 to $1,800, inclusive. The conferees report a modification of the amendment adopted by the Senate with reference to the Farm Loan Board. The appropriation is left the same—that is, $260,000. The Senate undertook to fix the salaries of the secretary and various employees of the board. The conferees agreed to the Senate amendment with an amendment fixing the salary of the secretary of the board at $4,500, retaining the salary of the chief of the bond division at $3,000, the amount fixed by the Senate.

The salaries of the private secretaries to the members of the board were fixed at $2,000 each and the salaries of the stenographers were left as was agreed upon by the Senate. The conferees struck out from the Senate amendment the provision fixing the salary of a publicity agent at $2,000 for the reason that the Farm Loan Board stated that such a position will not be needed after the end of this fiscal year.

An amendment was also adopted or agreed upon providing that the lump sum of about $180,000 can be used for the employment of special agents, experts, and attorneys and other employees in the District of Columbia and elsewhere.

Mr. MANN. Was there any limit fixed, as is frequently done, as to the amount which should be paid for compensation to any one person under the lump sum?

Mr. BYRNS of Tennessee. There was not. That was left to the discretion of the board, for the reason that the board state that they do not know just what particular employees will be needed in addition to those now employed. They were unable at this time to make a statement as to the character of the services that would be required, and the conferees thought that under those circumstances they should be given some latitude.

Of course, they will be expected to report to the next regular session of Congress.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. NORTON. It would be reasonable to suppose that the Farm Loan Board would determine the salaries of the other employees of the board not enumerated here, according to the salaries set by the conference committee in this item.

Mr. BYRNS of Tennessee. I think that there is no question as to that. The board states that they will not need many additional employees here in Washington. It is not expected that they will require the services of many employees save a few bookkeepers, possibly, and a few additional clerks after these banks get into operation. Of course, they will have two or three examiners for the banks.

Mr. NORTON. Has the board given the committee to understand when the system is likely to be put into operation?

Mr. BYRNS of Tennessee. I think the board is busy now selecting the directors for the various banks over the country, and it is expected they will be announced almost any day.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. AUSTIN. What became of the provision in reference to changing the manner of selecting first, second, and third class postmasters?

Mr. BYRNS of Tennessee. That went out. It was eliminated in view of the action of the House, which overwhelmingly voted to disagree to that amendment.

Mr. CAMPBELL. What is the number of employees under the control of the Farm Loan Board?

Mr. BYRNS of Tennessee. At the present time the Farm Loan Board has, I think, here in Washington 31 employees, which includes the secretary, the chief of the bond division, various stenographers, and the private secretaries and messengers and assistant messengers.

Mr. CAMPBELL. And the total expense for salaries is how much?

Mr. BYRNS of Tennessee. The total salaries paid by the Farm Loan Board, including their own salaries, which, as the gentleman knows, is fixed by statute at $10,000 a year each, would have amounted, as fixed by the Senate, to $77,620, but I am unable to say to the gentleman just how much they are paid in the aggregate at this particular time.

Mr. CAMPBELL. In the neighborhood of $75,000?

Mr. BYRNS of Tennessee. It is more than that, because they are paying to their secretary $6,000, and they are paying to their private secretaries $2,500, and to the chief of the bond division $3,600. It will probably amount to $85,000, possibly more.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TOWNER. The gentleman spoke about two or three examiners. Does that mean that only two or three examiners will be employed for the whole United States?

Mr. BYRNS of Tennessee. I can not answer the gentleman definitely as to that. I have understood personally from some of the members of the board that probably no more than two or three examiners would be needed. The law provides that these examiners shall investigate not only the 12 banks but the various farm-loan associations, and the gentleman can see very clearly that it would not be necessary to provide a large corps of highly paid examiners to investigate the various farm-loan associations. I understand from the board that it is their purpose, if possible, to inaugurate a system whereby the land appraisers may perform some services of that kind with reference to the farm-loan associations under the supervision of the regular examiners.

Mr. TOWNER. Does the gentleman mean that what he calls examiners are really inspectors of the various banks, or are they to pass upon the lands that are offered for loan?

Mr. BYRNS of Tennessee. No; I was referring to the examiners who will examine the various banks just as the regular bank examiners examine the national banks throughout the country.

Mr. TOWNER. They would be analogous to bank inspectors?

Mr. BYRNS of Tennessee. Yes.

Mr. TOWNER. What provision is being made for the appointment of examiners for the various banks; that is, the ones who are to pass on the loans?

Mr. BYRNS of Tennessee. As I just stated, I understand from the board they are now engaged in selecting their directors and other officials for these various banks, and it is expected the announcements will be made shortly.

Mr. TOWNER. Is the officer called an appraiser, as the gentleman understands it, to pass upon the securities offered?

Mr. BYRNS of Tennessee. The land appraiser passes upon the value of the security that is offered, and the salary of that position will be paid by the bank. It is local in character and will be paid out of the receipts of the bank. The examiners of titles and the registrars will be paid out of the United States Treasury, and out of the sum which is appropriated in this bill.

Mr. TOWNER. There seems to be quite an apprehension as to who is to pass upon the securities offered in the first instance, whether or not it will be somebody, as they say here in Washington, who will go out there and pass on the value of their land or whether somebody will pass on it who will be presumed to have local knowledge of the values?

Mr. BYRNS of Tennessee. As the gentleman knows, the law provides that in the first instance securities offered are to be passed upon by a board chosen from the particular farm-loan association through which the loan is sought. After that report has been sent into the bank, as I understand, the security offered will then be examined or inspected by the land appraiser, and I understand from the board that it is their intention to appoint a number of land appraisers for each State.

Mr. TOWNER. Who will make an examination upon their request?

Mr. BYRNS of Tennessee. Upon their report, and as I understand it, neither the board here in Washington nor any official here in Washington will have anything to do with the question of passing on the security offered. That is for the bank and its officials.

Mr. TOWNER. That would seem to be the natural course, and I presumed it would be, and I am glad to have the gentleman's assurance.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. FESS. These banks are already in organization? Steps have been taken to establish them?

Mr. BYRNS of Tennessee. They have been located and steps are being taken now to name the five directors who are to organize each bank under the law.

Mr. FESS. And the capital stock has been subscribed for?

Mr. BYRNS of Tennessee. Yes.

Mr. FESS. I noticed in last night's paper that of the $9,000,000 of capital stock $120,095 had been taken by the banks or individuals, leaving the difference between that and the $9,000,000——

Mr. BYRNS of Tennessee. Which will be taken by the Government—either has or will be; I presume it has been.

Mr. FESS. It has been, and Secretary McAdoo has made his report. I want to ask the gentleman if there is any suggestion in that as to whether it is going to be workable—whether the public has confidence in it.

Mr. BYRNS of Tennessee. I do not think the fact that there has been but a small portion of stock subscribed by individuals is any indication that the system will not be workable. The gentleman understands that in subscribing for stock in any of these banks——

Mr. CALDWELL. Mr. Speaker, we can not hear the private conversation going on over there between the gentlemen.

Mr. FESS. Mr. Speaker, the question that I had asked was this: The amount of capital stock that has been taken by the banks or individuals, namely, $120,095, according to the report of Secretary McAdoo, out of the $9,000,000 was so small that I wanted to know of the gentleman from Tennessee whether there was an indication in that that there was not confidence in the system, or whether, since the Government would do it anyway, the banks and individuals hesitated to do it. I had a feeling when we discussed the measure that it would not be very workable in the Eastern States, and especially in my own State. I wanted to know whether this was an indication that the people were not interested in it as a profitable institution.

Mr. BYRNS of Tennessee. I think the best indication that the system will be workable is the fact that there are already great numbers of applications for many millions of dollars from farm-loan associations, which have been organized in various sections of the country.

Mr. FESS. Are the applications based on the conditions required by the system?

Mr. BYRNS of Tennessee. Naturally. The farm-loan associations have been organized and the applications filed.

Mr. FESS. That is definite evidence, I will say to the gentleman, but I was not sure about it.

Mr. SISSON. Mr. Speaker, if the gentleman will permit. these local associations are all tentative at the present time. They have to have a secretary and other officers.

Mr. PAGE of North Carolina. Mr. Speaker, we can not hear this private conversation going on between the two gentlemen.

The SPEAKER. The Chair is doing the best he can to keep order, and gentlemen will talk so that they can be heard.

Mr. SISSON. When the associations are organized they must be admitted to membership in one of these banks. Up until the

bank is organized and all officials ready to receive these local organizations, until they have the machinery necessary to inspect the organizations and the applications of the associations for loans, of course the $9,000,000 will not be subscribed for, because as the loans are made you are called upon to take 5 per cent of stock in the farm-loan bank, and when the 5 per cent shall be $9,000,000, you will have loaned out twenty times the $9,000,000. Does the gentleman follow me?

Mr. FESS. I understand that.

Mr. SISSON. The fact that as an investment only $125,000 has been subscribed may mean that the stock is not particularly attractive to the investors; but the fact that it is not will be perhaps the very reason that will make it attractive to men who want to borrow. In other words, if it is not attractive as an investment, it means that the interest and earnings are a little too small, but when you want to borrow money, it may be more attractive to the borrower.

Mr. GOOD. Will the gentleman from Tennessee yield me five minutes?

Mr. BYRNS of Tennessee. I will yield to the gentleman from Iowa five minutes.

Mr. GOOD. Mr. Speaker, it seems to me that we ought not to expect too much from the farm-loan organizations so soon. We must remember that this organization was created a very few months ago. The board has been very busy since it has been appointed. The work of organization was not easy, but the board has also been busy in fixing high salaries for some useless positions. For instance, they have a man down there that they pay $2,900 a year to take bulletins out of a pigeonhole, put them in an envelope, and hand them to clerks to address. He is called the publicity agent. His work is very simple. Any clerk could do it. They finally determined that they could get along without this position, but a man is, nevertheless, there drawing a salary of $2,900 a year for this kind of work.

When it came to fixing the salary for the secretary of the board, the Senate fixed that at $3,000. The managers on the part of the House seemed to feel—and I am not complaining of their action—that he ought to have considerably more than that. The board had fixed his salary at $6,000 a year and selected a man for that position who in his prime—and he is getting to be an old man—never received more than $3,000 a year, as I understand it; but the board fixed his salary at $6,000. We have fixed his salary in the bill at $4,500.

But that is not what I rose to talk about. It is this: That if this agency is ever to perform the great function that this Congress intended it to perform, it must economize. It can not organize on the same basis of the Federal Reserve Board. It is trying to follow in the footsteps of the Federal Reserve Board and fix large salaries. That board must remember that the Agricultural Department took a survey of three of the greatest agricultural States in the Union—Indiana, Illinois, and Iowa—and the survey cost a great deal of money. That department found that the farmers in those three States were making on an average less than 3 per cent on their investment. Yet here is an organization created to help the farmers, loading itself up with high-salaried positions, and some of them useless positions. Congress made a mistake when it fixed the salary of the members of the board at $10,000. We ought never to have fixed their salaries at more than $7,500 a year; but having fixed the salary of the members of the board too high, the board commenced to fix the salaries of every person employed by the board or contained within the organization, at considerable more than they should have paid. The conference report, it seems to me, fixes some of the salaries too high; and yet it is a reduction of the amount paid by the board of 50 per cent, and in one instance we dropped the publicity agent who performed little or no real services except to draw his salary.

Now, I think if this farm-loan system is to be successful, and I believe it will be successful in some instances in many parts of the country, not in agricultural communities like Indiana, Illinois, and Iowa, but in other places. It may have some, it must be economical, it must adopt a different program from the one it has started out on. It must economize, just as the farmers that it would help must economize, to make 3 per cent on their investments. So far in fixing salaries it has simply tried to ape the Federal Reserve System of paying large salaries. In that regard it is subject to severe criticism.

Mr. McCRACKEN. Will the gentleman yield at that point?

Mr. GOOD. I will.

Mr. McCRACKEN. But the gentleman would not urge that the Farm Loan Board in carrying on a great business should employ men at low salaries, because it can not get competent men to carry on this very important work at the salaries indicated?

Mr. GOOD. Now, let me give the gentleman an illustration, as the illustration answers the argument. The secretary of the board, formerly a joint employee of the House and Senate for a number of years, received $3,000 a year for all his time when he was a younger man than he is now. This board turned in and employed him at $6,000 a year, and he was very glad to get his former employment and salary.

Mr. McCRACKEN. But the gentleman is discussing an individual and not discussing the requirements of the position.

Mr. GOOD. Oh, I assume that the board selected a man who was competent to fill the place, and they thought he was so competent that they fixed his salary at $6,000. Does the gentleman mean to say he is not competent? Quite a contrary claim is urged for him. I say the position does not call for a salary of more than what this gentleman received when he was in the joint employ of the House and Senate; and I hope this board will realize that they can not advance by building up a costly and extravagant system. If they succeed they must economize.

Mr. BYRNS of Tennessee. Mr. Speaker, I am sure that the Farm Loan Board does not deserve the criticism offered by my friend the gentleman from Iowa [Mr. GOOD]. I think this board has shown that it has a true and proper idea of economy, and while there are some differences of opinion as to the salary which was fixed for one or two of the employees serving under them, notwithstanding an investigation of the record made by this board in the employment of those necessary to perform the duties here in Washington will show that they have a proper and due idea of economy. Now, this is a great law. In my judgment there are few, if any, statutes that have been placed upon the statute books under this administration which will do as much to benefit the great farming elements of this Nation as this farm-loan act. The board did fix the salary of its secretary at $6,000, but it did that because it thought that the position involved not only the supervision of clerical duties, but a man of some executive capacity, which warranted that kind of a salary, and I want to call attention to the fact that the Federal Reserve Board now has a secretary at $9,000 and an assistant secretary at $7,500, and I understand that the secretary of the Shipping Board gets $5,000, and likewise similar positions in the Federal Trade Commission. The conferees have fixed the salary of the secretary of the Farm Loan Board at $4,500, which, in my judgment, is a reasonable sum to pay a man qualified to perform the duties of that important position. Certainly, we ought not to discriminate against this board, charged as it is with the proper administration of this law, which means so much to the farmers.

Mr. HOWARD. Mr. Speaker, I desire to ask the gentleman this question.

Mr. BYRNS of Tennessee. I yield to the gentleman for a question.

Mr. HOWARD. I desire to ask the gentleman from Tennessee, and he has yielded to me for a question. Who fixes the salaries of the officers in the regions? Does not the Farm Loan Board fix them?

Mr. BYRNS of Tennessee. Yes; the Farm Loan Board fixes them.

Mr. HOWARD. And those salaries are paid out of the earnings of the regional banks to which the Government subscribed practically all the stock, eventually coming out of the Government?

Mr. BYRNS of Tennessee. Yes; it comes out of the receipts of the bank.

Mr. HOWARD. I understand that, but——

Mr. WINGO. I think the gentleman is in error. They are not all paid; some are paid by the Government.

Mr. BYRNS of Tennessee. The registrars and title examiners are paid by the Government, and the other positions——

Mr. HOWARD. The land appraisers.

Mr. BYRNS of Tennessee. They are not paid by the Government.

Mr. HASTINGS. I beg the gentleman's pardon——

Mr. BYRNS of Tennessee. They are paid by the banks.

Mr. HASTINGS. No; the land appraisers are not paid.

Mr. BARKLEY. Fixed by the Farm Loan Board.

Mr. BYRNS of Tennessee. The land appraisers are paid out of the receipts of the bank. I want to make this further brief statement simply in justice to the Farm Loan Board: The gentleman from Iowa refers to its publicity agent. This law was passed and the board organized only a few months ago, and it was absolutely necessary to have some position of this kind in order to bring to the attention of the farmers and the people throughout the sections of this country the advantages and benefits of this law when the board made its trip over the country for the purpose of having hearings with reference to the location of these banks. The board states it is not its

purpose to indefinitely continue the services of this agent, but they propose to dispense with his services. It was on this statement to the conferees that this was stricken out.

Mr. FERRIS. Will the gentleman yield?

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Iowa for a question.

Mr. GOOD. The Senate put in a provision at the request of the Farm Loan Board, as I understand it, fixing the salary for the year ending June 30, 1918, for this very amount.

Mr. BYRNS of Tennessee. Quite the contrary, I will say to the gentleman. The Senate fixed the salary of a publicity agent for the reason that the board now has such an official, but a memorandum sent to the conferees—and I am sure the gentleman will recall it—by the Farm Loan Board stated expressly that it was not intended to have the publicity agent any longer than this fiscal year, and possibly not that long. And it was for that reason the conferees struck it out. In conclusion, I wish to commend this splendid board. They are without exception a set of earnest and most capable gentlemen, working diligently to make this great measure of the greatest possible benefit to the farmers and the country at large.

I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have no very important message for the House this morning, though I wanted to discuss a few of the items in this bill. It seems to me quite evident that the distinguished body at the other end of the Capitol has gotten into that frame of mind where, apparently, they are not likely to pass the Army appropriation bill, or the sundry civil bill, or the Military Academy bill, or the deficiency bill. And as it is impossible, apparently, to provide by resolution for the deficiency bill, or the sundry civil bill, or the Army bill, there is every probability that we will have the pleasure—that rare pleasure—of meeting each other again before December. Though the parting is hard when we separate, the coming together again is always a matter of joyful glee; and I hope that the other Members of the House will feel as I do, that Washington is a beautiful place in which to stay, though I am quite free to admit that I would be very well satisfied to deprive myself of that rare pleasure during the coming summer. [Applause.]

One of the first Senate amendments to this bill was to strike out an item which the House had passed in reference to the clerks of Members, and to vote in an amendment framed and agreed to by the distinguished body at the other end of the Capitol. That of itself showed a sort of a disorganization and looseness of mind which I suppose we might have understood then would probably result in the failure to attend to the business of Congress and give us an extra session, though I am free to admit, after a considerable experience here, I never have given any credence to the probability of a special session until yesterday, because I have heard many, many times the bluffs that are put up by certain distinguished gentlemen not Members of this House—I believe that is parliamentary—about what they would do if they did not have their own way. I have never known it heretofore to cause an extra session of Congress. I do not think it would this time if it had not been for the unusual emergency which the President called to our attention.

When this Senate amendment came over to the House the House took the only course that it could well take. It disagreed to the Senate amendment and sent word to the Senate that it adhered to its disagreement. There never was any further trouble about that amendment. It was handled just as easily as the resolution which the House sent to the Senate last night, where it said to the Senate, "We have received your kind letter, but return it to you because we will not read it. We have only read one item in it, and that is none of your business." And it was not; and they recognized the fact, because, whatever else you may say about the distinguished gentlemen at the other end of the Capitol, they are great men. [Applause.] It is a great legislative body. I recognize that fact, and in course of time, when they take time to deliberate about some of these important questions and learn the attitude of the House in regard to them, they usually reach a just final conclusion.

That was the case in reference to the amendment to this bill called Senate amendment 71, where the House, after due deliberation by the Appropriations Committee of the House, then by the House itself, inserted an item as to what the House believed it was proper to do in reference to some increase of compensation caused by the great prosperity of the country, resulting in the higher cost of living. And though we were told that the Senate would never recede from its proposition, and though that telling really influenced almost a majority of the House, and did influence, I believe, all of those who are usually referred to as leaders on the Democratic side of the House, yet there was a feeling on the part of all the Members of the House, notwithstanding the way some of them voted, that after all that was mainly talk, and that if the House would insist the Senate would recognize what was right and justice and would recede from its position. I congratulate the Senate upon coming to the conclusion that the action of the House was meritorious; that the action of the House attempted to give justice; that the action of the House was right; and that, whether it was or not, they had to give in.

The House is a great legislative body, a noisy body, with a large membership, but a great legislative body. [Applause.] The Senate of the United States is also a great legislative body. We write most of the legislation, not all of it, but very frequently in writing our legislation we forget to dot the "i's" and cross the "t's," and they perform that useful function for us. [Applause.]

All we need to do in the House is to be reasonable, and we have no right to be unreasonable, with the Senate. The Senate is frequently right where we have acted possibly wrongly, and their opinions are entitled to great consideration. They give long discussions frequently, which generally they do not listen to, to great questions, and gradually some of the conclusions soak into the minds of men both in the Senate and the House and throughout the country. But the House with its great membership, closer to the people than it is possible for the Senate to be, is, notwithstanding the newspaper opinion, a great legislative body.

And I will tell you why the newspaper opinion generally is that the Senate is the influential body. Nearly every great newspaper man of the country, of the greater newspapers of the country, have two representatives in Washington. One is the senior representative and the other is the junior representative. The junior representative is almost always the more active of the two. [Applause.] He is the one who really gets the information. But the senior representative, following the belief that came down when Congress was created, thinks that it is up to his dignity to go over on the Senate side, and there he hears what the Senate says. He writes from the senatorial point of view; and when his junior has given him the facts he usually colors them from the Senatorial point of view, because, with his dignity, he wants to carry out the idea that the body that he is waiting upon is the more dignified of the two. But the juniors always know, as a matter of fact, that the House is the real legislative body [applause], and that they themselves are the real news gatherers at the Capitol. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute.

Mr. MANN. Well, I am in a liberal frame of mind. I have one minute, and I yield it to the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; and

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress to the World's Purity Federation to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the following title:

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7766. An act for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 778) to authorize an exchange of land with owners of private holdings within the Glacier National Park.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 778. An act to authorize an exchange of lands with owners of private holdings within the Glacier National Park; and

S. 185. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

JOINT COMMITTEE ON PNEUMATIC-TUBE SERVICE.

The SPEAKER. It will be remembered by those gentlemen who know what happened that the Post Office appropriation bill contains a provision for the appointment of a joint committee on the aggravating question of pneumatic tubes. Originally the House conferees appointed by the Speaker were Judge MOON, Mr. BELL of Georgia, Mr. Cox of Indiana, Mr. STEENERSON of Minnesota, and Mr. MADDEN of Illinois. Now, these gentlemen, with a delicacy that does them honor and carries out the real intention of the House, suggest to the Speaker that, inasmuch as they have been mixed up in this earnest, not to say bitter, controversy about these tubes, they be excused from the service. I think they deserve a great deal of credit for it. [Applause.] The Chair appoints the next three——

Mr. MANN. Mr. Speaker, I do not think they ought to be excused. [Applause.] The mere fact that these gentlemen have delicacy and information does not seem to me to be a sufficient reason for excusing them.

The SPEAKER. Well, if the House thinks that——

Mr. MANN. I think that is the unanimous judgment of the House——

The SPEAKER. The Chair appoints Mr. MOON, Mr. BELL of Georgia, and Mr. STEENERSON, the original conferees. [Applause.]

SURVIVORS OF CERTAIN INDIAN WARS.

Mr. KEATING. Mr. Speaker, I call up the conference report on the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January 1, 1891, inclusive, and for other purposes.

Mr. KEATING. Mr. Speaker, under the unanimous-consent arrangement entered into last night, I presume the motions made by the gentleman from Utah [Mr. MAYS] and myself are now pending. Is that correct, Mr. Speaker?

The SPEAKER. Yes.

Mr. KEATING. This bill, which is designed to pension the survivors of the Indian wars in the West, was passed by the House in February, 1916, and by the Senate in May of that year. Then the bill, with the Senate amendments, was referred to a conference committee. That conference committee has been endeavoring since last May to reach an agreement, and finally on yesterday decided to report an agreement on all the Senate amendments with the exception of No. 9, and to report a disagreement on No. 9 and to submit that amendment to the House.

I might say that the agreement on all the other Senate amendments was entered into last May. We never had serious controversy over those amendments. No. 9 was the only amendment that divided the conferees. No. 9 provides that if an applicant for pension finds it impossible to prove his service from the records in the War Department or the Treasury Department he may go to the State or Territorial archives for the necessary evidence.

It would appear that in 1865, 1866, and 1867 there was an Indian war in Utah known as the Black Hawk War because the Indians were led by a famous Indian chieftan named Black Hawk. At that time Gen. Sherman was in command of the Federal troops near Salt Lake.

Mr. HOWELL. Mr. Speaker, if the gentleman will permit, Gen. Sherman was acting Secretary of War.

Mr. KEATING. They appealed to Gen. Sherman, did they not?

Mr. HOWELL. Yes; they appealed to Gen. Sherman.

Mr. KEATING. Yes; the gentleman from Utah is correct. Gen. Sherman was acting Secretary of War, and the people of Utah appealed to him to furnish troops to protect the settlements.

Mr. HOWELL. The governor and the Superintendent of Indian Affairs made the request.

Mr. KEATING. The people of Utah, through the governor and the Superintendent of Indian Affairs made an appeal to Gen. Sherman, acting Secretary of War, to furnish troops to protect the settlements. Gen. Sherman replied that he could not furnish the troops because they were needed to guard the overland mail routes, and the Territorial governor proceeded to organize militia in the various towns of the Territory and that militia fought the Indians some two or three years. The State or Territory of Utah afterwards presented a claim to the Federal Government for the services of these men, but the claim was never allowed by the Congress of the United States.

As a consequence the men who served in those militia organizations would not be entitled to pensions under the bill as it passed the House, because under the House bill and under all other pension legislation that we have enacted in this country since Revolutionary times it has been necessary to show either that the applicant for pension had been mustered into the service of the Federal Government or that he had served in a State military organization and that the State had been compensated for the services of that organization.

Now, that is the issue before the House, so far as amendment No. 9 is concerned. Will you establish a new rule in pension legislation? Will you go to the State or Territorial archives to get the evidence to show that the service was rendered? There is no controversy on the proposition that these men rendered most important service in the operations against the Indians.

Now, Mr. Speaker, I would like to yield a few minutes to the chairman of the committee, Mr. KEY of Ohio.

The SPEAKER. The gentleman is recognized for how long?

Mr. KEY of Ohio. Five minutes.

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. KEY of Ohio. Mr. Speaker, this is a very important amendment. The amendment provides that when there is no record of service or payment for same in the War Department or Treasury Department the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

There is a proviso in that amendment that the gentleman from Colorado [Mr. KEATING] failed to mention, and, in my opinion, it is the most vicious piece of legislation that was ever attempted in the way of pension legislation. It reads:

And provided further, That the want of a certificate of discharge can not deprive the applicant of the benefits of this act.

Now, do the Members of this House appreciate and realize what that means? It means that every deserter, provided he served 30 days or more can come in and be pensioned.

Mr. McCRACKEN. Will the gentleman yield at that point?

Mr. KEY of Ohio. I yield to the gentleman.

Mr. McCRACKEN. I think I can explain the reason for the submission of that amendment. That was simply this, that there were a number of men who were gathered up in an emergency, in the mountain country, who volunteered for service against the Indians, and probably served only a very short time, but participated in several engagements. Those men can not be provided with a discharge or any other papers, because they were never regularly mustered in.

Mr. KEY of Ohio. This amendment would include all that type of soldiers, and it is an innovation in pension legislation, and it is dangerous.

Mr. McCRACKEN. Admitting that it may be dangerous, I will say to the gentleman that I hope I may concur with the

conference committee; but the reason for it is what I have stated, and the gentleman should not charge that it is vicious.

Mr. SWITZER. Will the gentleman yield?

Mr. KEY of Ohio. Yes; I yield to my colleague.

Mr. SWITZER. Is there any way provided by which they can establish their identity and their connection with the service, and that they actually served?

Mr. KEY of Ohio. Yes; in the manner indicated by the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. By evidence satisfactory to the Secretary of the Interior.

Mr. LANGLEY. What character of service is required?

Mr. KEY of Ohio. They must have served at least 30 days. I will say to the House that I have prepared a statement setting forth the amendment and the reasons why I think this amendment should not be adopted. I can not understand how the Senate of the United States could pass an amendment to a bill providing what this amendment does. I will ask the Clerk to read the statement to the House.

Mr. NORTON. Will the gentleman from Colorado yield?

Mr. KEATING. The gentleman from Ohio [Mr. KEY] has the floor. He wishes this statement read.

The SPEAKER pro tempore (Mr. SAUNDERS). The Clerk will read the statement.

The Clerk read as follows:

On page 5, line 17, amendment No. 9, the Senate added:

"*Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

Your committee of conference on the part of the House objected and refused to concur in this amendment, for the reason that it is without precedent and an innovation in pension legislation which, it is believed, is most unwise and unjustified. This would recognize, if enacted into law, service established entirely by State or Territorial rosters, without one scintilla of record in the Federal archives of any department that Federal service was rendered. In this it is unwise. It would recognize, further, if enacted into law, a pensionable status of a State service every day of which was rendered subsequent to 1865, when such recognition has been denied thousands and thousands of State troops of the various States mustered into and who rendered some service of some character during the Civil War of 1861 to 1865. This would be unjust, and for this reason your committee on the part of the House has steadfastly refused to concur in the Senate amendment and asks the support of the House in this stand. That part of the amendment which waives the requirement of a discharge certificate as a requisite to pensionable status is pernicious, without precedent in any pension law, as it would directly provide for pensioning a man whose service was terminated by desertion or imprisonment for crime for which he was convicted and subsequently dishonorably discharged. And, furthermore, it is in conflict with the provisions requiring an honorable discharge in other portions of the section to the bill.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Utah [Mr. MAYS].

Mr. MAYS. Mr. Speaker——

Mr. SHERWOOD. Will the gentleman from Utah yield?

Mr. MAYS. I yield to the gentleman from Ohio.

Mr. SHERWOOD. How many soldiers are involved in this provision?

Mr. MAYS. Some two hundred, according to the best records.

Mr. Speaker, we have pending my preferential motion to recede and concur in Senate amendment No. 9, which relates to the sources of proof for the establishment of the fact and length of service.

After vain appeals had been made to the Federal Government by the governor of Utah, who was appointed by the President of the United States, these Indian fighters, in order to protect their settlements, went out and fought the Indians under the chief Black Hawk, furnished their own horses, their own guns, and their own supplies. As the gentleman has said, these Indian wars occurred at intervals from 1865 to 1867. It was a periodical war, lasting 15 days at one time, and 30 days at another, and so on.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. MAYS. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Could not the objection raised by the gentleman from Ohio [Mr. KEY] be removed by inserting after the word "applicant," in line 23, the words "who was not a deserter"?

Mr. MAYS. I think that would remedy the objection, and I see no objection to that amendment. Now, these people have never been compensated by the Government. The State of Utah appropriated at one time $50,000 to pay these old Indian fighters out of the State treasury. I have just this morning received a telegram stating that the Utah Legislature now in session has just appropriated $50,000 more for that purpose.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. MAYS. Yes.

Mr. KEY of Ohio. Is it not true that practically every State in the Union has been reimbursed by the Federal Government where it made a proper showing, and is not the State of Utah about the only State that has never been reimbursed?

Mr. MAYS. That is all the more reason why this legislation should be enacted. There is no good reason why the State of Utah has not been reimbursed except that it was a Mormon community. That was the only earthly reason anybody has ever given. These men were mostly Mormon citizens of that State, but they were loyal and true to the country, and they fought to control Government territory; they fought for the United States Government and preserved the settlements of that territory. They defended the property of the United States, and the fact that the Government has never compensated the State of Utah is the reason that they can not now make the proofs that are necessary, but is no reason that justice to those pioneers should be longer withheld.

Mr. KEY of Ohio. If they can not make their proof, why should we waive that proof?

Mr. MAYS. Under this amendment they must make proof satisfactory to the Secretary of the Interior.

Mr. KEY of Ohio. They have never been able to do that.

Mr. MAYS. This will permit them to be able to do that.

Mr. SHERLEY. The gentleman says there are only 200 of them.

Mr. MAYS. Only about 200.

Mr. SHERLEY. Why do they not present individual claims to the committee so that each particular case can be investigated?

Mr. MAYS. That would multiply legislation.

Mr. SHERLEY. But you do not hesitate to pass hundreds and hundreds of pension bills every year.

Mr. MAYS. This bill is general in its terms.

Mr. SHERLEY. That is the vice of it.

Mr. MAYS. Not only this amendment, but the whole bill is general in its terms. It provides in a general way for pensioning the survivors of the various Indian wars of our history. The country's debt to these men who met and conquered the cruel, heartless savage of the West can never be fully repaid. They blazed the path of civilization. Other States have been compensated for such manly services of their citizens. The father of this bill [Mr. KEATING], who refuses to support my motion, admits that the services were rendered in full measure. Why not pay the bill? We should not invoke the aid of technicalities to avoid a just obligation.

Mr. HOWELL. As I understand it, they would not have any status before the Committee on Pensions. The Committee on Pensions will not consider these claims.

Mr. LANGLEY. Not unless there is some general legislation conferring a pensionable status upon that class. That is the rule of the committee. I do not agree with it, but have been unable to get it amended.

Mr. HAYDEN. Will the gentleman yield?

Mr. MAYS. I yield to the gentleman from Arizona.

Mr. HAYDEN. I have presented individual bills to the Committee on Pensions for soldiers who rendered service in the Indian wars in Utah. In each case I have been told by the committee that these men have no pensionable status and that therefore the committee could not report out a special bill for their relief, but that general legislation must be passed.

Mr. SHERLEY. Do I understand that what you would not do in an individual case after investigation, you are willing to do by wholesale, without investigation?

Mr. MAYS. We have made investigation. These pioneers rendered the services. The State has a just claim covering the expenses incident to defending the settlements against the savages who were the wards of the General Government. Gentlemen say, though the cause of these veterans may be just, it might prove a dangerous precedent to meet the obligation. Unjust claims might be encouraged. Honest men do not refuse to pay honest debts through fear of future fraudulent claims.

Mr. LANGLEY. We have encountered the same difficulty in trying to get relief for the Kentucky and Missouri Militia who rendered service for a much longer period than the gentleman says these men rendered. Some gentlemen think, as I said a while ago, that we ought not to pass a private bill for their relief, because general legislation ought to be enacted covering all of them, and others say, as my colleague from Kentucky [Mr. SHERLEY] says, that we ought not to have general legislation but special legislation, and between the two opposing contentions we have never been able to get any relief for them at all.

Mr. SHERWOOD. Was not the reason because they were never mustered into the service of the United States?

Mr. LANGLEY. Unquestionably; there is where all the trouble lies.

The SPEAKER pro tempore. The time of the gentleman from Utah has expired.

Mr. KEATING. I yield to the gentleman three minutes more. He has been interrupted.

Mr. MAYS. These men fought the Indians under orders, or at least under a suggestion from the United States Government. The governor of the Territory, a Federal appointee, appealed to the United States Government for protection of these settlements. The Acting Secretary of War replied, as the gentleman from Colorado [Mr. KEATING] has well stated, that he needed all the army he had under his control simply to protect the trails and keep the mail service open.

These old men—young men then, but old men now—200 or more of them, went out and fought the Black Hawk Indian wars. We ask only that evidence satisfactory to the Secretary of the Interior may be established by resorting to the State archives for such purposes, and we think that is just and fair. The records are reliable. The veterans ought to be compensated. The whole bill provides for general legislation to which gentlemen have objected. Various wars are mentioned, the Black Hawk Indian war among the number. The legislation would do the old Indian fighters no good unless some method other than that provided in other parts of the bill be established.

Mr. BURNETT. Will the gentleman yield?

Mr. MAYS. Yes.

Mr. BURNETT. Is there any particular length of service to be proved under the bill before they are entitled to a pension?

Mr. MAYS. The bill provides that they must have served 30 days, or through the entire Indian campaign.

Mr. KEY of Ohio. Mr. Speaker, I would like to ask the gentleman this question: In my State of Ohio there are now, I believe, in the neighborhood of 50,000 troops who served in the Civil War. In nearly every instance these men had from 50 to 70, and some 78 and 88, days' service. They were actually mustered in and were mustered out of the service. These men could not now be pensioned. Does the gentleman think it would be justice to the 50,000 or 60,000 troops who were actually in the service to be denied a pension while these Indian-war men who only had 30 days' service—were never mustered in—should get a pension? Does the gentleman think it is fair to throw down the bars at this time?

Mr. MAYS. The gentleman is making a speech in my time. That is another matter, and should stand on its own merits. The Government, however, furnished the men that the gentleman refers to with their horses, guns, and supplies. In the case of the Indian fighters, they furnished their own horses, their own guns, and their own supplies, and they never received a dollar for that service. They defended Government property, and that territory has been sold for millions of dollars since and the money covered into the Treasury of the United States. I think it is only fair that we should concur in the Senate amendment; otherwise the whole legislation will fail.

Mr. KEATING. I yield to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I shall not take up much of the time of the House, because in this rush, with all the congested conditions surrounding us, I realize the House has not the patience, nor can we spare the time, especially since an amendment to this bill can not be made at this stage so as to include the State militiamen of Kentucky, Missouri, and other States who rendered valuable service to the Union cause during the Civil War, and realizing, as I do, that I can not by talking now advance the interests of these militiamen, whose cause is so near my heart. I am in sympathy with the general purpose of this bill. I have made a plea almost every session of Congress during the past 10 years for some general legislation which will widen the scope of the pension laws so as to reach those soldiers who, although not mustered into the United States service, rendered just as faithful and patriotic service to their Government in time of war as those who were mustered in. The gentleman from Missouri [Mr. RUSSELL] and myself and others have been earnestly seeking during all these years to get some relief for them. We even proposed to limit that relief to cases where the service was for 90 days or more, and still Congress has thus far denied us. We have tried to get a special rule adopted by the joint Pension Committees of the two Houses which would permit relief by special act in needy and deserving cases where the soldier is shown to have rendered that much service and is now in a dependent and helpless condition, and that relief was denied us. It is true that we secured the adoption of such a rule by the House committee, but the Senate committee contended that the relief ought to be extended to all by general legislation. We secured a favorable report once from the House committee on a general bill of that character, but we have never been able to get that through Congress. The cause of these militiamen has thus fallen between these two contentions: The one that these cases should be handled by special act and the other that they should be covered by general legislation.

If the Senate committee had agreed to the rule adopted in a previous Congress by the House committee, many cases of these old fellows would have been provided for by now. And yet here comes a proposition from the Senate to pension these militiamen who were engaged in the Indian wars if they rendered 30 days' service. I do not underestimate the valued and patriotic and unselfish service these Indian fighters rendered and I do not wish to put myself in the position of opposing recognition for them; but, Mr. Speaker, I have not up to this moment been able to get the consent of my conscience to vote for this Senate proposition to reward the 30 days' service of these western militiamen while Kentucky militiamen, many of whom rendered a much longer period of service, are left without recognition. It seems to me that it is unjust discrimination, and when I think about voting for it these old, needy, and helpless militiamen down in Kentucky come into my mind and my conscience seems to tell me that these Indian fighters, deserving as they are, who fought after the Civil War and are therefore presumably younger on an average than the Kentucky militiamen, ought to wait until they can all at least be treated alike and provided for in one general bill when the condition of the Treasury, now unfortunately depleted, will warrant such legislation. I dislike very much to vote against the Senate proposition, but I fear that I shall be compelled to do so in obedience to the sense of injustice which I feel over the unfairness of it. I give notice now that I shall bring this question of pensioning the militiamen of Kentucky, Missouri, and other States up again in the next Congress. I agree with all that has been said about our duty to those who have fought our wars, whether they were regularly mustered or not, and if my service as a Member of Congress was to close to-morrow, I would be proud of the privilege of making my last words on this floor an appeal in their behalf.

Mr. Speaker, I want to show that the service rendered by these Indian fighters, valiant and unselfish as it was, is no more deserving of the gratitude of this Republic than are the services rendered by these other militiamen, and that there is an additional argument in favor of the latter because most of them rendered a much longer service and certainly a service as important to the country. I know this is not the time to do that, and I therefore ask unanimous consent to extend my remarks in the RECORD on this question.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, let no man be swayed by the desire to do what doubtless is a justice to some individuals in passing a law that throws the door wide open to fraud. It is unfortunately true that our pension legislation and the liberality of the Federal Government toward its soldiers of all wars has been darkened and blackened by fraud in connection with the obtaining of pensions; and the ingenuity of the Government has had to be exercised in many ways to prevent men not entitled to anything except its condemnation from being made pensioners for life at the expense of the Federal Treasury.

The effect of the amendment is to throw away every safeguard heretofore put up against fraudulent claims; and, if it passed, instead of 200, there will be thousands of pension claims filed and many allowed, because of the inability of the Government to prove the fraud and perjury that will lie back of the claim. It is proposed practically that State records, in the absence of Federal Government evidence, shall prove the status of the soldier, and that he does not have to have even an honorable discharge. In the concluding days of this Congress we have passed some pension bills that, if I am correctly informed by a Member, I think, of the Committee on Invalid Pensions, ought never to have received the sanction of the House; bills that were originated in the other body, and then the House was told that unless we accepted what they offered us our own bills must fail, and under that plea they went through. I am advised by this member of the Committee on Invalid Pensions that within the last week we granted a pension to a man who not only had a dishonorable discharge, who had violated some of the most important rules of war, had been guilty of conduct so dishonorable that instead of being pensioned he should be scourged away from people of respect.

But that is all behind us; this is in front of us. I want the House to understand the proposition. Amendment No. 9 provides:

That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

You are just throwing away the barriers to protect the Treasury. I repeat that if there were only 200 men affected, this Congress passes hundreds of pension bills every session. If the Committee on Pensions has made an arbitrary rule not to consider such individual cases as this, let them change that rule. That is no reason why by general statute we should throw away all of our safeguards. Let them come with the proof in each individual case. Let us have something more than these loose statements as to the number that are affected, to warrant us in disregarding all the requirements that we have placed around pension legislation heretofore.

Mr. LANGLEY. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman from Kentucky.

Mr. LANGLEY. I understood the gentleman to say that the alternative proposition put up to us was that unless we agreed to the bills of the Senate our bills could not pass.

Mr. SHERLEY. I did not say it was put up to the gentleman. I do not know what was put up to him. I simply say that I was told by a gentleman, I think a member of the Invalid Pensions Committee, that these bills went through from the Senate and that they had to take the Senate bills in order to get the House bills through, and that one of those bills was of the character I have described.

Mr. LANGLEY. I do not know. I am not personally familiar with every bill, but that did not occur.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. KEATING. Mr. Speaker, I yield to the gentleman from Utah [Mr. HOWELL].

Mr. HOWELL. Mr. Speaker, during my entire service in the House I have endeavored to secure just recognition and pension of the valiant pioneers who defended the outposts of civilization against Indian depredations and merciless Indian warfare. When this bill was under consideration in the House, as reported by the Committee on Pensions, it did not contain the provision covering the Indian wars in Utah during the years 1865, 1866, and 1867, inclusive. I offered such an amendment, and fully explained on that occasion the tragic history of early Indian wars in Utah, and the House accepted that amendment against the opposition of the chairman reporting the bill, and the bill passed the House. In due course of time it passed the Senate with certain amendments, all of which have been agreed to in conference but amendment No. 9, which reads as follows:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

This is the only question now standing in the way of the bill becoming a law. This bill is in all likelihood the last pension bill for service in Indian wars that the Congress will be called upon to consider. The condition which confronted the pioneers on our frontiers and remote sections a half century ago have passed away forever, and but a small remnant of that heroic vanguard who carried the standard of civilization remains with us.

This bill, then, was intended to cover all Indian wars, for service in which the Government will justly and generously grant pensions. The Indian wars which occurred in Utah have been included in the bill, but without the liberal provisions of the Senate amendment, from the nature of the case and the unusual conditions under which the service was rendered many of these deserving veterans would be precluded from establishing their claims. To them the bill would make the promise to the ear but break it to the hope.

Now, what are these conditions? The pioneer settlers in the southern and central part of Utah were subjected to a most cruel and desolating Indian war during the period from 1865 to 1867. The Indians, emboldened by early successes in capturing booty, prepared to plunder the entire southern frontier.

The Superintendent of Indian Affairs, realizing the threatened danger, made a requisition through the Territorial governor upon the Secretary of War for an adequate military force to suppress the uprising and protect the people. The Secretary of War was unable to grant the request, stating that all available troops were imperatively needed to protect the overland mail and the settlers on the route, and suggested that the governor must rely upon the territorial militia to meet the emergency. Accordingly the militia was called out and right loyally responded to that call. To have a true conception of the time and surrounding conditions we must remember that these trying times occurred when these people were a thousand miles from the frontiers of so-called civilization. They were isolated and poor, struggling against the obstacles of nature in redeeming the wilderness and the desert. The perfection of the organizations of Government in older communities had not yet been attained, but of necessity the militia had been fully organized and embraced every able-bodied man in the community. Remembering these early conditions as a boy, and knowing of the awful fear that was in the hearts of women and children when these Indian uprisings were threatened, and knowing with what courage, self-sacrifice, and readiness the militia as minutemen rallied to the defense, the unjust criticism of the gentlemen who have referred to this amendment as vicious and opening a door to fraud in obtaining pensions sounds singularly incongruous and absurd. Deserters and frauds are not the stuff of which these voluntary brave defenders are made.

The hoary heads of these brave men are held in honor in every State where they toiled and fought in every way for progress. The part they played in laying the foundations of our Commonwealth is told in song and story. They are well known. The record of their service, including the muster rolls, is established in public documents of the Federal Government, as well as in the archives of the State.

It is contended that the adoption of this amendment will open the door as a precedent for pensioning State militia. Those making this argument are entirely wanting in that imagination that can place them in the situation of these veterans.

There is no complete analogy between the forces of a sovereign State which for reasons sufficient for them refuse or neglect to enter the military service of the United States and the militia of a Territory subject to the orders of the governor, their commander in chief, and himself the direct appointee of the President of the United States, the commander in chief of all Federal forces. The organization of a Territory is merely the agency of the Federal Government. Any gentleman who considers the matter a moment must differentiate between the militia of a Territory and that of a sovereign State.

Furthermore, I want to emphasize the fact that these Indian volunteers or militia could not be mustered into the service of the United States. There was no one to muster them in, even if there had been authority for it. The crisis had to be met, without regard to future personal considerations. They gave their strength and risked their lives in this cause.

Mr. LANGLEY. Will the gentleman yield to me there?

Mr. HOWELL. Yes.

Mr. LANGLEY. I have given a great deal of study to the militia question. A number of the Missouri and Kentucky Militia, under the command of Federal officers, performed service and were armed and equipped by the Federal Government, and we have tried to get recognition for those who served 90 days or more.

Mr. HOWELL. There is a marked difference in the pension policy of the Government in dealing with Indian and other wars. The very nature of Indian warfare and the atrocities and horrors involved in it, as well as its suddenness and temporary character, has always been recognized by Congress. Different rules of service and proof in Indian wars have been written into these laws from what is customary in all other wars. There has always been shown a liberality and spirit to mete out justice in these Indian wars without regard to a strict observance of all those precise channels of evidence which are so requisite and essential in a thorough and perfect military organization.

Mr. LANGLEY. Neither is there a difference between the Federal troops and the militia.

Mr. HOWELL. If the claim which Utah presented in 1869 for reimbursement and compensation for these services had been appropriated for this amendment would not be necessary in our particular case. Utah has undoubtedly a just and valid claim for reimbursement for these services, which Congress will some day acknowledge and pay, but it is cruel and unjust to argue because Congress has not made just and adequate compensation for this service that for that reason these survivors should be further deprived of a pension freely given to all others who rendered similar service. Such objections are flimsy and technical and ought not to weigh with this House under the circumstances.

Mr. BORLAND. Will the gentleman yield?

Mr. HOWELL. For a question.

Mr. BORLAND. It is customary in Western States, in case of a militia of this kind, to reward them by land scrip of various kinds, is it not? Was anything done in that way for these men?

Mr. HOWELL. To the best of my knowledge there has been no recognition of this service on the part of the General Government whatsoever. There is only the fact that it was performed under Territorial authority and in accordance with the demand of the Indian Superintendent at that time, who was in charge of the Indians and a Federal officer.

The magnitude of these Indian disturbances and the invaluable service rendered by those who served in them is fully recognized and admitted by the opponents of the amendment, but they strenuously resist the essential provision that will make them beneficiaries under the bill. They are content to make the promise to the ear in section 1 of the bill, but now seek to break it to the hope by refusing to concur in the Senate amendment.

Mr. LANGLEY. If the gentleman will permit me, there has been no land scrip issued by Congress since the Civil War, and this service was all performed, as I understand it, after the Civil War.

Mr. HOWELL. Yes. If there is any gentleman who can suggest a way by which these meritorious soldiers—these men who furnished their own arms, their own equipment, and went out to defend the settlers in that early day—can be rewarded; if there is any way by which you can amend this so that you can extend this bounty to those who are as deserving as any soldiers ever were in any Indian war, we have no objection to that. This talk about desertion and about corruption and seeking to get into the Treasury by this amendment, to those who know the conditions, is all subterfuge.

Mr. LANGLEY. That is right.

Mr. HOWELL. There is nothing in it. If this bill is passed with the amendment, or if this amendment may be amended to more surely safeguard the interests of the Treasury, I have no objection. But without this amendment as deserving a class of volunteers as ever shouldered a rifle will be denied the same recognition extended to other soldiers who rendered similar, but not superior, service. It will be a denial to men who furnished their horses, guns, and equipment, and freely responded to the call of danger and served the country in its defense.

There are no Indian fighters more deserving. The present bill embraces all the Indian wars, and is, in all likelihood, the last word on general Indian-war pension legislation. If you reject the amendment in the present congested state of the public business the bill will likely fail. If you accept it you bestow a boon on a most worthy and long-disappointed class of veterans. It may not be entirely perfect; but let us consider the good it will do and meet the promised evil when it appears.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the gentleman from Utah [Mr. MAYS] has stated that unless this "Smoot amendment" goes through he believes that the bill will not pass. He is right—if one of his Senators has anything to state.

The Senator who put on this amendment in the Senate has told every veteran of the Indian wars who went to see him that unless we allowed his amendment to remain on the bill that this bill could not pass now or at any other time.

When these gentlemen came to me after seeing the author of this amendment, I read it to them:

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department the applicant may establish the service by satisfactory evidence from the muster rolls in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

I asked them if they were on the conference committee representing the House if they would want to see a law passed that would provide that you did not need to have been in the Army of the United States, that you did not need to have received a cent from the Treasury of the United States, and which also provides that you do not need to have a discharge, honorable or otherwise? Invariably they answered that, much as they would like this bill to go through, they would not vote for such an amendment to this bill.

Mr. MAYS. Mr. Speaker, will the gentleman yield?

Mr. JAMES. Not now. Mr. KEY of Ohio, the chairman of the Pension Committee, stated a few minutes ago that if this amendment went through it was not necessary that a man should receive an honorable discharge, and that it would directly provide for pensioning a man whose services were terminated by desertion or imprisonment for a crime of which he was convicted and subsequently discharged.

Mr. KEY of Ohio, chairman of the Pension Committee, on behalf of the conference committee representing the House, sent the following statement to the desk a few minutes ago, which was read by the Clerk:

On page 5, line 17, amendment No. 9, the Senate added:

"*Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

Your committee of conference on the part of the House objected and refused to concur in this amendment, for the reason that it is without precedent and an innovation in pension legislation which, it is believed, is most unwise and unjustified. This would recognize, if enacted into law, service established entirely by State or Territorial rosters without one scintilla of record in the Federal archives of any department that Federal service was rendered. In this it is unwise. It would recognize, further, if enacted into law, a pensionable status of a State service, every day of which was rendered subsequent to 1865, when such recognition has been denied thousands and thousands of State troops of the various States mustered into and who rendered some service of some character during the Civil War of 1861 to 1865. This would be unjust, and for this reason your committee on the part of the House has steadfastly refused to concur in the Senate amendment and asks the support of the House in this stand. That part of the amendment which waives the requirement of a discharge certificate as a requisite to pensionable status is pernicious, without precedent in any pension law, as it would directly provide for pensioning a man whose service was terminated by desertion or imprisonment for crime for which he was convicted and subsequently dishonorably discharged. And, furthermore, it is in conflict with the provisions requiring an honorable discharge in other portions of the section to the bill.

Personally, I will go further than that, judging from some of the bills that came over here from the Senate a week or 10 days ago.

About 10 days or two weeks ago we passed after 10 o'clock at night four Senate pensions bills—two Civil War and two Spanish War, and so forth.

Senate bill No. 8113 contained 266 items, and Senate bill No. 8296 contained 40 items. Both of these were reported out by the Committee on Invalid Pensions.

Senate bill No. 8295 contained 144 items, and Senate bill No. 8120 contained 106 items. These were reported out by the Committee on Pensions.

This is a total of 556 items. There was no discussion of these items and could be none, as we did not have a chance to examine the items. Many of these items contained in these bills had been introduced in the Senate over 12 months ago with no action by the Senate. They wait until the closing hours of the session.

Of the above bills—556 in all—279 of them were introduced in the Senate before September 7 last. Many of them in the early days of the session.

I want to serve notice on the members of the Invalid Pensions Committee and the Committee on Pensions now, so that they can inform the members of the Senate committee, that if any bills come in the closing days of the next session to be disposed of, with no chance to examine, I shall insist upon having a reasonable length of time to call attention to undesirable items.

Here is a bill—Senate bill 6298—introduced in the Senate by the chairman of the committee, Senator JOHNSON of Maine, for Henry Ramsdell. The evidence shows that Ramsdell was—

Tried by a general court-martial convened March 24, 1865, at the headquarters of the first division, Nineteenth Army Corps, on the following charges: (1) Robbery, (2) deserting his guard, (3) disobedience of orders, (4) violation of the forty-fifth article of war (drunkenness on duty), (5) assault and battery. The court found him guilty of all charges and sentenced him to be shot to death with musketry. The proceedings and findings of the court were approved and the sentence was mitigated to confinement at hard labor in such penitentiary as the Secretary of War shall direct for the period of five years.

And yet, in spite of all this evidence, the chairman of the Senate committee introduced a pension bill for him, and the bill has passed both the Senate and the House at the rate of $30 per month.

The other night we passed another bill, among the four Senate bills, which had been turned down by my subcommittee, and the Pension Committee as well, three times. The evidence showed that the widow was getting $75 as clerk in one of the departments.

The evidence clearly showed that the husband was killed while joy riding. The Secretary of the Navy wrote a letter to the effect that—

From the evidence adduced the department holds that the death was not occasioned by an act of duty—

And so forth.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. JAMES. Not now. And yet after the bill was turned down three times by our committee, the Senator who intro-

duced the bill wrote a letter to the chairman of the Pension Committee in the Senate stating, in part, that the widow "was almost destitute." What she should not get and did not get in the House she managed to get through in the Senate, and then again in the House when no one was looking.

The following letter from the introducer of the bill in the House shows whether or not there is any merit in the bill:

FEBRUARY 6, 1917.

Hon. W. FRANK JAMES,
House of Representatives.

DEAR MR. JAMES: I have pending before your subcommittee a bill to pension Mrs. Ethel M. Robards, widow of Capt. Frank F. Robards, of the Marine Corps, who was killed accidentally in Haiti a year or two ago. The facts in his case are these: Capt. Robards was in camp outside the town near which our forces were stationed and had been in to get dinner and was on his way back to his company when his horse stumbled, fell, and killed him.

I am told that your subcommittee is likely to take the view that as he was not killed while in the line of duty his widow is not entitled to a pension.

Let me call your attention to a precedent, and one which is precisely parallel to the Robards case. A few years ago Maj. Manley B. Curry, of the United States Army, who was stationed at or near Atlanta, had been to an entertainment of some sort in the city of Atlanta and with some friends was motoring later. My information is that they were really on a joy ride, and going through the streets of Atlanta at a very lively gait when their machine went over the aqueduct bridge in that city, falling some distance and breaking Maj. Curry's neck. Your examiner, Mr. Cobb, is familiar with all of these facts and can tell you of any feature of them that you would like to have information about. Congress granted a pension to the widow of Maj. Curry, who was a daughter of the late Senator A. O. Bacon, of Georgia, and who pressed the measure.

I will ask your attention to another feature of these two cases. Robards was serving with his troops among alien people, where the conditions of living were hard and where there was certainly more reason for going into town to get a decent bit of food than existed in the case of Maj. Curry, who was stationed near a large city and among his own people. Except that one man was killed by motor and the other by a horse, and that one happened in Haiti and the other in Georgia, there is absolutely no difference in the two cases.

Kindly confer with Mr. Cobb and see if you can not concede what I ask in this case.

Very truly, yours, JAMES L. SLAYDEN.

The original Indian pension bill, which we are now discussing, only provides for 30 days' service. As it passed the House it called for 90 days' service, and as a member of the conference committee I was against it being reduced to 30 days' service.

We have thousands of men who saw service in the Civil War 87, 88, and 89 days who can not get a pension. If you pass this bill, you can not refuse to grant pensions to these men. Neither can you refuse to grant pensions to the thousands of men who saw service in the State militia of Missouri, Kentucky, Tennessee, Ohio, and other States.

In 1861 one bill alone provided for an appropriation of $2,000,000 to provide guns and ammunition to men to protect their homes. You will have to pension these men also if you are going to be fair. The chairman of the Pension Committee, Mr. KEY, stated a few minutes ago that if passed, this bill with this amendment, it would be a dangerous precedent, and that by opening up the bars it might cost us $100,000,000 to take care of similar cases.

If you pass this bill, you can not refuse to grant a pension to a man who may have been a deserter, who never was in the Army, who never drew a cent from the United States Army; you can not refuse to pension anybody who saw a day's service in 1861. Gen. SHERWOOD said a year or so ago in criticizing the Key pension bill that it was unfair; that it made better provision for the widow of a Spanish War veteran than for the widow of a veteran of the Civil War. You are going a little further in this. I have letters from all over the country from these Indian war veterans asking me to vote for this bill, and I replied and explained the Smoot amendment and asked them what would they do under similar circumstances. In addition I have received letters from the soldiers' homes. I have yet to receive a letter from any of them, or a personal request, to vote for this bill if it contains the Smoot amendment. I hope that the bill will not pass with this amendment. It is a vicious proposition in every way, and one that will lead to much trouble in the future.

The SPEAKER. The time of the gentleman has expired.

Mr. KEATING. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. RAKER]. How much time have I remaining?

The SPEAKER. The gentleman has 24 minutes.

Mr. MANN. I want a little time on this, and I think the gentleman from Utah ought to have a little time.

Mr. KEATING. I have been trying to get through as quickly as possible.

Mr. MANN. We have got the time.

Mr. NORTON. I want five minutes.

Mr. MANN. We will extend the gentleman's time.

Mr. KEATING. If that is the case, I will yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I want to see this bill become a law. There are only two provisions in the provisos under consideration, and that is that they may use the records on file now in the archives in the Territory or State for the purpose of proving service; and, second, that if a man can not prove that fact that his want of a record of discharge is not sufficient, if all the other conditions are in his favor, to defeat his right to a pension. The very provision in the bill provides—and I want to call the attention of the House to it—that a man who has been paid by a State, irrespective of whether there is any record, is a pensioner under this bill simply because the Government of the United States has paid him for his service during that time. If he can show a receipt of the payment, he is entitled to a pension under this bill if he can otherwise qualify under the law.

Mr. KEATING. Under all bills.

Mr. RAKER. That is all right; I am showing what is required. I want to call the attention of the House to the fact that I hold in my hand a record from the State of Utah that has been on file here since 1878, signed by the then governor of Utah, showing all the men who served in these Indian wars in the various companies. It has been something over 50 years since this list of men served, and there were only about 2,700 in all, commencing about that date, and the report was made at that time. Fifty years has elapsed and practically all of these men have passed and gone and only a few left. It was stated by all who had opportunity to investigate that there are not over 200 pensioners in this list, and if these men who did this service can show from a State record that they enlisted; that they served as provided and perchance have not their certificates of discharge, they must show to the Secretary of the Interior that they possess all of these qualifications; that they were actually in the service; that their record is on file with the secretary of state. Is there any reason why they should be denied proper consideration by their Government at this late day? Though it is many years, they should have the recognition that is granted in the other cases, and it seems that the only objection is that of the State of Utah, and we read in this report that Gen. Sherman himself requested the governor, requested these men for their services for the Government of the United States, because, as was natural at that time, the Government needed the men in other places. Ever since 1868 this record his been on file and nobody has ever questioned it. These people——

Mr. BURNETT. Will the gentleman yield?

Mr. RAKER. I can not now. These people, in addition to having given their services, every man took his horse, took his gun and his own ammunition. These people supplied over $1,121,037.38 for the purpose of protecting the Government, and while all the other States in the Union have been paid in return, the State of Utah has not been paid the amount of money they expended, and now at this late day when we are providing——

Mr. KEY of Ohio. Will the gentleman yield?

Mr. RAKER. I can not—providing for the rest of these Indian war veterans you say that because these men are relying upon their own State record on file, who actually performed the service, they did not desert, that they should be deprived of their rights of consideration under this bill.

Mr. SHERLEY. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. SHERLEY. Suppose a man served a day or an hour and his name was on the roll, does the gentleman think he ought to be pensioned?

Mr. RAKER. Why, this bill says he must have served 30 days or during that war.

Mr. SHERLEY. Yes; during that war.

Mr. HOWELL. The bill sets out the campaign and the number of days which each soldier served in that campaign.

Mr. RAKER. And some of these people served from April to November——

Mr. KEY of Ohio. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. KEY of Ohio. If that is true, why did not these soldiers make a proper showing?

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Speaker, I make the same request, to extend and revise my remarks.

Mr. MAYS. Mr. Speaker, I make the same request.

Mr. STEPHENS of Texas. Mr. Speaker, I make the same request, to extend my remarks on this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Colorado [Mr. KEATING] on this bill be extended for 25 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Colorado [Mr. KEATING] be extended 25 minutes. Is there objection?

Mr. SHERLEY. I do not think we should do that at this stage of the session. I do not think we can extend it 45 minutes in addition to the hour.

Mr. MANN. I said 25 minutes. The gentleman from Kentucky addressed the House on this bill and some of the rest of us would like to do so.

Mr. SHERLEY. How much time is remaining to the gentleman?

The SPEAKER. Twenty-one minutes.

Mr. SHERLEY. There are 21 minutes left to the gentleman.

Mr. MANN. The gentleman can not arrange all the time without knowing they have demand for it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

The SPEAKER. The gentleman from North Dakota is recognized for five minutes.

Mr. NORTON. Mr. Speaker, this legislation proposes to extend to survivors of certain Indian wars the provisions of the act of July 27, 1892, covering survivors of the Black Hawk War, the Creek War, the Cherokee disturbances, and the Seminole War, as amended by the act of February 19, 1913. The act of July 27, 1892, provided a pension of $8 per month for the survivors of the Indian wars referred to in the act, and the amendment of February 19, 1913, to the act provides a pension of $20 a month to the survivors of these Indian wars. This bill proposes to extend these provisions to survivors of Indian wars mentioned in this bill. If this bill passes, the survivors of the Indian wars mentioned in the bill will receive a pension of $20 a month, and widows of veterans of these wars would be entitled to a pension of $20 a month.

Mr. KEATING. If the gentleman will permit, not $20 but $12.

Mr. NORTON. Is that according to some Senate amendment? It does not state in the bill as it passed the House that the pension of widows is to be but $12 a month.

Mr. KEATING. This is an amendment of an old law. It is $20 and $12. The gentleman is safe in accepting that.

Mr. NORTON. As I read the bill, it provides for $20 to survivors, and the widows of veterans of these wars are entitled to the same pensions as the soldiers. However, as far as the force of my argument against the bill is concerned, I am willing to take the gentleman's statement and consider that the bill provides a pension of but $12 for widows of soldiers of these wars.

I am very much interested in this general legislation; that is, legislation for pensioning survivors of Indian wars. In my section of country reside some of the most gallant Indian fighters who have ever fought in the Indian wars in this country. But I want to say that I do not believe that there is a single brave Indian fighter who actually fought in the service of his country and in the defense of his community who would approve the enactment of legislation of the character contained in Senate amendment numbered 9. To my mind this is vicious legislation. It opens wide the gate to fraud. It proposes to establish a precedent that should not be established.

The bill as it passed the House was most liberal in its provisions. It provided that pensions should be granted to those who were survivors of the Indian wars and had been in the service of the United States for 90 days. The amended bill now provides that survivors of these wars who served but 30 days may be entitled to pensions. Then it goes further and makes this provision, which already has been stated here, that there need be no record that the soldier ever mustered into or out of the service of the Unted States, any evidence that may be found in the archives of a State or Territory to show that the soldier served in one of these wars will be sufficient to entitle him to a pension. Some newspaper report that he was out in some Indian skirmish may place him on the pension rolls at $20 a month. Do you want to do that?

Mr. MAYS. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MAYS. Does the gentleman believe that the State of Utah would pay $50,000 at one time and $50,000 at another time on mere newspaper reports?

Mr. NORTON. The gentleman seems to be prepossessed with the idea that the State of Utah is the only State in this Union, and the only one to be affected by this legislation. I want to say to the gentleman that if this legislation passes it will extend to all the States. It will establish a precedent under which every militia organization of the several States during the Civil War will come in here asking for pensions for soldiers who never fired a gun excepting probably a popgun.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. LANGLEY. Does the gentleman think that if such a proposition were made to a future Congress it would enact legislation to grant pensions in such cases?

Mr. NORTON. Well, I will say to the gentleman that, having confidence in this Congress—having confidence that this Congress will not adopt any such legislation as this, I am free to say that I have the same confidence in succeeding Congresses. But if this Congress adopts legislation of this character I do not know what I may be forced to think of the action of future Congresses.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly; I shall be pleased to yield to my friend from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. I will say in reference to the Texas Volunteers, all serving on the frontier, that we excluded five years, from the year 1861 to 1865, long after the war closed, and hence the gentleman's strictures would not apply to Texas or her volunteers.

Mr. NORTON. No Indian fighter in the Sioux Indian Wars that I have ever known—and I know a great many of them—would want such legislation as proposed by amendment No. 9 enacted into law.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MONDELL. Is it not true that most of the Indian wars to which the gentleman refers, in the Dakotas, were fought by Regulars, and that the men we propose to pension under this act were not of that class of men—that is, many of them were not?

Mr. NORTON. In many of the Indian wars in the Dakotas and Montana were hundreds of volunteers, and among these volunteers were some of the bravest Indian fighters in the history of the western frontier. These men are too loyal, brave, and patriotic to ask for any such legislation as proposed in amendment No. 9 in this bill. The amendment should be defeated and would be defeated if understood by all the Members of the House who may vote for it.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. KEATING. Mr. Speaker, I yield one minute to the gentleman from Idaho [Mr. MCCRACKEN].

The SPEAKER. The gentleman from Idaho is recognized for one minute.

Mr. MCCRACKEN. Mr. Speaker, out of order, I desire to ask unanimous consent to extend in the RECORD my remarks briefly on the accomplishments of the Sixty-fourth Congress.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. MCCRACKEN. I also ask unanimous consent to extend my remarks by placing in the CONGRESSIONAL RECORD a joint memorial of the State of Idaho on the subject of pensions to volunteer retired officers.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend in the RECORD his remarks about pensions for volunteer officers on the retired list. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

The SPEAKER. The gentleman from Missouri is recognized for two minutes.

Mr. RUSSELL of Missouri. Mr. Speaker, I have been understood to be reasonably liberal in the payment of pensions to men who have served their country in time of trouble. I am. I believe it would be a disgrace to this Government to permit any man who has left his home and risked his life in time of war to preserve the Union or protect the flag, to suffer for want of the necessaries of life. But it seems to me that this proposition is going very far and is very partial. It provides that a man shall have a pension who served 30 days without any record of service and without any discharge, while under the general pension law those who served in the Civil War are required to prove that they served 90 days and were honorably discharged. I know men in my district who served for 75 and

80 days in the Civil War as Union soldiers, who have always been denied pensions.

I want to say, further, that if this bill passes, I hope that Congress will never again refuse, as it has up to this time refused, to pay pensions to the Missouri and Kentucky Militia. I know men in my district, blind, poor, and helpless, who served for two years under the command of Gen. Schofield, a Regular officer of the Federal forces, during the Civil War, and who have never been able to get pensions. They wore the Government uniform. They fought with Government arms. They were paid by the State, it is true, but since that time the Government, recognizing their valuable services to the Union cause has returned to Missouri every dollar that Missouri paid to those militia. President Lincoln recognized them as part of his Army, and so stated at the time. Now, if this bill is passed, I hope that this Congress or no other Congress hereafter will deny pensions to the Missouri and Kentucky Militia.

Mr. KEATING. I yield two minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, the State of Texas stands on a different footing from the other States that will be benefited by this bill. When Texas was annexed to the United States one of the articles of annexation provided that the United States should protect her frontiers against the Indian depredations. In 1866, immediately after the war, the frontier was entirely unprotected. The Indian wars in the Northwest called for as many cavalrymen as the United States Army could then well furnish, and we had only a few companies of United States Infantry soldiers in the State of Texas to protect a frontier nearly a thousand miles long. Consequently our State volunteers, always known as the Texas Rangers, were enlisted by our State authorities and sent to the frontier. They protected that frontier from 1866 to 1877, inclusive, and were commanded by Maj. John B. Jones, an officer of great energy and ability. Many of these men lost their lives in battles; many of them were wounded; all of them suffered great hardships. All of them lost more or less property, and there were more Indian depredations, murders, and outrages committed by these savages on the frontier of Texas during this period than on any other western frontier. I do not think there is any question about the justice of the claim of these rangers to a pension. It has been 40 years since these veteran Indian fighters served their country so well in these Indian wars. If they are ever to be rewarded by Congress, it must be done now and to-day; most of their number have already passed over. No braver, no better, no more faithful soldiers ever lived or fought for their country than these brave frontiersmen, known on the borders as Texas Rangers. They had the worst and bravest tribes of Indians in the United States to fight. We had the Mescalero Apaches and the Kicking Kickapoos from Mexico, and the Comanches, Kiowas, and Arapahoes and other small tribes from the western mountains and plains, and it is a fact that the United States at that time prevented our rangers from crossing the Red River into the Oklahoma country, then occupied by Indians, for the reason that they feared our troops crossing into the Indian reservations would inflame the Indians upon those reservations, so that all of them would go on the warpath. This restriction prevented the rangers from chasing these savages to their lairs in the Wichita Mountains and there punishing them for their crimes.

Mr. Speaker, the language of the act applicable to Texas is as follows, viz:

An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

Be it enacted, etc., That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July 27, 1892, as amended on February 19, 1913, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1877, inclusive.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. KEATING. I yield one minute to the gentleman from Ohio [Mr. KEY]. How much time have I remaining?

The SPEAKER. The gentleman has 31 minutes left.

Mr. KEY of Ohio. Mr. Speaker and gentlemen of the House, I just want to make this one observation: I was not here last night, but I understood that some Member from Utah has offered a preferential motion for the House to concur. Now, I hope that preferential motion will be voted down. I want to state that I have made some little investigation since this amendment has been tacked onto the bill in the Senate. I have made some inquiries at the Bureau of Pensions, and I am satisfied that if the legislation should go through it will only be the stepping stone to legislation that will follow in the next Congress, which will cost the Government perhaps $100,000,000 or more.

Mr. KEATING. I yield one minute to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I shall vote for the preferential motion and assist in passing this bill for the worthy men who ought to receive pensions.

I desire to consume the remainder of my time by reading to my Republican colleagues a notice received this morning by the Democratic Members of the House:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 2, 1917.

MY DEAR CONGRESSMAN: Since our letter to you of February 28 the situation has so changed that, unless something unforeseen should happen, there is no probability of an extra session of Congress before April 1, after which date you should hold yourself in readiness to come to Washington upon notice at any time.

Very respectfully,

THOMAS M. BELL,
Democratic Whip.
J. N. GARNER,
J. A. M. ADAIR,
Assistant Whips.

Mr. LANGLEY. Where does the gentleman get all this information?

Mr. BARKLEY. When was the gentleman appointed recording secretary of the Democratic Party. [Laughter.]

Mr. BENNET. If I can get time, I will answer these questions.

The SPEAKER. The time of the gentleman has expired.

Mr. KEATING. I yield two minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Speaker, I entered upon this debate feeling that this bill ought not to pass; but after listening to the explanations given by the gentleman from Utah [Mr. HOWELL] and others, I will say that I will heartily support the passage of the bill.

As to the suggestion that fraud may creep in, I take it that the Secretary of the Interior and the Commissioner of Pensions will provide such rules and regulations as will protect the Treasury of the United States along that line, just as they do in the administration of all pension laws. And it does seem to me that these soldiers who fought in these Indian wars occupy a different status even from those who served 30, 40, 60, or 70 days on the side of the North in the Civil War. They furnished their own arms and ammunition. They were paid nothing, as I understand, for their services. They were engaged in an Indian war, not what we would call a civilized war. They were protecting the settlements on the extreme frontier in those early days from the depredations of savages, and, of course, that is one reason why it is very hard for them to obtain any further evidence of the record of their services than is brought here, as is shown by the records of the Territory, now the State of Utah, in which they served.

I do not believe that we should hesitate to pass this bill, because Congress in the future may pass other pension laws that will cause us to pay hundreds of millions of dollars. Let that stand on its own merits.

The SPEAKER. The time of the gentleman has expired.

Mr. KEATING. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I have the utmost respect for all men who have defended this country, who have fought its wars. I have always believed in liberal pensions, but I am unwilling to make fish of one class and fowl of the other. Now, there are other militiamen in this country who have served the country, as Judge RUSSELL has said, almost 90 days. Many of them were wounded, many of them are decrepit to-day because of wounds sustained in that service, and yet they have not been recognized by the Government, they have not been granted pensions by the Government, and if we are to pension the militia forces of the country I say it is only fair and just that a general law should be enacted that will apply to the militiamen of Kentucky, Tennessee, Missouri, and the other State companies just the same as to the militiamen of the Western States.

Mr. HOWELL. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. HOWELL. Does not the gentleman differentiate between State troops who might have been mustered into the service if they wished and the Territorial troops out on the frontier where they had to defend the country against the depredations of Indians and could not be admitted into the service of the United States because there was no officer to muster them in?

Mr. FIELDS. I am talking about the equity of the proposition. Men who served in Kentucky or other States 85 days are as deserving at the hands of Congress as are the men who served in Utah 85 days. Therefore I shall vote against the bill.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, situations growing out of extraordinary and peculiar conditions require unusual remedies. Such is the case before us. The rule laid down in the Senate amendment, as a general rule, to govern the granting of pensions would not be a sound one, and yet it is sound and proper and right in the case at hand. The amendment authorizes the payment of pensions even though the men were not mustered into the service or paid by the United States.

Why, Mr. Speaker, many of these men gathered were organized, took the trail, struck the savage foe, drove him back into the wilderness, and returned to their homes in less time than it would have taken to notify Washington that there was a war, and that the settlements were in danger. If we are to legislate and pay pensions for a number of the wars or raids enumerated in this bill, we must either pay them in this way or not pay them at all. It is true they were local wars. The men fought often for the defense of their own settlements and to keep open the highways for emigrants, but they were, nevertheless, fought for the entire Nation. They were fighting the battles of civilization; they were keeping open the frontier; they were making possible that splendid development that was largely due to their loyal efforts. The conditions were unusual and extraordinary; the remedy, so far as we may provide one, must be unusual. These people gathered, organized, armed, fought, and then went back to their homes—their farms and their mines—as good citizens, without waiting around for somebody to give them a discharge. If we are to pass this bill at all and provide for the campaigns enumerated in it, we must as a matter of logic, in fulfillment of the very purpose we started out to accomplish by the bill, agree to the Senate amendment.

It is true that as to some of the campaigns enumerated in the bill no such provision as the Senate amendment is necessary, for the men who did the fighting were Regulars and can show Federal enrollment, pay, and discharge. They, of all the men who fought in the Indian wars, need this legislation, for to a considerable extent they are now pensionable. The men who need our help are the local and volunteer troops; they will be brought under the provisions of the bill by the Senate amendment, and so I am for it.

Mr. KEATING. I yield three minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Speaker, the statement was made on the floor by the gentleman from Kentucky that the passage of pension bills by our Committee on Invalid Pensions depended upon what the Senate did. I want to say that before we took up the last Senate bill every one of our bills had passed the Senate. That disposes of that question. Every item in the Senate bill was examined by the chairman of the Committee on Invalid Pensions, or the clerk of the Pension Committee passed upon them, and they found only six items that were questionable. I submitted that question to the gentleman from Missouri [Mr. RUSSELL] and other members of our committee whether we had better let the bill go through without amendment, and they said if it went into conference it would cause delay and eventually they would get everything, and we had better let the bill go through without amendment. Whoever made the statement to the gentleman from Kentucky made a mistake. That will be verified by every member of our Committee on Invalid Pensions.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker and gentlemen, when the Civil War began Oregon was the only State organized in the Pacific Northwest. When the troops were withdrawn the Indians, who numbered thousands, very warlike, laid plans against the settlements, against the United States mails, against wagon trains, and the settlers organized for defense. For some time the local authorities and volunteer organizations endeavored to cope with the situation. It became so serious that the Secretary of War, at the instance of President Lincoln, appealed to the Legislature of the State of Oregon through its governor to raise a body of soldiers to care for all of the country in the Pacific Northwest.

The legislature complied with that request of the General Government, issued a large quantity of bonds, raised soldiers, equipped them, furnished them with ammunition, with food and other supplies, and sent them on campaigns in northern California, all through Oregon, into Idaho, into Washington, and made one campaign, if my memory serves me correctly, in western Wyoming. When the war was over the State of Oregon submitted her claim to the General Government for reimbursement for these services to the amount of some $191,000. After the Civil War was over the facts were submitted to the Court of Claims and a finding of fact was made by that court, which has been reported to Congress in the regular manner, but for reasons which I have not the time to narrate that claim remains unpaid. Oregon provided, as I understand, the only armed force in that Pacific Northwest at that time that was able to cope with the Indian outbreaks.

I was born and reared on the frontier. I have heard the stories of these times around the fireside. There would be a cry in the night, a thunder of horses' hoofs, a cry that the Indians had attacked a certain place, with men killed, women outraged, and children taken captive. The frontiersman would take his gun, his powder horn, his box of caps, his pouch of bullets and get his best horse and go to the rendezvous appointed. These men are not provided for in this legislation, although I think they are worthy of recognition by the Government, but the training they obtained in this volunteer service became of immeasurable benefit in the maintenance of the civilization and the protection of the settlements and people in the Pacific Northwest, especially as the soldiers raised by the State of Oregon were composed almost entirely of these men. During the period to which I have referred they entered the service of the State at the request of the General Government. These men not only fought Indians who were attacking settlements, but they rescued the property of the Government of the United States. In one instance they rescued some soldiers of the United States. They protected the mail of the United States, the wagon trains of the emigrants and freighters, and no body of men in an isolated part of the country ever rendered more magnanimous, more courageous, more self-sacrificing service than did those men. There are few of them left, and many of those who are left are in the greatest need, and to grant them a few dollars in their declining years would be an act of justice and mercy.

The remoteness from the seat of the Government and the great struggle in which it was then involved caused them not to be formally made a part of the enlisted troops of the United States. For this reason, and because the expenditures undertaken by the State of Oregon at the instance of the Government at Washington were not repaid to the State as the State understood they would be, these brave men are without pensionable status. I cite this instance in particular, and if time permitted could cite others equally worthy. I understand the pending amendment will enable them to obtain the recognition they justly deserve. The courageous men and women who settled the Pacific Northwest extended the area of the United States and added vast areas of fertile land, timber, and other natural resources to the United States valued at billions of dollars. That the United States should make the small provision for their declining years provided in this act, and the honorable recognition of public service it implies, seems to me an act of justice worthy of our great Government.

Many were killed in battle and others died later of wounds received. No act of ours can affect them, but by passing this act we can honor their memory and attest the appreciation of a grateful people. [Applause.]

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, I wish only to speak briefly in this matter. I think I should not have asked for time at all but for some observations that have been made by gentlemen upon the floor. I noticed that during the remarks of the gentleman from Kentucky [Mr. SHERLEY] he took occasion to say that in doing justice to individuals we ought not to open the door to the perpetration of fraud. Gentlemen of the House, shall a great Government shut its door to the appeal of deserving veterans, a Government that has unlimited power and instrumentalities with which to protect itself, simply because other men, yea, and undeserving ones, may try to get by the bars and impose upon the bounty of the Government? Every man who walks on the earth and has property which may be taken from him is subjected all the days that he lives to the men who would despoil him of his property; but no honest man, no man in whom there is the spirit of justice, refuses to pay to other men what he owes them and deny to them what they ought to have because other men might, in some scheme, defraud him of something which he ought not to give them.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. HILLIARD. I have not the time, and the gentleman himself did not yield to the gentleman from Utah. Mr. Speaker, other distinguished gentlemen have said that because militiamen from certain States were not pensioned we ought not, therefore,

to pension the men who fought in the Utah Indian wars. I submit that a better statement is that the militiamen of other States should be pensioned, and these men as well. I favor extending justice as opportunity affords. Mr. Speaker, there have been some criticisms of the Senator from Utah, because it is charged that he says he will defeat the legislation altogether if this amendment be not adopted. I do not know whether he said that or not, but when appeals are being made to every man to stand by America and his home, I submit that if the Senator from Utah should refuse now to stand by his people he would be doing the unusual thing, and I commend him for his courage and power to do it.

I have nothing in sympathy with the Senator from Utah politically or much otherwise, but I do rejoice in this fact, that the other day when the Milwaukee Railroad Co. was making its drive through the Congress to pass a bill through this House, during which the distinguished gentleman from Kentucky [Mr. SHERLEY] was as silent as the tomb, when it got over to the Senate the man at that end of the Capitol, and who is now criticized here, had the discernment and the courage and, thank God, the power to stop the Milwaukee Railway special legislation; and I commend his courage now in standing by his people in this pension legislation. This is the final word in Indian pension legislation. Every other Indian war is provided for. Every man who served in an Indian war except those from the State of Utah is being protected in this very bill, and I say now those people from Utah ought to have this measure of justice, and every man who sits here should vote for this amendment. Pay them now. They fought, and they could not get on the rolls. They were a thousand miles beyond the outposts of civilization and double the distance from the seat of the Government. They had everything to contend with, many things to accomplish, and they did their work well. To-day they are grayheaded and stoop shouldered, and when only a mournful handful remains, why should they not be paid, why should they not be recognized now, the time when this great Government is making provision to pension all other survivors of Indian wars? I bespeak with all earnestness the adoption of the motion of the gentleman from Utah [Mr. MAYS]. [Applause.]

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Speaker, I yield seven minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if this country owes a debt of gratitude to anyone, as it does, it owes that debt to the pioneers who wrested the country from disease and from the Indians. Those men went out into the wilds, and it took more courage to go there and settle upon the land and protect themselves from savage tribes than it takes in time of excitement to go into an army to fight the battles of the country in war. They were truly brave, and we owe the country to the pioneers. This bill proposes to give a pension now to the few survivors of the Indian wars. The bill has passed the House. A Senate amendment is still in dispute, and if we do not concur in the Senate amendment at this late period of the session the bill is dead.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. No. I am in favor of giving to these few survivors in their old age the little pension granted by this bill in part repayment of the debt of gratitude which the whole country owes to them. [Applause.] My father served in the Civil War. He served in the Mexican War. He was a Texas Ranger; but the bravest thing he ever did was to go into the Black Hawk Indian war in Illinois, and yet he never went on the rolls of the country. He received a pension in his old age as a survivor of the Mexican War, but that was easy compared with the quick and sudden going to the front in the Black Hawk war in Illinois when the people were threatened with extinction and barbarity before destruction. He could not have received a pension, and never asked for one, and he could not have received a pension even under the terms of this bill, but it took more bravery for these men to go quickly to the front and fight the Indians than it did for them to go into the Mexican War or the Civil War. These people in Utah, way out on the frontier, beyond the protection of United States troops, beyond the control, really, of the Government, made the West. They made that country bloom and blossom. They went quickly into a war against the Indians where it was not possible to be enrolled as volunteers of the United States. I think we are justified in giving the few survivors of that Black Hawk war in Utah, the men who went to the front with their own arms, put upon the rolls of their own State—I say, I think we are justified in giving them, the few survivors in their old age, this little pension and to accept the rolls of the State which they served because it was not possible for them to be placed on the rolls of the Government of the United States. I believe we can well afford to give to these old people this little meed of reward. I am not afraid that it will create a precedent, which will compel the Congress to appropriate, as some gentleman has said, $100,000,000 or any sum in the future. When that question comes up as to other cases we will examine those cases on their merits, as I hope we will examine this case on its merits. In my opinion it has the merit of being worthy. [Applause.]

Mr. KEATING. Mr. Speaker, I yield one minute to the chairman of the committee [Mr. KEY of Ohio].

Mr. KEY of Ohio. Mr. Speaker, I hope that the membership of this House will not be swept off their feet by the plea of some Members from some of the Western States. I hope that the membership of this House will appreciate the far-reaching consequences of this legislation, and I want to say that if you pass this Smoot amendment you pass legislation that will cost this Government perhaps $100,000,000. It is the most vicious legislation, to my mind, that was ever proposed in the way of legislation. I refer to the provisions of amendment No. 9 by the United States Senate.

The SPEAKER. The gentleman's time has expired, and the question is on the preferential motion offered by the gentleman from Utah [Mr. MAYS] to recede and concur in Senate amendment No. 9.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. SHERLEY and Mr. KEATING) there were—ayes 83, noes 63.

Mr. KEATING. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and eleven gentlemen are present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 206, nays 177, answered "present" 2, not voting 48, as follows:

YEAS—206.

Anthony	Esch	Kincheloe	Sanford
Austin	Evans	King	Schall
Ayres	Fairchild	Kinkaid	Scott, Mich.
Bacharach	Farr	Konop	Scott, Pa.
Barchfeld	Ferris	Kreider	Shallenberger
Barnhart	Fess	Lafean	Shouse
Beales	Focht	La Follette	Siegel
Bennet	Fordney	Lehlbach	Sinnott
Bowers	Foss	Lindbergh	Slayden
Britt	Frear	Lobeck	Sloan
Britten	Freeman	Loud	Smith, Idaho
Browne	Fuller	McArthur	Smith, Mich.
Browning	Garland	McClintic	Smith, Minn.
Buchanan, Ill.	Glynn	McCracken	Smith, Tex.
Buchanan, Tex.	Gould	McCulloch	Snell
Campbell	Gray, N. J.	McFadden	Snyder
Capstick	Green, Iowa	McKenzie	Steele, Iowa
Carter, Mass.	Greene, Mass.	McLaughlin	Steenerson
Carter, Okla.	Greene, Vt.	Madden	Stephens, Nebr.
Chandler, N. Y.	Griest	Magee	Stephens, Tex.
Charles	Guernsey	Mann	Sterling
Chiperfield	Hadley	Mapes	Stiness
Church	Hamilton, Mich.	Martin	Stout
Coleman	Hamilton, N. Y.	Mays	Sulloway
Connelly	Hamlin	Meeker	Sutherland
Cooper, Ohio	Haskell	Miller, Del.	Sweet
Cooper, W. Va.	Hawley	Miller, Pa.	Swift
Cooper, Wis.	Hayden	Mondell	Switzer
Cramton	Heaton	Moore, Pa.	Taggart
Crosser	Helvering	Morgan, Okla.	Taylor, Colo.
Curry	Henry	Morin	Temple
Dale, Vt.	Hernandez	Mott	Tillman
Dallinger	Hicks	Murray	Tilson
Darrow	Hilliard	Nichols, Mich.	Timberlake
Davenport	Hinds	Nolan	Tinkham
Davis, Minn.	Hollingsworth	North	Towner
Davis, Tex.	Hopwood	Oakey	Treadway
Dempsey	Howell	Paige, Mass.	Van Dyke
Denison	Hull, Iowa	Parker, N. Y.	Vare
Dewalt	Humphrey, Wash.	Peters	Volstead
Dill	Husted	Platt	Walsh
Dillon	Hutchinson	Powers	Ward
Doolittle	Johnson, S. Dak.	Pratt	Wason
Dowell	Johnson, Wash.	Raker	Watson, Pa.
Drukker	Kahn	Ramseyer	Wheeler
Dunn	Kearns	Randall	Williams, Ohio.
Dyer	Keister	Reavis	Winslow
Eagle	Kelley	Ricketts	Wood, Ind.
Edmonds	Kennedy, Iowa	Roberts, Nev.	Woods, Iowa
Ellsworth	Kennedy, R. I.	Rodenberg	Woodyard
Elston	Kettner	Rogers	
Emerson	Kiess, Pa.	Rowe	

NAYS—177.

Abercrombie	Aswell	Brumbaugh	Carlin
Adair	Bailey	Burnett	Cary
Adamson	Barkley	Byrnes, S. C.	Casey
Aiken	Beakes	Byrns, Tenn.	Clark, Fla.
Alexander	Bell	Caldwell	Coady
Allen	Blackmon	Candler, Miss.	Collier
Almon	Booher	Cantrill	Cox
Anderson	Borland	Caraway	Crisp
Ashbrook	Bruckner	Carew	Cullop

Dale, N. Y.	Hart	McLemore	Shackleford
Danforth	Hastings	Maher	Sherley
Decker	Haugen	Montague	Sherwood
Dent	Heflin	Moon	Sims
Dickinson	Helgesen	Morrison	Sisson
Dies	Helm	Nelson	Small
Dixon	Holland	Nicholls, S. C.	Smith, N. Y.
Dooling	Hood	Norton	Sparkman
Doremus	Houston	Oglesby	Stafford
Doughton	Howard	Oldfield	Steagall
Driscoll	Huddleston	Oliver	Stedman
Dupré	Hughes	Olney	Steele, Pa.
Eagan	Igoe	O'Shaunessy	Stephens, Miss.
Edwards	Jacoway	Overmyer	Stone
Farley	James	Page, N. C.	Sumners
Fields	Johnson, Ky.	Park	Tague
Fitzgerald	Keating	Parker, N. J.	Tavenner
Flood	Key, Ohio	Patten	Taylor, Ark.
Flynn	Kitchin	Phelan	Thomas
Gallagher	Langley	Pou	Venable
Gallivan	Lazaro	Price	Vinson
Gandy	Lee	Quin	Walker
Gard	Lenroot	Ragsdale	Watkins
Gardner	Lesher	Rainey	Watson, Va.
Garner	Lever	Rayburn	Webb
Garrett	Lieb	Reilly	Whaley
Gillett	Liebel	Riordan	Williams, W. E.
Godwin, N. C.	Linthicum	Rouse	Wilson, Fla.
Goodwin, Ark.	Littlepage	Rubey	Wilson, La.
Gordon	Lloyd	Rucker, Ga.	Wingo
Gray, Ala.	London	Rucker, Mo.	Wise
Gray, Ind.	McAndrews	Russell, Mo.	Young, N. Dak.
Gregg	McCorkle	Sabath	Young, Tex.
Griffin	McDermott	Saunders	
Hardy	McGillicuddy	Scully	
Harrison, Va.	McKellar	Sears	

ANSWERED "PRESENT"—2.

Black	Foster

NOT VOTING—48.

Benedict	Good	Lewis	Padgett
Burgess	Graham	Loft	Porter
Burke	Hamill	Longworth	Rauch
Butler	Harrison, Miss.	McKinley	Roberts, Mass.
Callaway	Hayes	Matthews	Rowland
Cannon	Hensley	Miller, Minn.	Russell, Ohio
Cline	Hill	Mooney	Sells
Copley	Hulbert	Moores, Ind.	Slemp
Costello	Hull, Tenn.	Morgan, La.	Talbott
Crago	Humphreys, Miss.	Moss	Thompson
Estopinal	Jones	Mudd	Williams, T. S.
Glass	Kent	Neely	Wilson, Ill.

So the motion to recede and concur in Senate amendment No. 9 was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HENSLEY with Mr. MOONEY.

Mr. HAMILL with Mr. HILL.

Mr. JONES with Mr. LONGWORTH.

Mr. LEWIS with Mr. ROBERTS of Massachusetts.

Mr. LOFT with Mr. MCKINLEY.

Mr. NEELY with Mr. MUDD.

Mr. PADGETT with Mr. ROWLAND.

Mr. BURGESS with Mr. GRAHAM.

Mr. BURKE with Mr. WILSON of Illinois.

Mr. TALBOTT with Mr. BUTLER.

Mr. CLINE with Mr. CANNON.

Mr. ESTOPINAL with Mr. COPLEY.

Mr. GLASS with Mr. COSTELLO.

Mr. HARRISON of Mississippi with Mr. CRAGO.

Mr. HULBERT with Mr. GOOD.

Mr. HULL of Tennessee with Mr. HAYES.

Mr. MORGAN of Louisiana with Mr. MATTHEWS.

Mr. MOSS with Mr. MILLER of Minnesota.

Mr. RAUCH with Mr. MOORES of Indiana.

Mr. CALLAWAY with Mr. SLEMP.

Mr. THOMPSON with Mr. SELLS.

Mr. HUMPHREYS of Mississippi with Mr. PORTER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

RITTMAN PATENT, MANUFACTURE OF GASOLINE.

Mr. MORRISON rose.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. MANN. Mr. Speaker, will the gentleman yield for five minutes? I wanted to ask unanimous consent that the gentleman from California [Mr. KENT], who is going out of the House, have leave to address the House for five minutes.

Mr. FITZGERALD. The gentleman from Indiana will yield him five minutes under this bill that he proposes to call up.

Mr. MANN. Very well.

The SPEAKER. Does the gentleman from Illinois withdraw his request?

Mr. MANN. Yes.

Mr. MORRISON. Mr. Speaker, by direction of the Committee on Patents, I ask the Speaker to lay before the House Senate joint resolution 125, now on the Speaker's table.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of Senate joint resolution 125. The Clerk will report it.

The Clerk read the Senate joint resolution, as follows:

Joint resolution (S. J. Res. 125) to authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept as trustee for the use and benefit of the people of the United States assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications Nos. 29019 and 29020 for patents for certain improvements in the manufacture of gasoline, benzene, toluene, etc., in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United State: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the gentleman from Indiana is going to make a motion to suspend the rules, there is no use in reading the resolution two or three times.

Mr. MORRISON. I move, Mr. Speaker, to suspend the rules, take the resolution from the Speaker's table, and pass the same, with the amendments that I send to the Speaker's desk.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and take the resolution from the Speaker's table and pass it with the matter that has been handed up read into it. The Chair will ask the gentleman from Indiana where these amendments are to come in?

Mr. MANN. It should be reported as a Senate bill with the amendments reported separately.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept as trustee for the use and benefit of the people of the United States assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications No. 29019 and 29020 for patents for certain improvements in the manufacture of gasoline, benzene, toluene, and so forth, in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United States: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

With amendments, as follows:

Amend, page 1, lines 9 and 10, by striking out the words "numbered twenty-nine thousand and nineteen and twenty-nine thousand and twenty."

Amend, page 1, line 12, by striking out the words "so forth" and inserting in lieu thereof the words "similar products."

Page 2, line 7, strike out the words "by any licensee."

Page 2, at the end of section 1, add the following: "*Provided further*, That nothing contained in any assignment of patent to the Secretary of the Interior in accordance with the provisions of this act, or in any license or permit issued by the Secretary of the Interior, shall affect the rights of said Walter F. Rittman, or of any other inventor, to apply for, receive and retain letters patent, domestic or foreign, upon his own discoveries or inventions, except as such letters patent and the rights to accrue thereunder which cover and embrace the manufacture within the United States of the aforesaid products from materials produced within the United States."

The SPEAKER. Is a second demanded?

Mr. MANN. If nobody else demands a second, I demand it.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is recognized for 20 minutes, and the gentleman from Illinois [Mr. MANN] for 20 minutes.

Mr. MORRISON. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. MANN. And I yield to the gentleman five minutes.

The SPEAKER. The gentleman from California is recognized for 10 minutes.

Mr. KENT. Mr. Speaker and my friends in the House, I do not believe that swan songs are popular, and possibly not interesting, and I shall emit no plaintive squeaks at this time.

Six years ago I came here with an erroneous idea about the House of Representatives, but I have learned a lot. I have discovered, Mr. Speaker, that this House is the finest organization of men, the finest club, that I have ever belonged to. [Applause.] I have found here a breadth of human sympathy, kindliness, and courtesy that seems to have come with the experience that men must have had before they got here.

The work has been intensely interesting. It is 99 per cent wasted. This body is the worst misunderstood body in the United States. People have an idea that because we come here and wrangle and jangle and talk and disagree and accomplish little that it is our fault. It is not our fault. It is the fault of the perfectly insane system that picks out people from all over the country each to represent his district as against the general welfare; and in spite of that, if they happen to be patriotic and happen to get together, that is to their credit, a credit that they merit, and not to the credit of a system that through biennial elections, through the issues of partisanship and all sorts of irrelevancies, falsely judges and crucifies the unfortunate Congressman and district errand boy.

Mr. Speaker, I am not here to throw bouquets, but I must say that you, in your kindliness, in your loyalty to this House, in your fairness, have contributed vastly toward making this the pleasantest human organization of which I have any knowledge. [Applause.]

I came here with the idea that men like the former Speaker, our dear Uncle JOE, were devils incarnate, because they disagreed with what I considered to be progressive legislation. I have found out that he represents the old pioneer type of thought and reasoning, which to his mind ought still to be dominant. I have learned that he, too, is one of the most lovable of human beings, and that he deservedly has the respect and the affection of this House. [Applause.]

I have learned to appreciate the Republican leader [Mr. MANN]. [Applause.] I have disagreed with him oftentimes, and he with me, but I have seen his devotion to the public service, and I have wondered how many hours there are in his day, that he may get over and understand the mass of national legislation. I do not believe there has ever been a more faithful legislator in this place. [Applause.]

Mr. Speaker, from time to time I have had radical differences of opinion with many Members of this House. I have not wasted very much time here in developing jaw muscle, and I think I have been reasonably free from taking my pen in hand; but after six years of service I must express my appreciation of the treatment I have received, the charity, the courtesy that here prevails, and I hope that all other Members feel as I do.

Mr. Speaker, I live 3,000 miles away, as shown by an ample mileage check. Out there on the Pacific coast I have a little patch of land, and a small tame railroad, a few cows, with here and there a sheep; and whenever a Member or Members of this House travel west till they can go no farther without wetting their feet my latchstring is out, the tame railroad is at their service, and I will go out and kill a cow or a sheep in accordance with the numbers present. [Loud applause.]

The SPEAKER. On the part of the House I accept that invitation. [Laughter and applause.]

Mr. MORRISON. Mr. Speaker, I do not care to occupy any of the time of the House if the House is ready to vote.

Mr. MANN. Mr. Speaker, I think the gentleman ought to explain this joint resolution.

Mr. MORRISON. Mr. Speaker, I will make this statement as brief as I can. Dr. Walter F. Rittman, an employee in the Bureau of Mines, discovered or invented a new process for the making of gasoline, benzene, and similar products. Thinking that it was proper that the country at large should have the benefit of his invention, he made an assignment of it to the Secretary of the Interior. The Secretary of the Interior accepted the assignment, and has issued certain licenses thereunder. It now becomes a question as to whether or not it was within the power of the Secretary to accept the assignment, to make the leases or issue the licenses, and the sole purpose of this resolution is to validate the assignment and his acceptance. to authorize the Secretary of the Interior to issue licenses, and to authorize him to accept hereafter assignments of any discoveries or inventions that may result from the use of the invention of Mr. Rittman.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. MORRISON. Yes.

Mr. BORLAND. I do not understand—perhaps the gentleman can explain—why if it is desirable to give the Rittman process to the American public it is necessary to have any patent on it or any assignment of the patent or any license issued under that patent?

Mr. MORRISON. If no patent is issued, there is no way in which to control the use of this process. Without the power to control the use of the process and to contract in relation to improvements upon it, the process may become obsolete and the improvements that grow out of its use may at once pass into private hands under the patent system, and this is intended not only to enable the Secretary of the Interior to hold this patent for the benefit of the people of the country, but to enable him to issue such licenses as will insure the assignment to him hereafter of those improvements that will certainly result from the use of this process.

Mr. DOWELL. Mr. Speaker, does this mean that the Government is to go into the purchasing of patents generally?

Mr. MORRISON. No, sir; it can not mean anything of that kind. It is limited to this particular assignment, and such improvements of this process as may result from the use of it under licenses that have been or shall be issued by the Secretary of the Interior.

Mr. DOWELL. Then the resolution merely relates to this one process?

Mr. MORRISON. To the one process and to the one assignment and to the licenses to be issued under it.

Mr. DOWELL. Has the patent already been issued to the department?

Mr. MORRISON. The applications are pending, but letters patent are not issued.

Mr. DOWELL. If the patents are not issued, can not any one use this process?

Mr. MORRISON. If the patents are not issued, so far as this application for a patent is concerned, it is in the public domain.

Mr. DOWELL. Then, as I understand it, the committee believe it is better for the public that the department own and control the patent than to throw it open to the use of every one who desires to use the process.

Mr. MORRISON. That is the opinion of the members of the Committee on Patents.

If no one else has any questions, Mr. Speaker, I will not take further time. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, this matter has been pending before the House quite a while. The committee reported a House resolution on this subject last May, and there has been a controversy in a way going on ever since between the gentleman from Indiana [Mr. MORRISON], the chairman of the Committee on Patents, and the gentleman from Illinois, my colleague, Dr. FOSTER, the chairman of the Committee on Mines on the one side, and myself on the other side. We have reached an agreement, as far as we are concerned, which agreement is embodied in the motion, so that as the resolution stands I propose to vote for the motion to suspend the rules. I demanded a second because I wanted to make some remarks on this subject, but if anybody desires the time to oppose the motion, of course I yield the time, because I would not be entitled to it. [After a pause.] Apparently nobody desires the time.

Now, this is the situation: Dr. Rittman, an employee of the Bureau of Mines, discovered a process for the manufacture of gasoline which he believed would either reduce the expense of manufacture or increase the amount of gasoline, or both. He filed an application for letters patent and offered to convey or did convey to the Government his rights, under certain terms.

Mr. SHERWOOD. Is it possible to fix the price of the product?

Mr. MANN. This has nothing to do with fixing the price of the product. The question was asked of the gentleman from Indiana [Mr. MORRISON], why not just give the public the use of this without letters patent. But that is not the proposition. Dr. Rittman would not agree to that. The original bill contemplated that the patent should be turned over by Dr. Rittman to the United States; that the United States should give permits or licenses for the use of the patent on condition that the permittee or licensee, if he made any discoveries, should have the right to those discoveries in the United States, and that Dr. Rittman should have the benefit of those discoveries in foreign countries, and in the manufacture of gasoline in the United States made from oil imported from a foreign country. That is to say, that we accepted the patent from Dr. Rittman and proposed to permit other people to use it, and make those people pay tribue to Dr. Rittman on any oil or gasoline in connection with imports from Mexico, of which we made great quantities.

If we imported it, Dr. Rittman was to have a royalty not only on his own patent, but upon any discovery of anybody else who had used his patent. Or, if he went to Mexico with his patent he would have the right to have the patent there.

As far as I was concerned, I was not willing to accept a patent from anybody, and then say that anybody who used it, who *himself* made a discovery, should be required to turn that discovery over to the original discoverer anywhere. That is trading that we ought not to do.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. MANN. In just a moment. Now, the pending resolution will give to Dr. Rittman practically the benefit of any discoveries, so far as foreign countries are concerned, but the amendment that is now offered to the Senate bill provides that if anybody uses the Rittman process and makes a discovery himself, he shall have the benefit of that discovery and the right to take out letters patent on the discovery, but that he must give free use of it in the United States for oil that is produced in the United States and manufactured in the United States. So that under the amendment we do not require every user of the Rittman process to become an agent engaged in discovering something for the benefit of Dr. Rittman. Now I yield to the gentleman from Iowa.

Mr. DOWELL. I desire to inquire if a contract has been made by the department with the inventor on the terms suggested by the gentleman with reference to what he shall receive for this patent?

Mr. MANN. The assignment of the patent which Dr. Rittman assigned contains these provisions that I have referred to, and then the department got up a permit or license to be granted to licensees which contained those requirements, and that if they made any discoveries they should turn them over to the United States for free use in the United States, and for Dr. Rittman's benefit everywhere else.

Mr. DOWELL. May I inquire if there has been an estimate as to whether or not, or in what respect, this will affect the price of gasoline under this process?

Mr. MANN. Oh, well, the gentleman is trying to get me to indulge in a joke. I am never averse to that.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. First let me have my little joke. When this matter was first brought before the House it was in the annual report of the Director of the Bureau of Mines. He said that the Rittman process was going to reduce the price of gasoline; but it has been going up ever since. That was just a long guess. The Rittman process is not being used to any extent by anybody. It is perfectly certain that, even under the terms of this bill, the Standard Oil Co. will not use the Rittman process. It is perfectly certain that under the terms of this bill the Texas Oil Co. will not use the Rittman process. They employ skilled scientists of their own to make a study for discoveries. They have the benefit of those discoveries. They probably spend very large amounts of money upon their skilled experts. They have no intention, as far as the patent laws remain in force, of paying scientists $500,000 a year to make discoveries to turn over for the benefit of somebody else—or, if they have, they have lost their good sense.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. I want to develop the joke the gentleman from Iowa raised, and what I want to know is the real, practical benefit of obtaining this patent. Will it be for any good when we get it? Has it progressed far enough to show whether it is worth anything?

Mr. MANN. I am not able to say; but the Bureau of Mines believes that under this process gasoline may be manufactured more cheaply, although I think it is largely the hope that the process may be used by licensees who will make discoveries which will further perfect the patents, so that it may become valuable. Of course, if that be done, there being no royalty in the United States for the use of it, it is a decided benefit to the country.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SMITH of Michigan. I understand that this is not patented yet, that letters patent have not been issued.

Mr. MANN. The gentleman did not understand me to say that. The gentleman from Indiana stated correctly that applications had been filed for patents, but letters patent have not been issued.

Mr. SMITH of Michigan. How long have they been pending?

Mr. MANN. Several years.

Mr. SMITH of Michigan. Was Dr. Rittman employed by the Government at the time he got this thing up?

Mr. MANN. He was.

Mr. SMITH of Michigan. What does the gentleman think about assigning the invention of a third person to the United States; would not that involve the right of that third person to say whether his invention should be assigned to Dr. Rittman or to the United States?

Mr. MANN. Oh, certainly; but we can grant a license to somebody that is to use the patent with the agreement that if that person makes any discovery it shall be communicated to the United States for the benefit of the discovery which was given to the United States. That is what is proposed to be done. This provision is that the discoverer, if letters patent are taken out, shall give them over to the use of the United States, but the discoverer will have the right of the patents abroad, and in addition will have the right to use the patent and the royalties on it on oil manufactured in the United States which is imported from abroad.

Mr. SMITH of Michigan. Has the Government given Dr. Rittman assurance that this process will be patented in case the assignment is not made?

Mr. MANN. That is a matter for the Patent Office to pass upon. Of course if letters patent do not issue it will not amount to anything.

Mr. HAUGEN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAUGEN. I understand that the practice is in other departments that if an employee discovers and obtains a patent on his discovery or invention it is turned over to the Government unconditionally.

Mr. MANN. More or less. I think it ought to be the legal requirement—although it has nothing to do with this case—that if anybody in the employ of the Government makes a discovery while in the employ of the Government he shall assign it for the benefit of the Government. Although I suspect that if you had that legal requirement a man who discovered something very valuable would easily evade it either by resigning from the service of the Government or by communicating the information secretly to somebody else to take out a patent.

But I do not think there is any criticism of Dr. Rittman in connection with this matter. I do not wish to be understood as making any criticism of Dr. Rittman or the Bureau of Mines. Very naturally he would like some benefit from the patent, but he felt that as far as the United States was concerned he should turn over the benefit of his patent, but probably he did not fully appreciate what it meant to declare that every licensee who made a discovery should turn it over to the United States for Dr. Rittman's benefit except as to oil produced and manufactured in the United States.

Mr. SMITH of Michigan. I did not wish to make my inquiry so as to appear to criticize Dr. Rittman. My curiosity was aroused from the fact that the patent had been pending for a long time, and if it is a new device and a patentable invention the patent ought to have been issued.

Mr. MANN. I do not know what the facts may be, or, if I ever did know, I have forgotten. I suspect that it is held up in the Patent Office because these matters are pending. Of course the question of requiring the licensee to turn over any discovery he makes goes to the whole patent system. I am not an especially enthusiastic admirer of the patent system at all, but if the patent system is to be maintained, and I do not think many people have reached the conclusion yet that it ought to be wiped out, the same inducement or the same argument at least can be made in favor of letting the licensee make discoveries as could be made in favor of the original inventor making discoveries. The purpose of the patent system is not to benefit the discoverer; it is to incite the discoverer to make discoveries for the benefit of the public. That is the public side of it. We give to a man a limited patent or monopoly because we think when we do that we will get him to make discoveries which will benefit the rest of the public.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BENNET. Are there many precedents for actions of this character?

Mr. MANN. I really do not know of any.

Mr. BENNET. I was going to suggest it seems to be rather a new thing.

Mr. MANN. Some years ago the Regents of the Smithsonian Institution organized a company—I do not know whether it is still in existence or not—for the purpose of accepting assignments from people who desire to be generous and give the people or the public their patents. That corporation was organized with a view to accepting those assignments, and possibly getting a slight royalty from them, but, in the main, to give them

really to the public. I do not know of any other instance where a precedent exists, although there may be many.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. STEENERSON. Has the gentleman any knowledge as to whether or not Dr. Rittman has applied for foreign patents on this same invention?

Mr. MANN. I have no information upon that subject, so far as I now recall; but I have no doubt that he has.

Mr. STEENERSON. Would not that fact be an explanation for the delay in issuing these letters?

Mr. MANN. I think not.

Mr. STEENERSON. I understand that letters patent must be issued in foreign countries before they are issued here.

Mr. MANN. I do not have any such understanding as that.

Mr. STEENERSON. I understand that you can wait only a certain time before it is too late to apply for a patent in a foreign country.

Mr. MANN. I am very sure that they are not required to delay the issuance of a patent here because a man has made an application abroad until they have issued the patent abroad.

Mr. MORRISON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I want to add a word to what my colleague has said. Dr. Rittman, as we know, was an employee of the Bureau of Mines for quite a while, and during his time there was the discoverer of this process, not only for the manufacture of gasoline, but for other products, such as toluene, which is very useful in the manufacture of explosives for the Government. It has been the policy of the Bureau of Mines to induce its employees when making a discovery that is considered of importance to assign it to that bureau. Having made this discovery, it was the duty of Dr. Rittman, being a man of strict integrity and of high character, to immediately turn this discovery over to the Secretary of the Interior, which he did. Some licenses have been granted in a way to manufacture gasoline from this process, but it has not been done to any great extent, I will say. I think in the district in which I live a license was granted to one manufacturer of gasoline, but just what success has been had with it I am unable to say. This is a start in the right direction. We do not know, of course, how successful it is going to be, and, as was said by my colleague, discoveries or improvements upon this process may result in extracting a great deal more gasoline from crude oil than is now done. This is supposed to get possibly 70 or 75 per cent of the gasoline out of the oil, whereas now we get a much smaller per cent. I believe this resolution ought to pass, so that the Government may hold control of the process if it proves to be valuable, and improvements that will be made are to be assigned to the Government, where they will be under the control of the Secretary of the Interior.

Mr. LINTHICUM. Are they not getting a great deal more gasoline out of the crude oil now than they used to get?

Mr. FOSTER. I think that is true.

Mr. LINTHICUM. It has increased from 30 per cent to something like 55 per cent.

Mr. FOSTER. Yes; I think the gentleman is correct. If this proves what they think it will do, they will get a much larger per cent.

Mr. Speaker, before I take my seat I desire to say just a word in respect to our good friend from Indiana [Mr. MORRISON], who made this motion. He voluntarily retires at the close of this session from Congress. I want simply to speak of his high character and strict integrity, and the conscientious patriotism with which he has served in this House, and I am sure that he goes back to his home with the most kindly feeling of every man here who has served with him. We wish him long life, prosperity, and happiness. [Applause.]

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana may have five minutes out of order to make a few remarks.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Indiana, Mr. MORRISON——

Mr. FERRIS. No; Mr. BARNHART.

Mr. MANN. Each gentleman possesses the affection of the House.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Indiana [Mr. BARNHART] may address the House for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Speaker, when your gavel sounds the end of the Sixty-fourth Congress eight Members of the Indiana delegation will retire from congressional life—three of their own volition and five by the whirligig of Indiana politics. And I want to take just a moment of your time to say that in all of my acquaintance and experience I never was associated with a more companionable, honorable, and faithful group of men than ADAIR, CLINE, MORRISON, RAUCH, MOSS, CULLOP, LIEB, and GRAY. [Applause.] While all of them were members of important committees, they have not taken as much time of the Congress as some others in speech making, but in committee work, in constant attendance in the House, and in loyalty to duty they have records which we all know to be an honor to their State and a credit to those who sent them here. [Applause.]

And so, Mr. Speaker, I believe I bespeak the sentiment of all who have served with them, regardless of politics, when I say we regard their departure from us and from the important duties they have so well discharged with profound regret. Furthermore, I know we will all join in wishing them and theirs good health and good luck and that the fortunes of politics may return them to the work here they have performed so faithfully and efficiently. But if not, then when age and infirmity overtake them may they be comforted by the honors which they have won here, and may the evening twilight of life find them comfortable, contented, and happy. [Applause.] And let it be said for me that this is one instance in my life where old acquaintance shall never be forgot. [Applause.]

Mr. MORRISON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. MORRISON. I yield four minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, while we are discussing this joint resolution I would like to have the membership of the House think with me for a little while of a young man who came from the northern part of Ohio near the place where was born that wizard of electricity, Thomas A. Edison, as we now see him in the application of the laws of electricity to modern life, from the same section of the State came a young man seeking an institution of learning where I was then a professor. I did not notice anything peculiar about his qualifications other than he seemed to be a plodder in the field of chemistry and other allied sciences. We watched him with a good deal of interest when we learned of his ambition as an investigator. We followed him from the university town in Ohio into Columbia University in New York City. It was easily recognized that he had the instincts of an investigator, and after having gone into the research in an intensive way as far as the university would permit he desired to extend that research in the same direction and saw no better field than that offered by the Government in its vast resources for such research here in Washington and engaged himself under the employment of the United States in the Bureau of Mines. Like many another discoverer, he was quietly and sedulously working, it is true under the employ of the Government, receiving the pay that the salary afforded, but his best efforts were those which saw him at work during the hours for which he was not paid, as he was pushing his investigation into these new fields. I shall never forget how one day as I sat here in the House one of the Ohio press boys came to me and said, "Have you read the morning paper?" Here was a dispatch, given out by the Secretary of the Interior, carried by every metropolitan paper of the Nation. That dispatch announced the achievement of the student boy who but a few years ago had come from northern Ohio from an humble home to begin a career of great pride to my State if not to the Nation. It is but another chapter in what we are proud to call American ambition for modern achievements. [Applause.] It added another item in corroboration of the statement of Emerson that "America is but another word for opportunity." I hope we will give this boy, who now is the distinguished Dr. Rittman, all that belongs to him. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MORRISON. Mr. Speaker, I call for a vote.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the Senate joint resolution was passed.

EFFECTIVE DATE OF POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I will ask the Clerk to report.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 392.

Resolved, etc., That section 5 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, shall not be in effect until July 1, 1917.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects.

Mr. MOON. Mr. Speaker, I move to suspend the rules and pass the resolution.

Mr. HOWARD. I object.

The SPEAKER. Is a second demanded?

Mr. HOWARD. Mr. Speaker, I demand a second.

Mr. MOON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Georgia demands a second and the gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee is recognized for 20 minutes and the gentleman from Georgia 20 minutes.

Mr. MOON. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Speaker and gentlemen of the House, I do not know that I shall consume even the five minutes allotted me by the distinguished chairman of the committee. The resolution speaks for itself. I presume that every Member of the House knows what it is intended to do. You all know that the Post Office appropriation bill contained a provision, known as the Reed amendment, which prevented the shipment of intoxicating liquors into the various States of the Union where those States had prohibited the sale and manufacture of intoxicating liquors. It is useless, I think, for me at this late hour of the day to say I was heartily in favor of that provision, because I believe that prohibition means but one thing, and that is prohibition. You can not have prohibition in spots. You have to have it universally, operating upon all the people of every State where they prohibit the manufacture and sale of intoxicating liquors, before you have prohibition. But now, gentlemen of the House, in my opinion, we ought to be reasonable about the time when the Reed amendment goes into effect. The Post Office bill is now a law. It was signed this morning by the President, and the legislative provisions in that bill immediately go into effect, and therefore what is known to the House as the Reed amendment is the law at this time. I said a moment ago we ought to be reasonable. I believe I have a reason for making that statement. Now, Members may feel we do not owe the distillers or brewers anything. I may possibly agree with you upon that proposition, but for years and years, in fact since we have had an internal-revenue law in this country, the banks of the Nation have accepted the warehouse certificates of the distillers as collateral security and loaned to the distillers of the Nation tremendous sums of money on these certificates as security.

I am told by men who are conversant with this situation that in all human probability the banks of the Nation probably now hold not less than $300,000,000 worth of the certificates of the distillers of the country on which the banks have in good faith loaned money to the distillers. Now, gentlemen, if this bill goes into effect, if it should go into effect to-morrow, it will possibly carry some bank down into insolvency. But there is no question in my mind but that the banks will immediately begin to get out from under these warehouse certificates and immediately call upon the distillers for other securities, because if the distillers are pressed at the moment to give other security they will not be able to do it, and they may both go to the wall as well as the banks.

Now, gentlemen, I do not think you want to do that. On the other hand, if the banks are given to the 1st day of July, 1917, to get out from under this and give the distillers a chance and opportunity to give the banks other security, in my opinion nobody will be hurt by the bill at all. The banks will be saved and the distillers——

Mr. HOWARD. Will my good friend yield?

Mr. COX. For a question.

Mr. HOWARD. How can this affect the bankers and distillers to any degree except where by law all the States in which they are now shipping this liquor are affected?

Mr. COX. The banks have these warehouse certificates of the distillers, and on those certificates the banks have loaned to the distillers hundreds of thousands, yes, millions of dollars. Now then, if that property is destroyed and the distillers should be called upon by the banks to put up other collateral for their loans, the distillers will not be able to do it, and if the distillers are not able to do it, in all human probability many banks which to-day are perfectly solvent will go into liquidation or insolvency.

The SPEAKER. The time of the gentleman has expired.

Mr. COX. Will the gentleman from Tennessee give me about three minutes more?

Mr. MOON. I have but 15 minutes.

Mr. HOWARD. I will yield to the gentleman three minutes of my time.

Mr. COX. Now, there is an argument made by many men, and to some extent it is sound argument, that the liquor business has heretofore been regarded a legal or legitimate business. I would rather differ with them upon that point, because there never has been a moment of time but that the liquor business has been under the police power of the State and subject to the legislatures of various States. Therefore I would take it as a fundamental proposition that it is not a legal business. But where the banks accept these warehouse receipts or certificates as collateral security, that is not only a quasi legal business, but it is a legal business.

Now, I hope in the interest of the banks that this resolution will pass the House. The conferees on the Post Office bill could have inserted a provision in here that would have extended the time to the 1st day of July, 1917, but that point was not in dispute between the conferees of the two Houses, and would have been clearly subject to a point of order. That question was thoroughly debated by the Senate and House conferees, and not wishing to take any chances upon having the report defeated in this House on a point of order and sent back for further conference, we undertook to risk the sound judgment of the membership of this House to pass a resolution for at least three months' time in order to give the banks opportunity to get out from under.

Mr. GALLAGHER. Would you be willing to accept an amendment to this to recompense the saloon keepers of Washington that have property destroyed, or the distillers, or the brewers?

Mr. COX. No; I would not. They have got until November to get out from under their troubles.

Every State in this Union, I take it, that has enacted prohibitory laws has given the brewers and distillers in those States an opportunity to get out from under. And I want to appeal to every friend of prohibition here to support this resolution and especially give these banks a chance. Indiana has recently passed a bone-dry prohibition law, but the legislature of my State postponed the going into effect of this law 12 months, and I think it is but fair to give those affected by this bill 4 months' time in which to set their house in order.

The SPEAKER. The time of the gentleman has expired. The question is——

Mr. HOWARD. I thought the gentleman from Tennessee [Mr. MOON] might want to use some of his time. If he does not want to use it now, I will use some myself.

Mr. MOON. Mr. Speaker, I want only a few minutes, and that will be all.

The only provision in this bill that goes into effect to-day is section 5, that prohibits the publication in newspapers of liquor advertisements, and prohibits orders for liquor, even for medicinal purposes. This bill, strange as it may appear, does the latter. It also prohibits the transportation through interstate commerce of liquor after the signing of the bill. We thought this section ought to go into effect when the balance of the bill goes into effect, which is on the 30th of June. This is a bill for the fiscal year 1918, and this provision ought not to have been on here; but it was put here, and it becomes operative as a matter of law to-day, when the balance of the bill does not go into effect until June 30 next.

Now, right at this minute there are a thousand papers in the United States that are violating this law without knowledge of the fact that this bill had been signed, and are subject to a penalty of three years in the penitentiary and $1,000 fine. There are, perhaps, 10,000 shipments of liquor to-day, in violation of the law, going through interstate commerce. Why, every sensible and honest man knows it is not right to put people in that position. Not only for those reasons, but because an opportunity ought to be afforded to people of the United States who have taken liquor that was in bond and held it as security for millions of money. Shall you destroy two hundred and odd millions of dollars of values in the United States just for the purpose of giving effect to the views of contemptible political demagogues who do not want to do a just and honest thing?

This bill could have been vetoed this morning. This bill would, possibly, have been vetoed but for assurances that were made by gentlemen on the floor of this House that there would be no opposition to this extension.

I do not feel at liberty—it would not be within the rules—for me to mention rumors of that sort; but I have been disgusted with the opposition arising, disgusted with the statements that have been made, and, in view of the present condition and inevitable effect of the law, I do not believe it would be just, I do

not believe it would be right, and it is inconceivable to me that any man of common sense, of honor, of integrity, would attempt to put any part of the people of his country into the condition that this bill does if this single section shall be held to go into effect to-day when the balance of the law is not to go into effect until the 30th of June.

This section 5 is one that imperils the welfare and the interests, from a monetary standpoint, of the people, and more than that, the liberty of the people themselves, who unfortunately at this very hour may be violating the law, because the law excuses no man on account of his ignorance of its existence.

I think it is a work of supererogation to undertake to discuss this question here under these conditions. Of course I do not expect to reach the ears of the fanatics on this prohibition question. I have voted for every proposition that ever came before this House during my service in the interest of temperance. Away back 18 years ago, when there was a bare majority of 17 for the question in the House, I voted to sustain the movement to put liquor out of the Capitol. I voted repeatedly on the proposition here. I supported the Hawaiian amendments, the ordinance irrevocable for Oklahoma, the Webb-Kenyon bill, and the resolution to submit the constitutional amendment to the people, and the District bill. I have supported every temperance bill as these were on the principles of the Democratic Party, but I have never been unreasonable on these questions. To enforce this law under these conditions will be to discredit the cause of real temperance. Not to pass this resolution would discredit the cause it purports to favor. I know of no terms in the English language which would thoroughly express my contempt for a position that would destroy liberty at the instance of fanaticism. Men may on most questions be sensible and yet deficient in sense on some particular subject; upon this very question they are often lunatics, and yet wise men upon other questions. I do not believe that sensible men are going to listen to any man who seeks petty advantages in his State politically by standing against a position so sound and moral as this one. Conscientious, moral, and just men, and not unreasonable and insincere demagogues, if there are such here, should control our actions. [Applause.]

Mr. STEENERSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. STEENERSON. I want to ask the gentleman from Tennessee——

The SPEAKER. The gentleman from Tennessee has taken his seat.

Mr. STEENERSON. Will the gentleman yield me one minute?

Mr. MOON. I will try to recognize the gentleman in a few moments. Let the other side be heard awhile.

Mr. HOWARD. Mr Speaker and gentlemen of the House, I confess on the face of this proposition it looks fair It would have appealed to me in a spirit of fairness with much more force had not either of the gentlemen who have just preceded me taken the floor. Their entire argument is predicated upon the effect of an extension of this act upon those who may hold the collateral of those who distill liquors and of those who have large amounts of liquors undisposed of.

My opposition to an extension of this time, I hope, is predicated upon a higher and more logical plane. The news has just been received in Washington that the sheriff of one of the counties near my home in the State of Georgia was murdered by a man who went on a drunken tear on a bottle of Chattanooga, Tenn., liquor. [Applause.]

Now, let us see what this proposition is. Let us see if there is anything unfair about this bill going into operation immediately upon its signature by the President of the United States. They appeal to us to allow these liquor men for four months longer to pour their goods into the States where, under the laws of those States, the sale and manufacture of liquor is prohibited. Yet neither of these distinguished gentlemen, for whom I have the highest personal regard, have mentioned one word about the green pastures these liquor people can feed upon in 65 per cent of this Union where the liquor traffic is a lawful business.

The gentleman from Tennessee [Mr. MOON] talks about fanaticism. Yes; I probably am guilty of being a fanatic about some things, and they are law enforcement, morality, and the protection of innocent children and suffering women that have been damned by this curse. [Applause.]

Talk to me about a man that believes as I believe and as my people believe in temporizing with liquor! What right under the law of Georgia have they to send these things into that State? It is a misdemeanor for a person to personally solicit orders for liquor in my State. It is a misdemeanor within the confines of that State to take a jug of whisky from one place to another and even deliver it to a man as the agent of another; and yet the great Government of the United States has been aiding and abetting the liquor traffickers in interstate commerce by saying, until through a decision rendered in the Webb-Kenyon case, that you can not put your hand on those shipments. The Post Office Department has been doing a thing through its agency that is unlawful in Georgia, to wit, sending advertisements through the mails soliciting orders for liquor. They ask that they be permitted to violate the law of my State four months longer. This is no injustice to the whisky men. I will say to the gentleman from Tennessee that the liquor houses in his city can turn their eyes toward other States where it is lawful to sell liquor. He says they have 238,000,000 gallons of bottled hell on hand. Let them pour it in the cities and States that have not awakened to this great economic and moral question, that it may hasten the day when they will do as we of Georgia have done. Treat it as an outlaw in society and enemy to progress and happiness.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. HOWARD. I will yield to my friend.

Mr. MADDEN. I would like to ask the gentleman from Georgia this question: The law becomes effective to-day?

Mr. HOWARD. Yes.

Mr. MADDEN. The penalty applies from this moment on?

Mr. HOWARD. Yes.

Mr. MADDEN. If no extension is allowed, what becomes of the man who innocently violates the law because he has had no opportunity to adjust himself?

Mr. HOWARD. I have implicit confidence in the fairness and integrity of district attorneys throughout this country, and I know and you know that no man will be prosecuted for a shipment of liquor that is put into interstate commerce to-day, or for a letter that is put into the mails to-day; but the great daily papers have been filled with this legislation, and even the little children of this land know it has passed Congress. Every man who has ordered liquor will not be hurt, but helped if his order of liquor never reaches him. [Applause.]

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. HOWARD. Yes.

Mr. MADDEN. I understood the gentleman to say, in reply to my question, that he had faith in the fairness of the district attorneys of the United States, and he was sure they would not prosecute under the circumstances. I understand that to be a conclusion on the part of the gentleman, that he is not in favor of prosecuting until a fair opportunity is afforded to these men to adjust themselves to the law. Now, if immunity is to be granted, why not do it according to law instead of outside the law? [Applause.]

Mr. HOWARD. I will answer the gentleman by saying that what I have reference to is that no grand jury would indict for shipments that are now in transit to these dry States, and if a grand jury should indict, no jury of fair-minded men would convict. But what does this mean? It means that in the latter part of June these dealers will reduce the price of liquor going into these dry States, and they will sell it at half price, and men will sacrifice the food of their children and deny them clothes and shoes to buy a stock of liquor, and we will have a riot of crime following this period. You gentlemen from the dry States who voted for this bill, let me put you on notice now that the best thing for you to do—and as your friend I advise you to do it—is to let this law go into effect from the very minute that the President puts his signature to it, because the sooner people get acquainted with this particular piece of legislation the more they will approve your votes for it; the longer a man stays sober, the stronger he becomes an advocate of prohibition. The more he sees the radiant smile of his good wife in approval of his abstinence from strong drink, the more ashamed of himself he is that he caused her tears.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. HOWARD. With pleasure.

Mr. PAGE of North Carolina. The gentleman speaks of the probability that during the latter part of June there will be shipments of great quantities of whisky into dry territory. The gentleman, of course, is aware that nearly all of these States that have prohibited the manufacture and sale of intoxicating liquors already have statutes upon their books limiting to a very small amount the quantity of liquor that can be shipped into those States to any one person within a given time.

Mr. HOWARD. Yes; but these old soakers will get the limit, and then they will get as many dummies as they can—men who do not care very much about liquor—and they will say, "John, let me order half a gallon in your name; Bill, let me order half

a gallon in your name"; and they will store it up and buy it at these reduced prices, and these liquor men will reduce the price of it, and urge it on the people of these dry States; and with all the earnestness of my soul I appeal to you gentlemen who represent States that are interested, like my State, to vote against this joint resolution, and to let this law, that means more to the people of the State of Georgia than all the legislation that has been enacted by the State or the Federal Government for the control of liquor in this country for years, take immediate effect. [Applause.]

I reserve the remainder of my time.

Mr. MOON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. MOON. I yield two minutes of that time to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Speaker, I have practiced temperance all my life, I have voted for prohibition all my life, and I have never denounced or criticized any other person for voting against prohibition in my life. I am in favor of this concurrent resolution, and I do not believe that there is a single prohibitionist in my State who will criticize me or criticize any other sincere prohibitionist in this House for voting for this resolution. [Applause.] Sincere prohibitionists as a rule are fair-minded, and they believe in justice and right and square dealing; and I think they believe that it is nothing but right and fair to give the newspapers which have been carrying liquor advertisements, the circularizers and the producers and shippers of whisky themselves, an extension of a reasonable time in which to adjust themselves and their business. I hope the prohibitionists in this House will feel justified and warranted in voting for this resolution. I believe the time ought to be extended until July, and no doubt a large number of the men in this House who voted for this section in the Post Office bill and for the Reed proposition felt that just such a resolution as this should immediately follow the enactment of the Post Office appropriation bill. I so expressed myself at the time.

I hope this concurrent resolution will pass. [Applause.]

Mr. MOON. I yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, it seems to me that this resolution of the gentleman from Tennessee [Mr. MOON] ought to pass by practically a unanimous vote. This is a question of putting a penal statute in force immediately. That ought never to be done. There ought to be a time for men who have been engaged both in the newspaper-advertisement line and in the shipment of liquor, to make the necessary arrangements to comply decently with the law; and as a man who voted for the bone-dry bill from conviction, I trust I voice the sentiments of those, at least on this side of the aisle, who voted the same way, that the resolution of the gentleman from Tennessee ought to be adopted, in the name of fairness, decency, and temperance.

As a matter of fact we must now face certain phases of the prohibition question seriously. The "dry" States number 23, and their total urban population is 8,245,450. The "wet" States number 25, and their total urban population is 34,377,933. The 23 "dry" States have about 32,250,000 population, while the 25 "wet" ones have about 59,650,000, based in both instances on the 1910 figures. These figures are not strictly accurate, and the District of Columbia, Florida, New Hampshire, Utah, and Vermont are counted as "wet" territory. But the preponderance of city population and wealth is in the "wet" States. This raises the question whether compensation ought not to be made for the vast property interests to be destroyed by "bone-dry" laws.

There can be little doubt of the power of the States and of Congress to make the country "bone dry" in time. Mr. Lincoln was opposed to slavery, yet he proposed to free the slaves by purchase.

Our country, through the internal-revenue collections, has gone into partnership with the liquor business.

We suddenly exercise our power to ruin our partners, while at the same time hanging on to all of the billions of dollars which we have obtained through this partnership.

A decent scheme of compensation for the property interests which we propose to destroy would be much more to the credit of our moral sense.

That the liquor business is a bad business furnishes no excuse for treating it unfairly.

Under leave of the House I print an interesting table prepared for me by the Legislative Reference Division.

DATA RELATING TO "DRY" AND "WET" STATES.

GENERAL SUMMARY.

[For sources see notes following first table.]

Population in State-wide prohibition States (numbering 23), 32,306,331—24.9 per cent urban.

Population in States not having State-wide prohibition, 59,665,935—57.6 per cent urban.

Percentage of total population in State-wide prohibition States, 35.1.

Percentage of total wealth (not including $402,351,858, value of ships belonging to United States Navy, and $290,000,000, value of privately owned water-supply systems; in the census reports these items are not distributed by States) in State-wide prohibition States, 31.

State-wide prohibition States.

State.[1]	Population in 1910.[2]			Wealth in 1912.[3]
	Urban.	Rural.	Per cent urban.	
Alabama	370,431	1,767,662	17.3	$2,127,054,930
Arizona	63,260	141,094	31.0	501,852,186
Arkansas	202,681	1,371,768	12.9	1,829,521,735
Colorado	404,840	394,184	50.7	2,386,923,583
Georgia	538,650	2,070,471	20.6	2,382,600,866
Idaho	69,898	255,696	21.5	608,305,157
Iowa	680,054	1,544,717	30.6	7,868,454,211
Kansas	493,790	1,197,159	29.2	4,615,432,538
Maine	381,443	360,928	51.4	1,069,594,027
Michigan[4]	1,327,044	1,483,129	47.2	5,427,022,651
Mississippi	207,311	1,589,803	11.5	1,344,860,020
Montana[5]	133,420	242,633	35.5	1,149,732,986
Nebraska[6]	310,852	881,362	26.1	3,794,986,781
North Carolina	318,474	1,887,813	14.4	1,807,573,780
North Dakota	63,236	513,820	11.0	2,141,626,961
Oklahoma	320,155	1,337,000	19.3	4,581,091,918
Oregon	307,060	365,705	45.6	1,944,354,463
South Carolina	224,832	1,290,568	14.8	1,351,400,753
South Dakota[7]	76,673	507,215	13.1	1,398,573,425
Tennessee	441,045	1,743,744	20.2	1,920,348,261
Virginia	476,529	1,585,083	23.1	2,289,913,786
Washington	605,530	536,460	53.0	3,218,360,623
West Virginia	228,242	992,877	18.7	2,303,571,209
Total	8,245,450	24,060,881	24.9	58,063,156,651

[1] List of "dry" States is compiled from data in The American Issue, New York edition, of Nov. 18, 1916, pp. 1–2, and of Nov. 25, 1916, pp. 1, 3.
[2] From United States Department of Commerce Statistical Abstract of the United States for 1915, p. 39. Urban population is defined as that residing in incorporated places of 2,500 inhabitants or more and in New England towns of that size.
[3] Same, pp. 634–639.
[4] In effect May 1, 1918. See The American Issue of Nov. 25, p. 1.
[5] In effect Jan. 1, 1919. See the same.
[6] In effect May 1, 1917. See the same.
[7] In effect July 1, 1917. See the same.

States not having State-wide prohibition.[1]

State.[2]	Population in 1910.			Wealth in 1912.
	Urban.	Rural.	Per cent urban.	
California	1,469,739	907,810	61.8	$8,464,204,277
Connecticut	999,839	114,917	89.7	2,285,454,659
Delaware	97,085	105,237	48.0	307,948,613
District of Columbia	331,069	.....	100.0	1,173,857,112
Florida	219,080	533,539	29.1	1,049,138,228
Illinois	3,476,929	2,161,662	61.7	15,484,450,232
Indiana	1,143,835	1,557,041	42.4	5,194,682,500
Kentucky	555,442	1,734,463	24.3	2,267,777,525
Louisiana	496,516	1,159,872	30.0	2,164,437,746
Maryland	658,192	637,154	50.8	2,177,958,864
Massachusetts	3,125,367	241,049	92.8	6,302,988,392
Minnesota	850,294	1,225,414	41.0	5,547,327,017
Missouri	1,398,817	1,894,518	42.5	5,842,017,009
Nevada	13,367	68,508	16.3	457,008,910
New Hampshire	255,099	175,473	59.2	649,320,469
New Jersey	1,907,210	629,957	75.2	5,743,032,278
New Mexico	46,571	280,730	14.2	513,733,026
New York	7,185,494	1,928,120	78.8	25,011,105,223
Ohio	2,665,143	2,101,978	55.9	8,908,432,943
Pennsylvania	4,630,669	3,034,442	60.4	15,457,530,277
Rhode Island	524,654	17,956	96.7	970,802,690
Texas	938,104	2,958,438	24.1	6,859,909,141
Utah	172,934	200,417	46.3	781,613,390
Vermont	168,943	187,013	47.5	527,261,775
Wisconsin	1,004,320	1,329,540	43.0	4,487,725,258
Wyoming	43,221	102,744	29.6	353,844,827
Total	34,377,933	25,288,002	57.6	128,983,562,581

[1] From same sources as first table. [2] Also the District of Columbia.

Under general leave to print, I insert the following necessary but personally distasteful memorandum:

When the House was considering the general deficiency bill on Friday I offered an amendment to insert $1,000 for Aaron P. Prioleau, an unsuccessful contestant in the Sixty-second Congress. I sent to the Clerk's desk and had read a copy of the certificate of Hon. JAMES A. HAMILL, chairman of Elections No. 2 in the Sixty-second Congress. My colleague [Mr. FITZGERALD] made a point of order against the amendment, based on the ground that there was no evidence that there ever had been a cer-

tificate in the Sixty-second Congress. This placed me in the position of presenting to the House as an instrument of verity a doubtful paper. I told the House that the paper was in my colleague's own files. This my colleague would not admit (p. 4842).

The Chair sustained my colleague's point of order, because I could not produce a paper which was under the control of my colleague who made the point of order. Of course the ruling was wrong. We did not adjourn Friday's session until 2.20 a. m. Saturday.

I started in at once to get the certificate from my colleague's files, but though repeatedly promised it during the day, it was not delivered to me until after we had recessed on Sunday morning until Sunday, March 4, 1917, at 10 a. m. At that time I took the certificate to my colleague and asked him to have it read to the House and he refused, thus letting the Congress expire with the implication that I had placed a false paper before the House. When my colleague made the point of order he knew that there was such a certificate or that there had been. He and I had discussed the case in the long session and the late Mr. Courts had shown me the certificate. Furthermore, my colleague was present when the case was discussed in the Sixty-second Congress. He had inserted the Prioleau item in the general deficiency bill of that year. (CONGRESSIONAL RECORD, 62d Cong., 3d sess., pp. 4119, 4120, 4221, Feb. 26, 1913.)

Why my colleague did this unfair thing I do not know. I simply state that the certificate exists; that it was in my possession on March 4, 1917; that the copy I sent to the Clerk's desk appears to be a correct copy, and that I returned the original to the acting clerk of the Committee on Appropriations at about 11 o'clock on the morning of March 4, 1917. I hope that the next time the case comes up my colleague will not deny the existence of such a certificate, and will treat whoever handles the matter more fairly and justly than he treated me.

Mr. MOON. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, all of us have heard of the laws which were placed so high that the people could not read them. This is almost a parallel case. The law has been written, and before the ink is dry on the paper people more than 3,000 miles away are expected to comply with the terms and provisions of a law about which they have not yet heard. I believe this is a case where it is better that 99 guilty should escape rather than 1 innocent should be punished. [Applause.]

The gentleman who preceded me [Mr. ALMON] has undertaken to make it appear that it is only the liquor interests that request for this extension of time. I know something about the business although I have never had a dollar invested in it. I do know that 90 per cent of all the straight whisky manufactured in the United States is pledged to the banks through the warehouse receipts. The bankers have been referred to. Who are the bankers? They are only the salaried men who handle and invest the money, not for the wide-awake man alone, but for widows and children as well. And when the property of the bankers is confiscated the property of the women and children who have their investments in the bank is also confiscated. It is they who ought to have some consideration in this matter.

Those who purchase bank stocks do so without knowledge as to whether the capital of the bank is invested in loans secured by whisky warehouse receipts or in loans secured by warehouse receipts for wheat or some other such product.

Unless this extension of time is granted the owners of such paper must suffer loss. In addition to this, it is known here in this Chamber, which is only a few blocks from the White House, that only about two hours ago the President affixed his signature to an act which passed Congress only two or three days ago, but it is impossible for the people throughout the length and breadth of this broad land to know in such a short time that such a law has been enacted.

It is an old and true saying that ignorance of the law excuses no man. It is my opinion that somewhere between the Atlantic and the Pacific hundreds of people do not know that Congress has passed any such law, and the assertion is certain that hundreds of them have violated the law, and perhaps are this very minute violating it in absolute ignorance that such a law has ever been enacted. Since this is true, it seems to me that before this law, of which the people are in ignorance, should go into effect the business men may have at least some opportunity to adapt themselves to the new condition and those who are ignorant of the passage of the law may have some reasonable time in which to learn of its existence.

The penalties of this new law are severe. Convictions under some circumstances bring terms in the penitentiary. Heretofore it has not been a penitentiary offense to send a bottle of whisky or wine from one place to another. Now it is. Before anyone should be so punished he should have some short time at least to hear that such a law has been passed. Nothing short of this is just.

Mr. MOON. I yield half a minute to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, for 30 years in Tennessee and for 20 years in this Capitol I have voted and worked for every prohibition measure that has been offered for either State or National action. The other day when this bill came over from the Senate with the Reed amendment attached to it I told my colleague from Tennessee, Judge MOON, chairman of the Committee on the Post Office and Post Roads, that if he would not oppose the motion to concur in the Reed amendment I would vote with him for the adoption of a joint resolution to extend the time in which this liquor provision was to take effect. I think we ought not to be unreasonable and vindictive in our action regarding this matter. [Applause.]

I was of the opinion that if the Reed amendment was changed in the slightest degree, and thereby causing the amendment to go to a conference, that the Senate would recede and no legislation along the line of that amendment would finally be enacted. And in order to make certain that the Reed amendment should be enacted into law without any real or substantial change in its form and effect I agreed to vote for a resolution of the kind now before us, and in agreeing to do so I believed then, and I believe now, that I was doing the best thing that could be done to secure the retention of the Reed amendment in the bill.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 158, noes 49.

Mr. HOWARD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 86, answered "present" 2, not voting 60, as follows:

YEAS—285.

Adair	Dixon	Houston	Mott
Alexander	Dooling	Howell	Mudd
Allen	Doughton	Hulbert	Murray
Anderson	Drukker	Hull, Iowa	Nolan
Anthony	Dyer	Humphrey, Wash.	Norton
Ashbrook	Eagan	Humphreys, Miss.	Oakey
Aswell	Eagle	Husted	Oglesby
Ayres	Edmonds	Hutchinson	Oldfield
Bacharach	Ellsworth	Igoe	Olney
Bailey	Elston	Johnson, Ky.	O'Shaunessy
Barchfeld	Emerson	Johnson, S. Dak.	Overmyer
Barkley	Esch	Kahn	Page, N. C.
Barnhart	Estopinal	Kearns	Paige, Mass.
Beakes	Farley	Keating	Parker, N. J.
Bell	Farr	Kelley	Parker, N. Y.
Bennet	Ferris	Kennedy, R. I.	Patten
Black	Fess	Kettner	Peters
Blackmon	Flood	Key, Ohio	Phelan
Booher	Flynn	Kincheloe	Platt
Borland	Focht	King	Pou
Bowers	Fordney	Kitchin	Powers
Britten	Foss	Lafean	Price
Browne	Foster	Langley	Ragsdale
Browning	Freeman	Lazaro	Rainey
Bruckner	Fuller	Lee	Ramseyer
Brumbaugh	Gallagher	Lehlbach	Rauch
Burke	Gallivan	Lenroot	Reavis
Butler	Gandy	Lesher	Reilly
Byrns, Tenn.	Gard	Lewis	Ricketts
Cannon	Gardner	Liebel	Roberts, Mass.
Cantrill	Garner	Linthicum	Roberts, Nev.
Capstick	Garrett	Lloyd	Rogers
Carter, Mass.	Glynn	Lobeck	Rouse
Carter, Okla.	Godwin, N. C.	Longworth	Rowe
Cary	Gordon	Loud	Rubey
Casey	Gould	McAndrews	Russell, Mo.
Chandler, N. Y.	Gray, Ala.	McArthur	Russell, Ohio
Charles	Gray, Ind.	McCulloch	Sabath
Church	Gray, N. J.	McDermott	Sanford
Clark, Fla.	Greene, Mass.	McFadden	Saunders
Coady	Greene, Vt.	McGillicuddy	Scott, Pa.
Coleman	Gregg	McKellar	Scully
Collier	Griest	McKinley	Sears
Cooper, Wis.	Griffin	McLaughlin	Shallenberger
Costello	Guernsey	McLemore	Sherley
Cox	Hamilton, N. Y.	Madden	Sherwood
Crago	Hamlin	Magee	Siegel
Cramton	Harrison, Miss.	Mann	Sims
Crosser	Harrison, Va.	Mapes	Slayden
Cullop	Hart	Martin	Slemp
Curry	Haskell	Meeker	Sloan
Dale, N. Y.	Haugen	Miller, Del.	Small
Dallinger	Hayes	Miller, Minn.	Smith, Minn.
Danforth	Heaton	Mondell	Smith, N. Y.
Darrow	Heflin	Montague	Snell
Davis, Minn.	Helm	Moon	Snyder
Decker	Helvering	Moore, Pa.	Stafford
Dempsey	Henry	Moores, Ind.	Steagall
Denison	Hernandez	Morgan, La.	Stedman
Dent	Hicks	Morgan, Okla.	Steele, Iowa
Dewalt	Holland	Morin	Steele, Pa.
Dill	Hollingsworth	Morrison	Stephens, Tex.
Dillon	Hood	Moss	Sterling

Stiness	Temple	Walsh	Wilson, Ill.
Stone	Thomas	Ward	Wilson, La.
Stout	Tilson	Wason	Winslow
Sutherland	Tinkham	Watson, Pa.	Wood, Ind.
Swift	Towner	Watson, Va.	Woodyard
Switzer	Treadway	Webb	Young, N. Dak.
Tague	Van Dyke	Wheeler	
Talbott	Vare	Williams, W. E.	
Tavenner	Venable	Wilson, Fla.	

NAYS—86.

Abercrombie	Fields	Lever	Smith, Idaho
Adamson	Fitzgerald	Lindbergh	Smith, Mich.
Aiken	Garland	Littlepage	Smith, Tex.
Almon	Good	McClintic	Stephens, Miss.
Austin	Goodwin, Ark.	McCorkle	Sumners
Beales	Green, Iowa	McCracken	Sweet
Britt	Hadley	Mays	Taggart
Byrnes, S. C.	Hastings	Neely	Taylor, Colo.
Caldwell	Hawley	Nelson	Tillman
Campbell	Hayden	North	Timberlake
Candler, Miss.	Helgesen	Oliver	Vinson
Caraway	Hilliard	Pratt	Volstead
Carew	Hopwood	Quin	Walker
Carlin	Howard	Raker	Watkins
Chiperfield	Huddleston	Randall	Whaley
Cooper, Ohio	Hughes	Rayburn	Williams, Ohio
Crisp	Jacoway	Riordan	Wingo
Dale, Vt.	Johnson, Wash.	Rucker, Ga.	Wise
Dies	Keister	Rucker, Mo.	Woods, Iowa
Doolittle	Kennedy, Iowa	Sells	Young, Tex.
Dowell	Kiess, Pa.	Sinnott	
Edwards	La Follette	Sisson	

ANSWERED "PRESENT"—2.

Davis, Tex.	London

NOT VOTING—60.

Benedict	Dupré	Jones	Park
Buchanan, Ill.	Evans	Kent	Porter
Buchanan, Tex.	Fairchild	Kinkaid	Rodenberg
Burgess	Frear	Konop	Rowland
Burnett	Gillett	Kreider	Schall
Callaway	Glass	Lieb	Scott, Mich.
Cline	Graham	Loft	Shackleford
Connelly	Hamill	McKenzie	Shouse
Cooper, W. Va.	Hamilton, Mich.	Maher	Sparkman
Copley	Hardy	Matthews	Steenerson
Davenport	Hensley	Miller, Pa.	Stephens, Nebr.
Dickinson	Hill	Mooney	Sullowway
Doremus	Hinds	Nicholls, S. C.	Taylor, Ark.
Driscoll	Hull, Tenn.	Nichols, Mich.	Thompson
Dunn	James	Padgett	Williams, T. S.

So, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. PARK with Mr. STEENERSON.

Mr. PADGETT with Mr. SULLOWAY.

Mr. TAYLOR of Arkansas with Mr. BENEDICT.

Mr. BUCHANAN of Texas with Mr. COOPER of West Virginia.

Mr. STEPHENS of Nebraska with Mr. COPLEY.

Mr. THOMPSON with Mr. THOMAS S. WILLIAMS.

Mr. SHOUSE with Mr. FREAR.

Mr. BURNETT with Mr. FAIRCHILD.

Mr. CONNELLY with Mr. GILLETT.

Mr. DAVENPORT with Mr. GRAHAM.

Mr. DICKINSON with Mr. HAMILTON of Michigan.

Mr. DOREMUS with Mr. HILL.

Mr. DRISCOLL with Mr. HINDS.

Mr. DUPRÉ with Mr. JAMES.

Mr. EVANS with Mr. KINKAID.

Mr. GLASS with Mr. KREIDER.

Mr. HAMILL with Mr. MCKENZIE.

Mr. HARDY with Mr. MATTHEWS.

Mr. HENSLEY with Mr. MOONEY.

Mr. HULL of Tennessee with Mr. MILLER of Pennsylvania.

Mr. JONES with Mr. NICHOLS of Michigan.

Mr. LOFT with Mr. DUNN.

Mr. SHACKLEFORD with Mr. ROWLAND.

Mr. MAHER with Mr. SCOTT of Michigan.

On the vote:

Mr. RODENBERG and Mr. SCHALL (for) with Mr. NICHOLLS of South Carolina (against).

Mr. HARDY. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. HARDY. I came in during the call, but I am not sure that I was here when my name was called.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KREIDER. Mr. Speaker, I desire to vote. I do not know whether I can bring myself within the rule or not. I was called out while the roll was in progress and was here during the debate. I was called out on account of some Carlisle Indian girls being here.

The SPEAKER. The only question is, Was the gentleman in the Hall listening when his name was called?

Mr. KREIDER. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918;

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

FEDERAL BUILDING, PARIS, TEX.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5270 and place it on its passage. It has the unanimous report of the committee and——

The SPEAKER. What is the motion of the gentleman?

Mr. GARNER. To take from the Speaker's table the bill S. 5270 and put it on its passage.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be expended by the Secretary of the Treasury for the purpose of supplying the necessary building for the Federal court, post office, and other Government offices at Paris, Tex.

The committee amendment was read, as follows:

In line 3, strike out "$200,000" and insert "$170,000."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. GARNER. Will the gentleman from Wisconsin withdraw his objection until I can make a statement?

Mr. STAFFORD. I object?

Mr. GARNER. If the gentleman is going to insist on his objection, I do not care to make a statement.

Mr. STAFFORD. I will withhold it.

Mr. GARNER. Mr. Speaker, I desire to say to the gentleman there are two or three of these little bills that provide for emergencies, and in this case the city of Paris, Tex.—at least 80 per cent of it—a city of from 18,000 to 20,000 people, was burned up. One house of the legislature has passed an exemption bill exempting it from taxes for five years, on account of its distressed condition. Now, there can be no greater emergency than the erection of this building at Paris, Tex. If the gentleman wants to object, he has a right to do so, but I did not want to take up the time of the House to move to suspend the rules; but I appeal to the gentleman from Wisconsin that there can be no greater emergency than there is in this particular instance.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield to me just a moment?

Mr. GARNER. I do.

Mr. CLARK of Florida. I just want to state, Mr. Speaker, that when we found it was utterly impossible to pass the omnibus building bill there were four of five of these matters, one being Paris, Tex., where they were burned out; Binghamton, N. Y., where they were burned out; and Pittsburgh, Pa., where they are in the worst fix of any city in any State in the Union; and it was determined that four or five of these greatest of all emergencies should be reported; and for that reason the committee has reported out, I think it is, four or five of these public-building bills.

Mr. LANGLEY. Five of them.

Mr. CLARK of Florida. One of them was Steubensville, Ohio.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the public-buildings bill has any chance of passing?

Mr. CLARK of Florida. I think it has not the slightest.

Mr. MOORE of Pennsylvania. And these are emergency cases?

Mr. CLARK of Florida. These are the greatest of emergencies, we think.

Mr. MOORE of Pennsylvania. And they can not be provided for in any other way? I hope the gentleman from Wisconsin will permit the gentleman from Texas to make his statement.

Mr. CLARK of Florida. I hope the gentleman from Wisconsin will not make his objection for this reason. Take, for instance, Binghamton, N. Y. They are transacting the postal business in a garage, and in the case of Paris, Tex.——

Mr. GARNER. In inadequate and inconvenient quarters.

Mr. MOORE of Pennsylvania. Will Binghamton, N. Y., have consideration? Is that bill on the Speaker's desk?

Mr. CLARK of Florida. It is. I want to say that at this place the Federal courthouse was burned. The courthouse was burned and the Federal court has no place to meet at all. They can not rent a building. It is absolutely one of the greatest emergencies that exists.

Mr. MOORE of Pennsylvania. I trust the gentleman from Texas may have an opportunity to explain this bill.

Mr. GARNER. May I say to the gentleman from Wisconsin that I investigated this matter thoroughly before I would ask unanimous consent for its consideration. It has the unanimous report of the committee. It passed the Senate. The appropriation has been cut down from $200,000 to $170,000, and there is not any doubt on the face of the earth that it is one particular emergency proposition that is waiting for a Federal building.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. BENNET. Mr. Speaker, reserving the right to object, let me ask the chairman of the Public Buildings Committee is it the intention to get all these emergency measures through?

Mr. CLARK of Florida. It is my purpose to do all I can to pass them.

Mr. BENNET. Then I hope the gentleman from Wisconsin will withdraw his objection, because the Binghamton matter I happen to know personally to be an emergency where the post office burned down and where they are conducting the public business in a garage.

Mr. GARNER. May I say to the gentleman from Wisconsin it is impossible for the Federal Government to rent quarters for the Federal court. They have been transacting their business, as far as they can under the circumstances, because they were unable to get a building, 80 per cent of the entire city having been burned. I know the post office was conducted in a postal car for a while.

Mr. STAFFORD. That may have been immediately after the conflagration, but the report says that the present post office is being conducted in a rented building. I would like to ask the gentleman who represents this district, who has first-hand knowledge of the affair, whether quarters have been rented.

Mr. BLACK. I will say to the gentleman that nearly the entire city was destroyed, the Federal court building was entirely destroyed and the post-office building nearly so.

Since the fire they have patched up the old post-office building so as to use it temporarily, but it certainly is in very bad condition. The county courthouse was entirely burned, and they have not been able to rebuild yet. Of course, they will in time. It is my information that the Federal court has skipped two sessions on account of having no place in which to convene.

Mr. STAFFORD. Where are the postal facilities now being conducted?

Mr. BLACK. In the old building that has been patched up and on which has been put a temporary roof. The department itself has urged that this building be constructed as quickly as possible. The Assistant Secretary of the Treasury, in a statement in a letter to the chairman of the Committee on Public Buildings and Grounds, says:

> It is recommended that authority be granted at the earliest possible date to construct a building for all branches of the service on the present site.

Mr. STAFFORD. As I read the report, it does not carry any clear conviction to my mind that the old building is not capable of being repaired.

Mr. GARNER. I will say to the gentleman that I looked at that building myself.

Mr. STAFFORD. In the nighttime or in the daytime?

Mr. GARNER. In the daytime. And there is absolutely no chance for repair. It is burned to the ground—everything, except, as I should say, pieces of columns and other construction, about as high as the clock in this Chamber is above the floor, and things that you could not build on.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this bill as amended carries an appropriation of $170,000 in lieu of $200,000, for not only the post-office building, but for a building to provide court facilities in a town that had a population of some 11,000 people in 1910, and where the postal receipts in 1915 were $46,000. Now, of course, everyone will agree that $170,000 merely to erect a building, not to purchase a site, is a pretty large sum of money for that purpose.

Mr. CLARK of Florida. Will the gentleman permit?

Mr. STAFFORD. I would like to have some information from the chairman of the Committee on Public Buildings and Grounds.

Mr. CLARK of Florida. Very well. The committee considered that was not exorbitant when you are to take care of a Federal court in addition to the post office. If it was simply a post office, we would not have allowed any such sum. The Senate passed it for $200,000, but our committee was of the opinion that $170,000 would be ample. But there is the post office, with nearly $50,000 of receipts per annum; and then the Federal court is meeting there. And I understand it is quite an important court now. So $170,000 is not exorbitant.

Mr. STAFFORD. What is the character of the material that was used in the present post-office building?

Mr. BLACK. I will say to the gentleman the present post-office building is of stone, and the courthouse was of brick.

Mr. STAFFORD. I am referring exclusively to the Federal building.

Mr. BLACK. They had two Federal buildings on the same site. One of them was entirely destroyed and the other damaged somewhat. This is to erect one building to house the post office as well as all the other Federal activities in one building.

Mr. STAFFORD. Which was the building that was completely destroyed?

Mr. BLACK. The Federal court building was entirely destroyed. Some of the walls were left partially standing after the fire, but the Government has had them torn completely away since the fire.

Mr. STAFFORD. For what length of time are the court sessions held there?

Mr. BLACK. They have two or three terms annually, is my understanding. I do not live at Paris and am unable to state positively as to that question.

Mr. STAFFORD. As I read the report, and as I stated before, the opinion was not clearly expressed that there was a complete destruction of the building so that it could not be repaired. When I first objected, I had read the report carefully, but the letter from the Assistant Secretary of the Treasury did not carry the conviction that the building was so destroyed that it would be good policy to raze the old building and erect a new one.

Mr. GARNER. That is impossible. I will say to the gentleman that I know of my own personal knowledge that it is simply impossible.

Mr. HENRY. And I will say the same thing. I have been there and examined that situation personally. The whole town was burned up. It is one of the most prosperous counties in the State and one of the most important Federal courts in the State, and Paris is one of the best towns in the State of Texas.

Mr. STAFFORD. I voted against the public-buildings bill. I was not in favor of lumping together worthy and unworthy

projects. I stated, when the bill was under consideration on the floor of the House here some time ago accepting the offer of the city of Ripon, Wis., to use the appropriation for a post-office building in that city for purposes of preparedness, that there was an instance where, under the public-buildings bill, an appropriation had been voted when there was no urgent need for the erection of the public building. On that occasion I said it was better policy for the Government to pass individual bills to provide for public buildings and have them considered on their merits. I believe the showing made by the gentlemen from Texas who know the conditions and that supplements the report of the Assistant Secretary of the Treasury makes an urgent case of this, and I am willing, Mr. Speaker, to withdraw the objection.

Mr. KELLEY. Mr. Speaker, reserving the right to object, I want to ask the chairman of the committee whether it is the policy of the committee to take care of other cases that are equally deserving with these five?

Mr. CLARK of Florida. Mr. Speaker, in reply I will say to the gentleman that it had been our hope to get the omnibus bill through, but yesterday, I think it was, it became absolutely certain that we were not going to get it through. Now, the gentleman from Texas [Mr. BLACK], the gentleman from New York [Mr. FAIRCHILD], and the three gentlemen from Pittsburgh [Mr. GARLAND, Mr. MORIN, and Mr. PORTER], and the gentleman from Ohio [Mr. HOLLINGSWORTH], and the gentleman from Wisconsin [Mr. NELSON] came to me—and these were all extremely urgent cases, by reason of the fact that there had been fires and other things of that kind—and insisted that their matters ought to be taken care of. They then told the committee, and the committee, a majority of it, agreed to report these different bills. I then called a meeting of the committee, and the committee ratified what they had agreed to separately; and in obedience to the order of the committee I reported the bills separately. That is all I can say to the gentleman.

Mr. KELLEY. Three or four days ago I asked the chairman of the committee whether or not any special bills would be reported to take care of emergency cases, and I was informed by the chairman of the committee that there would be no such bills reported. Had I known that anything of this kind was likely to be done by the committee, of course I would have gone before the committee, the same as other gentlemen did, and would have asked to have the case of the city of Flint, Mich., taken care of, which the department advised me is the most urgent case in the entire United States.

Mr. GARNER. I hope the gentleman from Michigan will not keep a meritorious matter from coming up on that account.

Mr. KELLEY. I certainly shall, much as I dislike to do so, unless I can have some assurance that the city of Flint will be taken care of.

Mr. CLARK of Florida. The gentleman is correct in the statement he has made. I told the gentleman I had no idea that any special bills would be reported. It was certainly not my desire to report them. But when these gentlemen, a majority of the committee, indicated to me as chairman that they desired these particular bills reported, I could do nothing else than call the committee together to consider them. And I will say this to the gentleman, that if a majority of this committee instructs me to report his bill, which is a meritorious bill, I shall be very glad to do it.

Mr. KELLEY. Will the chairman of the committee agree to get the committee together and consider the Flint bill?

Mr. CLARK of Florida. I do not know how I can get them together. I could call them.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. MANN. The gentleman from Florida is somewhat familiar, I think, with the case of Flint?

Mr. CLARK of Florida. Yes; it is a good case.

Mr. MANN. He thinks it meritorious?

Mr. CLARK of Florida. It is.

Mr. MANN. Suppose the gentleman from Michigan [Mr. KELLEY] should get the opportunity, if these go through, to move to suspend the rules and pass his bill. Would the gentleman from Florida be opposed to letting that be done?

Mr. CLARK of Florida. Not in the least.

Mr. LANGLEY. I think every member of the committee would be glad to vote for it, I will say to the gentleman.

Mr. KELLEY. The chairman of the committee, as I understand, has not had a meeting of the committee on these other bills but has simply polled the committee?

Mr. CLARK of Florida. We did have a meeting. I will state to the gentleman that the committee did meet. There were 16 members present out of 19, and I submitted these matters to them, because I had understood the Speaker to hold that the mere polling of a committee was not sufficient. A meeting of the committee was necessary.

Mr. LANGLEY. Will the gentleman permit me to add a word?

Mr. COLLIER. Is this a Senate or a House bill?

Mr. CLARK of Florida. A Senate bill.

The SPEAKER. Is there objection?

Mr. GOOD. Reserving the right to object, Mr. Speaker——

Mr. LANGLEY. I think I ought to present Hazard, Ky., as an emergency case while these others are being taken up, but I guess I will wait until the next Congress, especially as I have to. [Laughter.] You may look for it then sure.

Mr. GOOD. Unless Hazard is presented, I shall have to object. [Laughter.]

The SPEAKER. Is there objection?

Mr. GOOD. Reserving the right to object——

The SPEAKER. The gentleman from Iowa reserves the right to object——

Mr. GOOD. I notice by the report that Paris had a population in 1910 of 11,269, and that the postal receipts for the year 1915 were only $46,498.85, and it is proposed now to authorize the erection of a building there, as I understand it, costing $175,000.

Mr. BLACK. I will just say to the gentleman from Iowa, Mr. Speaker——

Mr. GOOD. Unless the amount is very greatly reduced I shall have to object.

The SPEAKER. The gentleman from Texas is recognized to move to suspend the rules.

Mr. CLARK of Florida. The gentleman from Iowa has not objected yet. I want to make a statement to the gentleman, and when he hears it I think he will not object.

I want to state to the gentleman that, in addition to the large postal receipts and the population of that place, a Federal court is held there, and that this amount of $175,000, according to the rule established by the committee, is not at all excessive, when it is considered that we are taking care of the Federal court as well as the post-office and other governmental activities there.

Mr. GOOD. How have the receipts been growing in Paris?

Mr. BLACK. They have been growing regularly, I will say to the gentleman. It is one of the best towns——

Mr. GOOD. How much have they grown in the last year?

Mr. BLACK. I can not say exactly as to that, but it is one of the best cities in northeastern Texas. It is in one of the best and richest agricultural sections of the State.

Mr. GOOD. How often does the court meet?

Mr. BLACK. I said to the gentleman from Wisconsin [Mr. STAFFORD] that it met twice and possibly three times a year.

Mr. GOOD. In a great many places where we have authorized Federal courts to have sittings the Federal court will have meetings there once in a while, and the judges come and look over the calendar and adjourn court, but there is no business done.

Mr. BLACK. This is a good town.

Mr. GOOD. I know of several places of that kind where very little business of that kind is transacted by the Federal court, and it is a mistake to authorize a building to transact business of that kind where no business is ever transacted.

Mr. BLACK. If the gentleman will permit, this is to house not only the Federal court but the post office as well and all the Federal activities.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not intend to object. I think we all ought to look the situation in the face. The public-buildings bill passed the House, but it is not likely to pass the Senate and become a law. That has only been ascertained in the last few days. There are some very urgent emergency cases. It may be that they have not all been acted upon by the committee, and yet those that are perfectly plain cases might properly be acted upon by the House.

Now, everybody who has got a bill which he would like to pass will not have it passed at this session. That is always the case. But, after all, that is not a very good reason for not passing any of them. I think these emergency public-building bills, where the Government is interested, might well be considered, and if the emergency is shown the bills should be passed before we quit.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BLACK. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be expended by the Secretary of the Treasury for the purpose of supplying the necessary building for the Federal court, post office, and other Government offices at Paris, Tex.

With the following committee amendment:

Page 1, in line 3, strike out "$200,000" and insert "$170,000."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Amended and passed the House.

LEAVE TO PRINT.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement showing the cost of the Military Establishment under the proposed plan for universal training which was introduced in the House the other day, together with a comparison of the cost of the Military Establishment under the present law, and certain brief comments.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri makes the same request. Is there objection?

There was no objection.

Mr. HUDDLESTON, Mr. LONDON, Mr. SMALL, Mr. RAKER, Mr. HELGESEN, Mr. MCARTHUR, Mr. SISSON, Mr. LANGLEY, Mr. MANN, Mr. SLOAN, Mr. FESS, and Mr. SMITH of Michigan were given leave to extend remarks in the RECORD.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The other gentlemen who are on their feet, evidently for the purpose of making the same request, will be given an opportunity a little later. Is there objection to the several requests which have been made? [After a pause.] The Chair hears none.

EFFECTIVE DATE OF POST OFFICE APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I wish to make a request regarding the resolution (H. J. Res. 392) passed some time ago, introduced by the gentleman from Tennessee [Mr. MOON], extending the time when the Post Office appropriation bill shall take effect. That resolution had no title, and I ask unanimous consent that in engrossing the joint resolution the Clerk may be authorized to put a title upon it.

The SPEAKER. The gentleman from New York asks unanimous consent that the Clerk be authorized to put a title on the Moon resolution regarding the Post Office appropriation bill. Is there objection?

There was no objection.

QUESTION OF PRIVILEGE—THE RECORD.

The SPEAKER. If the gentleman from Ohio [Mr. KEY], chairman of the Pensions Committee, is here, the Chair will recognize him for the presentation of a conference report; if not, the Chair will recognize the gentleman from Indiana [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I desire to submit a privileged report from the special committee heretofore appointed concerning House resolution 437.

Mr. FITZGERALD. What does the gentleman wish to do about it?

Mr. DIXON. Consider it.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The special committee of the House to whom was referred House resolution 473, having considered the same, reports to the House thereon as follows:

House resolution 473 is as follows:

"House resolution 473.

"Whereas the report of the colloquy between Messrs. NORTON of North Dakota, FESS of Ohio, HEFLIN of Alabama, and RAGSDALE of South Carolina as printed in the RECORD of January 25, 1917, differs from the official reports of the colloquy, as will be shown by reference to the typewritten reports now on file and the printed report of the RECORD of January 25, 1917:

"*Resolved*, That the RECORD of January 25, 1917, be amended by printing the colloquies between Messrs. NORTON of North Dakota, FESS of Ohio, HEFLIN of Alabama, and RAGSDALE of South Carolina as reported by the Official Reporters of the House."

This resolution involves the question of the right of a Member of the House to demand that the words of another Member spoken in debate or discussion on the floor of the House be entered in the RECORD as reported by the Official Reporters of the House; but, by reason of the circumstances of the particular case in question, the issue is narrowed to that of the right of a Member to demand the printing in the RECORD words spoken in colloquial debate as reported by the Official Reporters of the House, including the interlineations made by the Official Reporters indicating laughter and applause during the course of the discussion.

The question at issue is divisible in two parts: First, the question of the right of a Member to demand that words shall be printed in the RECORD as reported by the Official Reporters, together with the official interlineations indicating laughter and applause where there is no controversy as to the substantial accuracy of the report; and, second, the right of a Member to demand that the words spoken in debate and the interlineations relative to laughter and applause as reported by the official reporters of the House shall be printed in the RECORD even though the substantial accuracy of the report as presented may be questioned.

The practice of editing and revising remarks, either with or without specific authority from the House in the particular case, is long established and quite generally—oftentimes quite freely—indulged in. When the revision involves no substantial modification of a statement, but simply improves or amplifies the form of statement or argument, your committee is of the opinion that such revision has the sanction of long and quite general practice.

In the case in question, however, the debate became colloquial and personal, and the question is as to the right of the Member or Members who participated in such a debate to insist that when a portion of the debate has been printed in the RECORD as reported by the Official Reporters of the House, without substantial modification, erasure, or addition, that the remainder of the debate shall also be printed substantially as reported.

After a careful reading of the official notes of the debate and the debate as printed in the RECORD, your committee finds that the remarks made by the gentleman from South Carolina [Mr. RAGSDALE], as printed in the daily RECORD January 25, 1917, pages 2271, 2272, 2276, and 2277, are substantially as reported by the Official Reporters of the House, and the interruptions and interlineations denoting laughter and applause are printed exactly as shown by the reporters' notes of his remarks.

We find that the remarks made by the gentleman from Alabama [Mr. HEFLIN] in reply to the gentleman from South Carolina [Mr. RAGSDALE], as printed in the RECORD of the aforesaid date, on page 2276, are substantially correct as to the words uttered and the statements made as reported by the Official Reporters of the House, the changes being such as are reasonably allowable in a revision.

We do find, however, that in connection with the remarks of the gentleman from Alabama, printed on page 2276, the words "laughter," the words "applause and laughter," the word "applause," and the words "applause on the Democratic side" appear in the printed RECORD where no such words are found in the official report of the reporters of the House. Relative to these words, however, it is claimed that while they did not appear in the official reports that their insertion in the RECORD was justified by what actually occurred. Your committee is of the opinion, from statements of Mr. HEFLIN and other Members of the House, that some laughter and applause did greet the speech of the gentleman from Alabama, as indicated in the printed RECORD.

The closing remarks of the gentleman from Alabama as printed at the top of the second column of page 2277 differs substantially both as to the language used and as to the character of the interlineations relative to interruption, laughter, and applause. The remarks of the gentleman from Alabama as printed in the RECORD are not only substantially different from those reported by the Official Reporters but a considerable portion of the remarks of the gentleman from Alabama [Mr. HEFLIN], as reported by the Official Reporters, do not appear in the printed RECORD, and the interruption by the gentleman from Oregon [Mr. MCARTHUR] is omitted from the printed RECORD, and the interlineations relative to laughter and applause differ.

In view of the facts thus stated, your committee begs to recommend and does recommend that, so far as the remarks of the gentleman from Alabama first referred to and printed on page 2276 of the RECORD are concerned, they should be held and considered as having been inserted in the RECORD without substantial modification or such change of statement as may properly give offense or justify a demand for the printing of the words spoken as reported by the Official Reporters, although it is admitted that the words as reported were substantially as uttered.

As to the interlineations in this part of the remarks of the gentleman from Alabama [Mr. HEFLIN] indicating "laughter," "laughter and applause," "applause," and "applause on the Democratic side," your committee is inclined to the opinion, from the statements of the gentleman from Alabama [Mr. HEFLIN] and other Members of the House who were present when the remarks were made, that there was some laughter and applause, as indicated in the RECORD, which the Official Reporters failed to note, and that, therefore, the insertion of these words in the RECORD was possibly justifiable under the practice of the House, though your committee respectfully suggests that the insertion of the words "applause" and "laughter and applause" is a practice that should be discontinued.

As to the portion of the remarks of the gentleman from Alabama [Mr. HEFLIN] printed in the RECORD on page 2277, at the top of the second column, your committee is of the opinion that the remarks as printed in the RECORD admittedly differ so substantially from the words spoken as reported by the Official Reporters of the House that it presents a case in which it is the privilege of any Member of the House, feeling that the dignity of the House or of any Member of the House is affected, to demand the printing in the RECORD of the language as reported by the House Reporters, the same being admittedly a substantially correct report of what was said. There may be some ground for difference of opinion as to correctness of the interlineations—at least some of them—but in the main the context and the words of the gentleman from Alabama himself in the debate clearly indicate that the interlineations relative to laughter and applause were substantially correctly reported by the reporters. Furthermore, the omission of the colloquy with the gentleman from Oregon [Mr. MCARTHUR] is contrary to the established practice of the House.

We therefore recommend that in lieu of the remarks of the gentleman from Alabama as printed at the top of the second column on page 2277 of the daily RECORD of January 25, 1917, there be inserted in the permanent RECORD the remarks of the gentleman from Alabama as reported by the Official Reporters of the House, a copy of which is herewith transmitted.

LINCOLN DIXON.
ALFRED G. ALLEN.
F. W. MONDELL.

Mr. DIXON. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The gentleman moves the adoption of the report.

The motion was agreed to.

On motion of Mr. DIXON, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

CORRESPONDENCE BETWEEN THE UNITED STATES AND FOREIGN POWERS.

Mr. FOSTER. I ask unanimous consent that certain correspondence taking place between the United States and the central powers and the allies may be printed as a House document. The gentleman from Ohio [Mr. FESS] has very kindly put this together in a form in which that can be done; and, inasmuch as this is a matter of considerable interest and will be in future times of interest to the people of the country, I hope it may be printed in this way.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to print as a House document the correspondence between the United States Government and these foreign powers—the central powers, the allied powers, and all the rest of them. Is there objection?

Mr. OGLESBY. Reserving the right to object, I should like to ask the gentleman what period this correspondence covers, and whether it covers substantially all the correspondence?

Mr. FOSTER. All the correspondence from the time the war began up to the present time.

The SPEAKER. Is there objection?

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. FOSTER. I yield to the gentleman from Virginia.

Mr. MONTAGUE. Will it be printed in small type or in large type?

Mr. FOSTER. It ought to be in the larger type.

Mr. MONTAGUE. I suggest that to the gentleman.

Mr. TOWNER. It certainly ought to be printed in the large type.

Mr. FERRIS. Is this to be published as a document or in the RECORD?

Mr. FOSTER. It has been published in the RECORD. We want to make it a public document.

Mr. HELGESEN. Will this correspondence include everything up to this time—up to the adjournment of Congress?

Mr. FOSTER. Yes.

Mr. CLARK of Florida. How many copies is it intended to print?

Mr. MANN. When anything is ordered printed as a House document, without any other number being specified, there are 1,440 copies printed, of which about 500 come to the House.

Mr. CLARK of Florida. How will these be distributed?

Mr. FOSTER. Through the document room.

The SPEAKER. Is there objection?

Mr. GARDNER. Reserving the right to object, would it not be possible for the gentleman to include an index; to have an index prepared in connection with it?

Mr. FOSTER. That is a good suggestion.

Mr. MANN. Who is to index it? There is no authority for that.

Mr. FOSTER. The gentleman from Ohio [Mr. FESS] will index it.

The SPEAKER. The gentleman from Illinois asks to publish this correspondence, together with an index, as a public document. Is there objection?

Mr. MANN. Will the gentleman add to that some other correspondence which the gentleman from Ohio [Mr. FESS] has, which brings it up to date, and which has not been inserted in the RECORD?

Mr. FOSTER. That is the intention, to bring all this correspondence up to date, to the close of this Congress.

Mr. DOWELL. Is that to be in pamphlet form?

Mr. FOSTER. In pamphlet form.

Mr. DOWELL. In document form?

Mr. FOSTER. In document form.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMPULSORY MILITARY SERVICE.

Mr. MANN. Mr. Speaker, while we are on this subject of printing documents, will the Speaker entertain a request that there be printed as a House document a pamphlet in reference to the recommendations of the Army War College about the compulsory military bill that was introduced by the gentleman from California [Mr. KAHN]? Mr. KAHN has this, and I ask that it be published as a House document, not to be inserted in the RECORD. The cost, I think, will be $450.

Mr. FOSTER. Yes; if the gentleman thinks it best.

Mr. FITZGERALD. What is the request?

Mr. MANN. To print as a House document memoranda prepared by the War College in reference to the staff recommendations of the bill which the gentleman from California [Mr KAHN] introduced the other day, it being a live subject.

The SPEAKER. Is there objection?

Mr. GREENE of Vermont. Reserving the right to object, does that include the text of the bill as introduced by the gentleman from California [Mr. KAHN]?

Mr. CALDWELL. I object, Mr. Speaker.

The SPEAKER. To which request does the gentleman object? Is there objection to the request of the gentleman from Illinois [Mr. FOSTER]?

There was no objection.

Mr. MANN. It would undoubtedly be possible to have this printed in the RECORD, but probably it would cost ten times as much as if it was printed as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

Mr. CALDWELL. I object.

WITHDRAWAL OF PAPERS.

Mr. CHARLES, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of James Folensbee from the Committee on Claims, H. R. 10857, no adverse report having been made thereon.

REPORT ON THE LEAK INVESTIGATION.

Mr. HENRY. Mr. Speaker, I call up a privileged report (No. 1580) from the Committee on Rules. Before the report is read I desire to state that this has already been printed in the RECORD for the information of the Members, and I therefore ask that the reading of the report be dispensed with.

Mr. MANN. How long is it?

Mr. HENRY. It is the leak report, and I think it would take perhaps 20 minutes to read it.

Mr. MANN. I think no one has read it in the RECORD.

Mr. FITZGERALD. Let me suggest to the gentleman from Texas that there has been a bill introduced to-day to take up a bill, consider, and pass it without reading it. I am opposed to the beginning of that practice in the consideration of reports.

Mr. HENRY. Mr. Speaker, was there objection to my request?

Mr. MANN. If the report is not too long, I think we had better have it read.

Mr. HENRY. There were three resolutions referred to the Committee on Rules. The report is on resolution 446, and that is rather lengthy; the others, 420 and 429, are short and formal reports, and the report on 446 disposes of those and recommends that the three resolutions lie on the table.

Mr. GARRETT. Mr. Speaker, I call attention to the fact that under the rules of the House this report does not have to be read. What is really required is unanimous consent that it be read. It is a report on an investigation, and results from a resolution directing the creation of the committee to investigate. The motion which the gentleman from Texas will make is to lay these resolutions on the table in their order.

Mr. MANN. We do not adopt the report.

Mr. GARRETT. No; the report is merely a statement of facts.

Mr. MANN. I suppose properly the gentleman desires the House to go on record as adopting the report. I am sure I would if I was on the Democratic side of the House; but if the gentleman does not want to adopt the report and put the House on record as declaring in favor of the report, I do not object.

Mr. HENRY. The report recommends that the resolution lie on the table. It represents the views of both sides and we think that is sufficient, but if gentlemen want the report read I will ask for it to be read.

Mr. MANN. It seems to me that under the circumstances the House ought to adopt the report. I think that is the way to clear the thing up. Of course, technically, the gentleman does not have to make the motion, but as the report is in favor of laying the resolution on the table I think it is but justice to the President to adopt the report.

Mr. GARRETT. I think it would be a very proper thing to do, but we do not have to do it; it is a technical situation.

Mr. MANN. I think the gentleman from Tennessee is right about it.

Mr. HENRY. Is there an objection to my request that the reading of the report be dispensed with?

Mr. MANN. I think that the gentleman ought to make a motion that the report be adopted and have the report read and such discussion as may be wanted.

Mr. HENRY. Mr. Speaker, I move that the report be adopted.

Mr. MANN. I ask for the reading of the report.

The Clerk read the report, which will be found in House proceedings of February 27, 1917.

Mr. HENRY. Mr. Speaker, before making the formal motion, I wish to state that the committee in pursuance of the instructions of the House under the provisions of the resolutions have made a very diligent and painstaking inquiry into the matters that were called to their attention. The committee were a little less than two months in making the investigation, and I am glad to say that the expenditures of money for the entire investigation have not exceeded $22,000. A report was recently made in the newspapers, I do not know from what source, that the investigation had cost the Government $50,000. That is an error. Up to the present time, taking into consideration all of the items of expenditure that have come to the Committee on Rules and the Committee on Accounts, the expenses have not amounted to $22,000.

Mr. BRUMBAUGH. Does that include the payment of the attorney's fees?

Mr. HENRY. That includes the payment of the attorney and his assistants and the experts, witness fees, hotel bills, traveling expenses, and all other expenses incurred by the committee. I doubt if $1,000 of accounts are outstanding. I do not think the total amount will exceed $22,000.

Mr. Speaker, this is a unanimous report from the committee. After taking testimony and investigating every source of information that came to this committee, we have concluded that there is nothing to cast suspicion upon any Member of this House or of the Senate or upon any official of this Government. This committee desires to exonerate and does exonerate the Congress of the United States from the innuendo, suggestions, and charges that were made, and we are glad to report that we found nothing even suggesting that there should be criticism of the Members of Congress or of any Cabinet officer or any official of the Government. The report sets these things out at length. The report, speaking for itself, covers all of these points, and I believe there is nothing else that I can say or that I should say to the House, but we ask this body to adopt the report, and then the formal motions to lay these resolutions on the table will be made. Before doing that I desire to yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. WINGO. Mr. Speaker, may I inquire if it is contemplated to take considerable time for debate upon this?

Mr. HENRY. I think we are about through.

Mr. WINGO. There are a great many of us who have bills of some importance. We have stayed here for several days, waiting our opportunity to have those bills considered. These bills amount to as much importance as the Paris, Tex., bill, and if they are not put through in the next few hours the public bills will crowd them out of the way.

Mr. MANN. There is a talk about taking a recess presently until 8 o'clock.

Mr. WINGO. I should object to that.

Mr. MANN. Is the gentleman's bill a bridge bill?

Mr. WINGO. Yes.

Mr. MANN. Is that all there is to it?

Mr. WINGO. Yes.

Mr. MANN. I do not think there will be any trouble about that. We will pass that bill. I think we shall have to take a recess until 8 o'clock.

Mr. MONTAGUE. Mr. Speaker, I will say to the gentleman that I have a matter of great importance also which I do not think will take more than a moment or two, but I shall not object to the recess.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, representing the minority members of the committee, we join in the hope that this report will be unanimously adopted. It is possibly no secret that the minority members when the investigation was entered into entertained a suspicion that either directly or indirectly there might have been profit to some one connected with the executive departments of the Government.

Mr. DOOLITTLE. Mr. Speaker, I did not hear the reading of the report, but may I ask the gentleman if the committee found that Mr. Thomas W. Lawson is an expert liar? Did the committee determine that matter?

Mr. BENNET. The committee did not state its determination in that unparliamentary fashion. The committee found that Thomas W. Lawson gave us two pieces of information which we believe to be correct. The first is his name and the second is his address. Outside of that, we were not prepared to believe without corroboration anything which he brought to our attention.

Mr. JAMES. Mr. Speaker, I would like to ask the gentleman if the address he gave is correct?

Mr. BENNET. So far as any information came to us, the address he gave us was correct. As I started to say, Mr. Speaker, the members of the minority possibly had a suspicion when the investigation commenced that some person or persons in the executive departments, either directly or indirectly, had profited by the very evident leak in connection with the President's note of December 18. I am very frank and very glad to say as a Representative in the Congress and as an American citizen that not only was there no evidence attaching any suspicion to any person in the public service but that the character of the evidence adduced was such as to bring me to the conclusion, to a definite certainty, that no one connected with the executive departments did profit, and that there was no leak of an improper character calculated to permit any friend of anyone in executive life to profit thereby—and we investigated every report that came to us, even anonymous reports, and investigated them in part by men of the minority's own choosing, without let or hindrance on the part of the majority. It all seems very simple to me now.

There were two newspaper men who, when this information was given out confidentially by Secretary Lansing, gave the information in such a way that it got to stock-brokerage houses. As these reports were sent out by the two newspaper men they seemed to indicate upon the face of them that they had come from different sources, but I have come to the conclusion that they did not, and for this reason: The report sent out by Mr. Price bears upon its face the evidence that it came directly from some one who was present at the interview with Secretary Lansing. Mr. Price sent out the report precisely as Secretary Lansing gave it out at 11 o'clock on the morning of December 20. Mr. Essary sent out a more elaborate report of a mere philosophical character, and in some respects the exact opposite of the Price report. The reason for that was this: Mr. Essary has been, properly, for the last five or six months in what might be called the atmosphere of executive thought, and he knew in a general way, as he has the right to know, what was the tendency and trend of the executive departments on this particular matter of peace. When the information came to him from his newspaper associates on the morning of December 20 that this note, which they all knew in their hearts related to peace, was to be made public at 5 o'clock in the afternoon, he made a very excellent mental calculation as to what, from the tendency of events, that note must contain, and he sent it out. That is all there was to it. We found abundant evidence, I am frank to say, that gentlemen in New York wanted to get this advance information, tried to get that advance information, and were unable to get it; and one gentleman who, during the month of December, profited by his stock-market operations to the extent of $999,940—and I shall always regret he did not make the odd $60 so as to make an even million—actually got the information through the Price leak, so called, and wired to Washington for a verification of it.

The Washington brokerage house told him it was not so, and he therefore did not act on the information which was actually in his grasp, and therefore lost hundreds of thousands of dollars. That is demonstrated by his stock account. I think it may interest the House to know that our committee, through those whom we employed, officials of the House whom we all trust, Republicans and Democrats alike, went over carefully the names of 300,000 men and women who were connected with stock-market operations to winnow out the people in public life. When we found a name that we thought was that of a public official we sent for the account and went over the account, and, with all that, we were unable to find one single scintilla of evidence that any man in public life profited directly or indirectly through any advance information as to the President's note of December 18. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENNET. I ask for two minutes——

Mr. HENRY. I yield two minutes to the gentleman.

Mr. BENNET. For the purpose of saying this: I presume thousands throughout the country of my political party will be expressing disappointment that this committee was not able to attach something of a scandalous nature to somebody connected with an administration which is of an opposite political party. I want to say, and I am as partisan a Republican as breathes, that from the bottom of my heart as an American citizen I am gratified that, after a thoroughgoing and searching investigation, to which we devoted hours, days, and weeks, we are able to come back here and conscientiously say to the House of Representatives that we believe this Government, through its executive branches, in connection with this charge, is absolutely blameless. [Applause.]

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when the gentleman from Indiana [Mr. WOOD] introduced his first resolution he was very severely criticized by a good many Democrats. The fact is that after the break in the stock market there were rumors floating around, not only around this Chamber but around the stock market itself and throughout a good many places in the country, that the Secretary to the President and the President's brother-in-law had profited by advance information of the President's intention. I have a good deal more faith in the honesty of public officials the longer I have come in contact with them. I have met some that I did not have much faith in, too. I urged the House to have an investigation. There was a good deal of opposition to having this investigation on the Democratic side of the House. I thought that those gentlemen were exhibiting less confidence in Democratic officials than we who were urging the investigation. I stated on the floor of the House in urging the investigation that I did not believe that an investigation would find these officials guilty of any bad faith or wrong conduct, but it was wiser to have the investigation than it was to have these rumors go uncontradicted to be repeated year after year until all of us probably had gone out of this House. I am glad we had the investigation. I am glad the resolution was introduced, and I am more glad of the findings of the committee and the general satisfaction, as I believe, of the country with the findings of the committee, because, after all, you can not besmirch high officials of the Government without besmirching our form of government. [Applause.] The President of the United States is more than a man. He is more than an official. He is the dignity of our form of government. We select a Chief Magistrate, selected by the people. That is the great American idea. The President typifies the office, typifies the Republic. When an official who holds it stands before the people they want to believe that his honor is above reproach. Though they differ with him in opinion and criticize his public acts, they want to have faith in the man as an honest man, and I am glad of the report. [Applause.]

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Speaker, I listened with a great deal of interest and care to this report which has just been read, and I want to congratulate the committee upon going to the bottom of this affair; but there is one feature of this report which, I think, has been omitted, largely due to the modesty of the distinguished chairman of this committee.

I recollect very well being on the floor of the House during this investigation, at a time shortly after I had observed Mr. Thomas W. Lawson—whose real name is "Larsen," by the way, and who used to live in the West—have his picture taken on the Capitol steps by the "movie" men, and hearing that he, Larsen, had stated before the committee——

Mr. MANN. "Petty Larsen."

Mr. KING. Yes. That he stated before the committee that a certain Congressman, if you please, had given him the information in regard to this leak and given him the names of the individuals concerned therein, I thought that was a terrific thing to say at the time. Whispers were heard around this floor as to who it was. In a few minutes came the report that this man of Boston had confided in great secrecy and after much protestation to the committee that it was the Hon. "BOB" HENRY, of Texas, an honorable Member of this House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY. I yield to the gentleman two minutes more.

Mr. KING. That it was the honorable chairman of the committee himself who in a conversation had made that statement; and he swore to God he was telling the truth before that committee. And he swore to God that he was not lying in his testimony at that time. He said if he was not telling the truth—and no man in this place believed he was telling the truth—that he would go to the penitentiary. Therefore he ought to be called upon in a nice gentlemanly way, this man "Larsen," to come here to the District of Columbia, go to a court of competent jurisdiction, and plead guilty to perjury. [Applause.]

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I do not concur altogether in the sentiments expressed by the gentleman from Illinois [Mr. MANN] that it was fortunate to press this investigation from the very beginning of the hearing of the rumors which caused the gentleman from Indiana [Mr. WOOD] to introduce his resolution. I think, to be entirely candid with the House and entirely candid with the gentleman from Indiana, who is my friend, that he was entirely too precipitate in the introduction of his resolution. I think he took up rumors that reached him and made them the basis upon which to present a resolution the result of which has brought pain and distress to a number of gentlemen to whom pain and distress ought not to have been brought. And if the gentleman from Indiana had awaited even the passing of the holidays and not presented his resolution immediately following the rumor, and had made some slight investigation himself, I do not believe he would have presented or pressed the matter.

I remember very well, Mr. Speaker, when during the administration of a former President of the United States, of a different political faith, there was an effort made to involve his administration by the suggestion that there had been some improper expenditures in one of the departments. I never sympathized with it; I never believed in it. These rumors will come and go so long as Congress goes on. As I said in my remarks when we brought in the motion to lay resolution 429 on the table, these things will come and go. In the next Congress we will probably have something of the sort again. We have had it in the past. Irresponsible men, crazy or dishonest themselves, or desirous of getting in the limelight, will again and again, as Congress goes on, make these charges.

I think that this should be a lesson to us that we ought all to be scrupulously careful about involving ourselves immediately and being driven from our feet at once by baseless rumors that become current. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENRY. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in six months or a year from now, after this report, the country will forget about it; will live in the present and look to the future.

From my standpoint, I think the criticism of the gentleman from Indiana [Mr. WOOD] by the gentleman from Tennessee [Mr. GARRETT] might well have been omitted. I am very well acquainted with Mr. WOOD. He is an honorable gentleman, and everybody seems to be happy now that, according to this report and after the investigation, nobody connected with the executive departments or with the House or the Senate was guilty of any leak or any improper action. Oh, we do not need a scapegoat.

Mr. GARRETT. If the gentleman will permit me, I did not desire to make the gentleman from Indiana [Mr. WOOD] a scapegoat, and I trust that nothing which I said may be construed as doing that. I do not think that anything I said was capable of that interpretation.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HENRY. Mr. Speaker, I yield another minute to the gentleman.

Mr. GARRETT. What I said was really in response to the remarks made by the gentleman from Illinois [Mr. MANN], as I understood him to state that he was of the opinion at the very beginning that this investigation ought to have been had.

Mr. CANNON. The House is of that opinion.

Mr. GARRETT. He said that on the day immediately following the message the air was filled with these rumors. I said I thought if the gentleman had waited a little bit longer, until matters had cooled off, it would not have been pressed, because persons would have convinced themselves there was no basis for it whatever.

Mr. CANNON. That may be very true.

Mr. MANN. I do not think so.

Mr. CANNON. The House itself ordered the investigation, practically unanimously.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I did not intend to say anything on this proposition, and would not say it but for the remarks of the gentleman from Tennessee [Mr. GARRETT]. And I do not wish now to criticize the gentleman from Tennessee for expressing the opinion that he entertains with reference to my introducing this resolution. I wish to say, however, that the only regret I have with reference to this whole business is that this resolution was not introduced by a member of the majority side, so that there might not even have been the suspicion that it was introduced for political purposes.

That there was occasion for the introduction of this resolution has been determined by this unanimous report. Rumors were rife all over this House and all over this city that were infamous, if true, and if not true, those against whom they were laid should have the world know that they were not true.

I believe that this investigation will do good. It has done good. That there was advance information of the President's note there is now no doubt, no manner of doubt, in the mind of anyone.

Had it not been for this investigation there would have been doubt in the minds of many as to whether or not even the suspicion of advance information was not based purely upon political assumption, and if it had not been for this investigation there would have been thousands upon thousands that would have believed these rumors to be true. Ugly charges were being made through the public press and by individuals, handed from mouth to mouth, gathering with every repetition.

Upon the afternoon of the day on which I introduced this resolution a charge was made in the Times of this city, and made before I introduced the resolution, far graver than this investigation has disclosed, even graver than the rumors were. Were we then to sit idly by and let these slanderous charges go unchallenged against those who are high in authority? Then followed what caused the introduction of the second resolution, the charge that the Members of this House were afraid to have this investigation; that if they dared to pursue it there would not be a quorum present on the following Monday, when we were to reconvene after the holiday recess.

Are Congressmen to sit supinely by and rest under accusations of this character? Are our reputations of no concern to us? Is the reputation of this House, the greatest lawmaking body in the world, of no concern to the public? If unrefuted, their charge would be believed, lessening the respect that the public should entertain for this body. I have been taught to believe that legislative bodies should protect their reputations as individuals should protect theirs, and I believe that that legislative body that is most jealous of its reputation is calculated to do the most good for the public it is called upon to serve.

I am heartily glad that this committee, unanimous in its report, has found that no one high in authority has in the least profited by this advance information, and that no one high in authority and who is charged with confidence was guilty of betraying it; so that I say now, as I did when I introduced these resolutions, my only purpose was that which every Member of this body should have, to protect the highest interests and integrity of this body. [Applause.]

Mr. HENRY. Mr. Speaker, just a word, and then I will have finished.

Mr. Speaker, no one has intended to indulge in any criticism of any Member here this afternoon. I do not believe there has been any intention of that kind. When the gentleman from Indiana [Mr. WOOD] first conferred with me in the Committee on Rules he stated very plainly that his information was hearsay and rumors, and that he had no first-hand information; and the committee has set out those things in their report.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore (Mr. GLASS). Does the gentleman yield?

Mr. HENRY. Yes.

Mr. CAMPBELL. I will ask the gentleman if it is not also true that the gentleman from Indiana asked the Committee on Rules to hear him in executive session?

Mr. HENRY. It is true.

Mr. CAMPBELL. In order that he might disclose fully the nature of the hearsay evidence that he did have?

Mr. HENRY. That is true; and this report does not undertake to criticize the gentleman from Indiana.

Now, Mr. Speaker, when Mr. Lawson, of Boston, came to Washington and conferred with the chairman of the Committee on Rules, as stated in the testimony, he was asked to give names and dates and facts, and he was unable to furnish any testimony; and all that he did was to make insinuations and engage in innuendo, and to make no definite charge, only slander by hearsay. The record takes care of Mr. Lawson; and here I wish to thank my friend from Illinois [Mr. KING] for his friendly allusion to me. I take it that the committee would have been willing to make a finding on that matter, but I requested the committee to make no finding, being perfectly willing myself to let the report speak for itself and let the country judge whether my word was truthful or whether Mr. Lawson had been perverting the truth.

This committee finds in its report that Mr. Lawson's charges are not sustained in any respect; that they were insinuations; that there was not one particle of evidence to support them, and that many of them were based upon malicious rumors; and he stands before this country, after all he has said and printed in the newspapers, unsustained in a single charge or in a single insinuation, and the record is here to speak for itself.

Now, Mr. Speaker, I am glad that we have this unanimous report. I am glad that we are able to exonerate the Congress of the United States and the public officials. So jealous was I of the honor and integrity of the membership of this House and the officials of this Government that when I first read of the charges in the newspapers, as the head of this committee, during the holidays and when the membership were away, many of them, at their homes, I tried to make some sort of a preliminary investigation, and after talking with this Mr. Lawson, who came all the way from Boston here to make his insinuations, I said then that there was no leak, as he charged, but that what he had said constituted nothing but a mirage. This report shows it and the testimony taken demonstrates it.

Now, Mr. Speaker, I ask for a vote on the report of the committee.

Mr. CAMPBELL. And lay the resolution on the table.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Texas [Mr. HENRY] to adopt the report of the committee.

The motion was agreed to.

Mr. HENRY. Mr. Speaker, I now move that House resolution 446 do lie on the table.

The SPEAKER pro tempore. The gentleman from Texas moves that House resolution 446 do lie on the table. The question is on agreeing to that motion.

The motion was agreed to.

Mr. HENRY. I will state that this report disposes of House resolution 420 and House resolution 429. I move that House resolution 420 do lie on the table.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent that both these resolutions lie on the table.

Mr. HENRY. I ask unanimous consent that both these resolutions—House resolution 420 and House resolution 429—lie on the table.

The SPEAKER. The gentleman from Texas asks unanimous consent that both the resolutions designated by him lie on the table. Is there objection?

There was no objection.

SECTION 10 OF CLAYTON ANTITRUST ACT.

Mr. CARLIN. Mr. Speaker, I ask that Senate joint resolution 206 be laid before the House for consideration.

Mr. MANN. A similar House joint resolution being on the House Calendar, as I understand.

Mr. CARLIN. House joint resolution 336, identical with this Senate resolution, being on the House Calendar.

The SPEAKER pro tempore. The gentleman from Virginia calls up from the Speaker's table Senate joint resolution 206, extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, a similar House joint resolution being on the House Calendar. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 8, 1918.

Mr. DUPRÉ. May I inquire of the gentleman from Virginia in charge of this measure when this joint resolution was reported to the House?

Mr. CARLIN. It is a Senate joint resolution, taken from the Speaker's table.

Mr. DUPRÉ. I understand that. I would like to know whether a similar House joint resolution has been reported to the House?

Mr. CARLIN. Yes.

Mr. DUPRÉ. When?

Mr. CARLIN. About two or three weeks ago. It is on the House Calendar.

Mr. DUPRÉ. I would like to have the comparative dates mentioned, as between the House joint resolution and the Senate joint resolution.

Mr. CARLIN. I will have to get that from the Clerk. It was, I think, about three weeks before the Senate bill came over.

Mr. DUPRÉ. We certainly ought to have that information before the gentleman concludes his remarks.

Mr. CARLIN. I will get it for the gentleman.

Mr. JAMES. Will the gentleman from Virginia yield?

Mr. CARLIN. I yield to the gentleman from Michigan.

Mr. MOORE of Pennsylvania. Mr. Speaker, is this a request for unanimous consent?

Mr. CARLIN. No; it is a motion to pass the joint resolution.

The SPEAKER pro tempore. It is a motion to pass the joint resolution.

Mr. JAMES. I want to ask the gentleman a question. My impression is that this refers to section 10 of the Clayton anti-trust law?

Mr. CARLIN. Yes.

Mr. JAMES. Which applies to the officials and directors of railroad companies, prohibiting them to carry on business of any kind or do business of any kind with subsidiary companies of which they are also officers and directors.

Mr. CARLIN. Not business of any kind, but business of certain specified kinds.

Mr. JAMES. I am absolutely opposed to this proposition to postpone the time of that section taking effect, and if it was not for the fact that to make a point of no quorum would delay the business of the House, I would make the point of no quorum. I shall not do that, but I want to be recorded as being opposed to this joint resolution.

Mr. CARLIN. I understand the gentleman is opposed to it.

Mr. WINGO. Mr. Speaker, will the gentleman from Virginia yield three minutes to me?

Mr. CARLIN. I yield the gentleman from Arkansas three minutes.

Mr. WINGO. Mr. Speaker, the House will recall that when the gentleman from Virginia [Mr. CARLIN] attempted to get this resolution up under unanimous consent the other evening I objected. I have read the hearings before the committee containing the arguments in favor of the passage of this resolution. I have no desire to delay the public business by attempting to obstruct its passage, or by making any extended remarks upon it; for it is a privileged matter, and under the rules I can not by obstruction or debate prevent its passage. After all, the question will come up as an original proposition in the next Congress, when, I understand, an effort will be made to amend the statute. This joint resolution merely suspends the operation of section 10 of the statute from October until January next, and, of course, no really serious injury I suppose can come from that. My objection the other night was wholly for the reason that, not agreeing with the proposition, I did not care to be put in the attitude of agreeing to it by unanimous consent. It is claimed that the Interstate Commerce Commission has not had time to prescribe the rules provided for by the section of law which this resolution suspends for three additional months.

Mr. CARLIN. Mr. Speaker, I had intended to make an explanation of this joint resolution, but I reserve it until after the gentleman from Minnesota [Mr. VOLSTEAD] has spoken, and I yield five minutes to my associate on the committee [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, in the last session of Congress the railroads and supply companies to which this section applies asked us to extend the time when this section would take effect until this session of Congress. They told us it was necessary to have the section amended, and I think they satisfied a majority of the Judiciary Committee that the section might work hardship unless some change was made in it. They assured us that they would present to the committee the necessary data upon which an amendment could be prepared. I did not have much faith in their promises. They have made no attempt during this session to secure an amendment, and now they come to us and ask us for another extension.

This section 10 is a part of the so-called Clayton Antitrust Act. It is the one section that perhaps in a measure marks an advance in our antitrust laws. The other sections of the Clayton Act in effect reenact in less drastic form the provisions of the Sherman Act. This section places restrictions upon a person acting as an officer of one corporation in dealing with himself as an officer of another corporation. Personally I am not going to make any strenuous fight upon this measure, as it only postpones the effect of the section for a few months, but I want to call the attention of the House to the fact that this whole proceeding is in line with what has been going on during this administration. During this administration there have been practically no prosecutions at all under the Sherman Antitrust Act, while at the same time attempts have been made to eliminate or lessen the more drastic features of that act. For instance, in the shipping bill we have modified it by repealing that portion of the Sherman Antitrust Act which applied to shipping in our foreign trade. In the so-called Webb export bill, now pending, an effort has been made to authorize another monopoly by repealing the Sherman Act as applied to foreign export. The Clayton Antitrust Act is a distinct effort on the part of the administration to take the teeth out of the Sherman Act. It turns over to the Federal Trade Commission and other commissions the enforcement of vital features of this law—offenses that are the most frequent and most detrimental to the public.

These commissions appear to act as ambassadors from the public to the trusts. They negotiate for obedience to the law. They beg, beseech, entreat, implore, and even supplicate the trusts to be good. They have no power to impose a penalty and can send no one to jail. The old trust law, though somewhat modified, is still in force and can be made a terror to evildoers, but the officers in charge of its enforcement refer nearly all complaints for its violation to the Federal Trade Commission and sit quietly by watching the farce of trying to persuade the trusts to surrender their grip on the public. This reluctance to use the harsh remedy of a criminal punishment has been illustrated in many ways. A committee of the Senate found that sisal, of which binding twine is made, is controlled by a trust that has arbitrarily raised the price of sisal so as to more than double the farmers' twine bill. The Attorney General has been repeatedly appealed to for relief. After many months of delay he has at last brought an action; but what kind of an action? A criminal action in which the offenders might be sent to jail? Oh, no! An action in equity in which the trust magnates are to be told to quit, but retain their ill-gotten gains; an action which may be dragged along for years while the robbery still goes on.

The Paper Trust is another illustration. A combination of the paper manufacturers has doubled and trebled the price of paper. Relief was sought through the Federal Trade Commission, which in vain exhausted its persuasive powers. Compelled by public clamor the matter was a few days ago submitted to a Federal grand jury in New York, and as a result the trust has offered to surrender. The threat of a fine or a jail sentence compelled results.

The following excerpt from what appears to be an inspired publication in reference to this matter reads almost like an apology for this action:

> Discontinuance of the Department of Justice's criminal investigation has not been promised any manufacturers, it was made clear today, but it is not believed if indictments are found the cases ever will come to trial if, in the meantime, competition should be restored. The attitude of the commission toward offenders is that corrective measures sometimes are more in the interests of the public than are punitive measures.

I want to remind you that the cost of living is constantly increasing, that we are having food riots, and that no attempt is made to curb the trusts that are raising prices in violation of law. The Democratic Party in their platform of 1912 promised that they would see to it that offenders against the Sherman Antitrust Act were put in jail. Instead of doing that they have passed a law that has no penalties to protect the public, and they have practically abandoned the enforcement of the old law under which offenders may be sent to jail. It seems to me that if we are ever going to secure relief we shall have to go back to the old methods.

Mr. BORLAND. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BORLAND. The gentleman has given considerable study to this. Does he think that prosecutions are not after all one means of regulating fair prices? Does not he think that the actions in regard to the Paper Trust, the power to prosecute, the potential force of prosecution has not brought about regulation?

Mr. VOLSTEAD. Yes. If instead of dickering with the trusts for obedience to the law the administration would carry out the policy which the Democrats in their platform said they were going to carry out, put offenders in jail, these men would never have dared to do what they have been doing. It seems to me that we have got to go back to the old policy of punishing the law breakers. This proposition is a surrender because this law has virtue in it, but instead of putting it in force action is postponed to give chance for further negotiations; no doubt in the hope that the section may eventually be repealed.

Mr. NOLAN. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. NOLAN. Is it not a fact that the Paper Trust did not yield until the Federal grand jury at New York proceeded to investigate the activities of this combination, and they feared indictment?

Mr. VOLSTEAD. Certainly. Moral suasion does not count. It was the threat of imprisonment that made them offer terms. Without adequate penalties the law is useless.

The SPEAKER pro tempore (Mr. FOSTER). The time of the gentleman has expired.

Mr. CARLIN. Mr. Speaker, it has been my purpose, if there had been opposition to the pending resolution, to go into a lengthy detailed explanation.

Mr. JAMES. The gentleman does not mean to say that there is no opposition to this. There is opposition, but we withdrew it on account of the proximity of the end of the session.

Mr. CARLIN. I had not come to that; but as there seems to be a disposition to take a recess in a few minutes——

Mr. MANN. There is to be no recess now.

Mr. NOLAN. I am going to insist on a roll call and a quorum to pass this resolution.

Mr. CARLIN. In view of that statement, Mr. Speaker, I will make an explanation, and then we can have a vote when the point of no quorum is made. When the Clayton law was passed, of course, we heard a great deal about its possible ineffectiveness. We had many prophesies as to its futility. Now, after trying it we find that what was prophesied by those who advocated the passage has been amply and abundantly verified. But I will not be led into the discussion of so complicated a measure now, because that is not the proposition before the House.

Mr. NOLAN. If the gentleman will yield, I will say that I will not insist on the roll call and quorum, as I understand this only advances the time about three months.

Mr. CARLIN. Mr. Speaker, with that statement by the gentleman from California I will not proceed further, although I have not spoken but once or twice during the session, and although I feel the country is about to lose the benefit of a great speech, I will move the passage of the bill.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was read a third time and passed.

On motion of Mr. CARLIN, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

BRIDGE ACROSS RED RIVER, NEAR INDEX, TEX.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the bill (S. 8228) be laid before the House, a similar House bill being on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The bill (S. 8228) authorizing the Red River Bridge District to construct a bridge across Red River, near Index, Tex., was laid before the House.

The bill was read as follows:

Be it enacted, etc., That the commissioners of the Red River Bridge District be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River at or near Index, Tex., for railroad and other traffic, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also the act of December 17, 1872, as amended by the act of February 14, 1883.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. WINGO, a motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 20780, a similar House bill on the calendar, was laid on the table.

FEDERAL BUILDING AT FLINT, MICH.

Mr. KELLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10751) to provide for the purchase of additional lands and for the erection thereon of an addition to the Federal building at Flint, Mich.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to acquire by purchase, condemnation, or otherwise, additional land adjoining the present Federal building site at Flint, Mich., and to cause to be erected thereon, according to plans and specifications to be approved by him, such an addition to said Federal building as will meet the needs of the Post Office Department in said city of Flint, Mich., at a cost of not to exceed $100,000 for said land and addition.

The SPEAKER pro tempore. Is a second demanded?

There was no demand for a second.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FEDERAL RESERVE BOARD.

Mr. WEBB. Mr. Speaker, I present a privileged report (No. 1628) from the Committee on the Judiciary with reference to the impeachment of the Federal Reserve Board, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. WEBB, from the Committee on the Judiciary, submits the following report:

"Committee on the Judiciary, having had under consideration the articles of impeachment, impeaching the Federal Reserve Board and the members thereof of high crimes and misdemeanors, made on the floor of the House by Mr. LINDBERGH, on the 12th day of February, 1917, which appear in the CONGRESSIONAL RECORD of that day, and which were referred to this committee, report that the committee has heard Mr. LINDBERGH fully on his said charges, received all the information and facts which he had to lay before the committee, and find that no sufficient evidence has been shown to your committee to justify further proceedings against the officials impeached, and, therefore, recommend that no further proceedings be had in the matter."

Mr. WEBB. Mr. Speaker, I move the adoption of the report.

The report was agreed to.

UNITED STATES MARINE HOSPITAL, CHICAGO, ILL.

Mr. FOSS. Mr. Speaker, I call up from the Speaker's table the bill S. 7905, to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., a similar House bill being on the calendar, and I ask the Speaker to lay the same before the House.

The SPEAKER. The Chair lays before the House Senate bill 7905, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., upon such terms and conditions as he may impose, in order to permit the proposed extension of Lincoln Park across the water front of said site; and he is further authorized and empowered, in his discretion, in the name of the United States of America, to undertake or conform to any proceedings provided for under the statutes of the State of Illinois enacted for the purpose of enabling park commissioners to enlarge parks by reclaiming submerged lands under the waters of Lake Michigan and for the establishment and defining of the boundary line between the lands of shore owners and the park lands of such park commissioners.

Mr. FOSS. Mr. Speaker, this bill is on the Union Calendar and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

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

On motion of Mr. Foss, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS AGAINST CHOCTAW AND CHICKASAW INDIANS.

Mr. RAYBURN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, which I send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, I shall fight this bill in every way that is possible, even if it causes an extra session of Congress.

Mr. CAMPBELL. There are some of us who are ready for a gage.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighteen Members present; not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Anthony	Dickinson	Hardy	Lehlbach
Bacharach	Dies	Harrison, Va.	Lieb
Barchfield	Dooling	Hart	Liebel
Beakes	Doughton	Haugen	Loft
Beales	Driscoll	Heaton	Longworth
Benedict	Drukker	Heflin	Loud
Britt	Dunn	Henry	McAndrews
Britten	Dyer	Hensley	McArthur
Bruckner	Edmonds	Hernandez	McCulloch
Candler, Miss.	Estopinal	Hill	McFadden
Capstick	Fitzgerald	Hinds	McGillicuddy
Carew	Gardner, Mass.	Howell	Matthews
Carter, Okla.	Garland	Huddleston	Mays
Chandler, N. Y.	Garner, Tex.	Humphrey, Wash.	Miller, Minn.
Church	Gillett	Johnson, S. Dak.	Miller, Pa.
Clark, Fla.	Glass	Jones	Mooney
Cline	Good	Keister	Morgan, La.
Copley	Gould	Kennedy, R. I.	Morgan, Okla.
Crago	Graham	Kent	Morin
Dale, N. Y.	Gregg	Kiess, Pa.	Morrison
Darrow	Griest	Lafean	Mott
Dempsey	Hamill	Langley	Mudd
Dent	Hamilton, N. Y.	Lazaro	Nicholls, S. C.

Nichols, Mich.	Ragsdale	Slayden	Tinkham
Oglesby	Riordan	Smith, N. Y.	Van Dyke
Oldfield	Rowland	Snell	Venable
Olney	Russell, Ohio	Snyder	Ward
O'Shaunessy	Scott, Mich.	Stafford	Watkins
Parker, N. Y.	Scully	Stephens, Nebr.	Watson, Va.
Patten	Shackleford	Stout	Williams, T. S.
Platt	Sherley	Taggart	Winslow
Price	Shouse	Tague	

The SPEAKER. On this roll call 304 members, a quorum, answered to their names.

Mr. RAYBURN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

Mr. RAYBURN. Mr. Speaker, I move to suspend the rules and pass the bill S. 5427.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. MANN. But the bill has to be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the following claims of J. F. McMurray, as assignee of the firm of Mansfield, McMurray & Cornish, against the Choctaw and Chickasaw Nations of Indians, or either of them, for professional services rendered, for said nations in the case of "The Choctaw and Chickasaw Nations *v.* The United States and the Chickasaw Freedmen," under act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," and for expenses incurred under sections 31, 32, and 33 of the same act of Congress and for payment of two unpaid Chickasaw warrants issued by tribal authorities under act of legislature of the Chickasaw Nation approved by the governor of the Chickasaw Nation on September 20, 1899, and afterwards by the President of the United States; and to render judgment therefor in such amount or amounts as may be found to be due thereon, together with interest from the date of such services or payments at the legal rate of interest prevailing at the time and place of such transactions; which judgment, if any, against said nations or either of them shall be paid by the Treasurer of the United States out of the funds of said nations as their interests may appear: *Provided*, That as to any such claims so sued upon the Choctaw and Chickasaw Nations, or either of them, shall be permitted to interpose all proper defenses by way of counterclaim or set-off against either the assignors or the assignee of said claim, all statutes of limitations against said set-offs or counterclaims being hereby waived, and all amounts found due to said Choctaw and Chickasaw Nations, under the above provision, shall bear interest at the legal rate: *Provided further*, That any amount found to be owing, calculated upon a fair and equitable basis, by the said J. F. McMurray to the said Choctaw and Chickasaw Nations upon coal-mining leases held by him may be offset against any judgment that may be rendered in his favor upon such claims: *Provided further*, That if any of such leases are found not to be underlaid with merchantable coal, and all leases upon which royalties are not paid within 30 days after the final settlement of these matters, the same shall be canceled; and notice of filing of such suits by the said J. F. McMurray shall be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, and said nations shall be represented therein by attorneys for said nations, respectively, and by the Attorney General of the United States: *Provided*, That the Secretary of the Interior is hereby authorized to adjust, by mutual agreement with the interested parties herein, under the terms of this act and within 60 days after its approval by the President of the United States, any or all of the matters covered by the above provisions, and should such agreement be made by the Secretary of the Interior he is hereby authorized and directed to make requisition upon the Treasurer of the United States for the payment of the same out of any funds of the Choctaw and Chickasaw Indians as their interest may appear, and the Treasurer shall pay the same: *And provided further*, That no suit shall be instituted in the courts under this act until the expiration of 60 days after its approval by the President.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered

The SPEAKER. The gentleman from Texas asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Chair appoints the gentleman from Texas [Mr. RAYBURN] and the gentleman from Illinois [Mr. MANN] as tellers. Those in favor of seconding this motion will pass between the tellers and be counted.

The House divided; and the tellers reported there were—ayes 74, noes 72.

So a second was refused.

Mr. NORTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORTON. In a case of this kind, where a quorum is not disclosed, is there a roll call on the question of demanding a second?

The SPEAKER. Oh, there is a quorum here; it was developed a moment ago there are over 300 men here.

Mr. HELVERING. Mr. Speaker, I move to suspend the rules——

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. I would ask if on the question of a second, if a quorum is not disclosed on that vote, is not a roll call in order?

Mr. MANN. Not unless the point of no quorum was made; and that was not made. It is too late now.

Mr. NORTON. I will not make it.

EDITH BLANKART FUNSTON.

Mr. HELVERING. Mr. Speaker, I move to suspend the rules, discharge the Committee on Pensions from further consideration, and take up for consideration the bill S. 8316.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8316) granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Blankart Funston, widow of Frederick Funston, late a major general in the United States Army, and pay her a pension at the rate of $100 per month in lieu of that to which she is entitled by law.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and pass the bill just read. Where is the engrossed copy of this bill?

Mr. HELVERING. Mr. Speaker, this bill has been referred to the committee, and my motion coupled with it the discharge of the committee and to take the bill up for immediate consideration.

Mr. MANN. Well, the gentleman will have to get the engrossed copy.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to discharge the committee——

Mr. MANN. We want the gentleman to bring the engrossed copy before the House. The gentleman can withhold his motion until he gets the engrossed copy.

Mr. HELVERING. All right.

The SPEAKER. The gentleman withholds his motion for the present.

Mr. HELVERING. I understood it was on the desk, but it must be in the committee.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. MANN. Mr. Speaker, if it would not break in, I will not ask for recognition to make the request if there is the slightest objection to it, but the gentleman from Minnesota [Mr. LINDBERGH] has had to go home on account of illness this evening. This is a little bridge bill—a Senate bill——

The SPEAKER. The gentleman calls it up by unanimous consent?

Mr. MANN. Mr. Speaker, I ask unanimous consent for the consideration of this bill on behalf of Mr. LINDBERGH.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county.

Be it enacted, etc., That the county of Morrison, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, in section 8, township 127 north, range 29 west of the fifth principal meridian, and section 32, township 39 north, range 32 west of the fourth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read as follows:

On page 1, line 5, strike out the word "highway."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE BUILDING, PITTSBURGH, PA.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6601) for the enlargement of the post-office building at Pittsburgh, Pa., one of the emergency cases we discussed when we passed the Paris, Tex., bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6601) for the enlargement of the post-office building in Pittsburgh, Pa.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the present old post-office building at Pittsburgh, Pa., to be enlarged, extended, remodeled, and improved for the better accommodation of the post office and other governmental offices, at a cost not exceeding $50,000, including all changes in, extension of, or additions and repairs to the mechanical equipment which may become necessary by reason of, or incident to, such enlargement, extension, remodeling, or repairs of said building, or which it may be found expedient to make to such mechanical equipment because of such enlargement, extension, remodeling, or repair of said building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said building, grounds, approaches, and mechanical equipment of such building as extended. And the Secretary of the Treasury is further authorized, in his discretion, to disregard the provisions requiring 40 feet open space for fire protection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the third reading of the bill.

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

MARGUERITE MATHILDE SLIDELL D'ERLANGER.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 8075.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 8075) for the relief of Marguerite Mathilde Slidell d'Erlanger.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

Mr. DUPRÉ. Mr. Speaker, I move to suspend the rules and pass the bill S. 8075.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Marguerite Mathilde Slidell d'Erlanger be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill. Is a second demanded?

Mr. MANN. I demand a second.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on suspending the rules and passing the bill.

Mr. MANN. Not yet.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. I rise for the purpose of asking how long the gentleman from Louisiana is going to occupy the floor?

Mr. DUPRÉ. The gentleman from Illinois knows as well as I do the question under consideration, and does he desire to have it discussed between him and me, or does he desire to have the House enlightened on the subject? Or what is it?

Mr. MANN. I am going to do my part toward enlightening the House, and I am sure the gentleman will do his part. I want to make a brief observation. I do not want to take much time, I will say to the gentleman.

Mr. DUPRÉ. I reserve the 20 minutes to which I am entitled.

The SPEAKER. The gentleman from Louisiana reserves his time, and the gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, this is a private bill, reported from the Committee on Foreign Affairs, to naturalize a person as an American citizen in plain and flat violation of the Constitution. The Committee on Foreign Affairs, to begin with, had no jurisdiction over the bill.

Mr. DUPRÉ. The gentleman knows that I concede that, and I told him that I regretted the wrong reference.

Mr. MANN. I am glad to hear he concedes it; but whether he concedes it or not, it is a fact.

The Constitution of the United States—and I hope it will not be considered improper to refer to the Constitution—enumerates, among the powers of Congress, "to establish an uniform rule of naturalization." It is perfectly simple, the clause "to establish an uniform rule of naturalization." That is a power given to Congress. That power we have exercised.

Now, I am willing to admit, because I can not deny it, that we have passed several private bills at different times, including one at this session of Congress, purporting to naturalize a person as an American citizen. Those bills were reported from and considered by the Committee on Immigration and Naturalization. They at least had the merit of having received the approval of the committee which has legislative jurisdiction over the subject of naturalization.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MANN. Not just yet. The gentleman has 20 minutes. He can take it all and answer.

Mr. DUPRÉ. I would like to puncture your inaccuracy.

Mr. MANN. The gentleman is not able to do that. He is not that size.

The law that we recently passed is plainly unconstitutional. It may secure a passport for the party, but it is a plain violation of the Constitution. But when the Committee on Foreign Affairs, which has nothing on earth to do with the naturalization of citizens, commences to report bills to naturalize persons as American citizens, I think it is time to call a halt. [Applause.] This bill, introduced as a private bill, might have been referred to the Committee on Expenditures on Public Buildings. They would have had as much jurisdiction over it as the Committee on Foreign Affairs has.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MANN. I will yield this time to my esteemed friend, the estimable and beloved gentleman from Louisiana.

Mr. DUPRÉ. I appreciate very much the concession the gentleman is displaying.

The gentleman knows that if that bill was referred to the Committee on Foreign Affairs it was not because of any sinister purpose, but simply through an error on my part. I would just as soon have sent it to the Committee on Immigration and Naturalization. When I found out I had made an error—would it be proper for me to say—as I told you a day or two ago, I advised the chairman of that committee that I regretted I had made that mistake, and I would have been as glad to have that matter considered by the committee to which it should have gone.

Mr. MANN. I made no insinuation about any sinister motives. I have no doubt the gentleman marked his bill "Referred to the Committee on Foreign Affairs," either through inadvertence or momentary forgetfulness of the jurisdiction of the committees of the House. But the Committee on Foreign Affairs knew it did not have jurisdiction over the bill, and the rules of the House provide that where a private bill is referred to a committee which does not have jurisdiction it will put it back in the basket and refer it to the committee which does have jurisdiction. And if this bill had been referred to the Committee on Immigration and Naturalization it would be quietly reposing in the pigeonholes of that committee to-night.

Mr. DUPRÉ. Will the gentleman yield?

Mr. MANN. Yes.

Mr. DUPRÉ. I would have had no objection to the bill being returned to the House with the request that it be referred to some other committee.

Mr. MANN. I have not said the gentleman would. I am not complaining about the gentleman.

Mr. DUPRÉ. The gentleman is responsible for the reference of the bill, in a sense, inasmuch as he put it in the basket in the usual way. The gentleman had some conferences with the subcommittee on the subject, and the gentleman's recollection is, which he will probably continue to possess, unless he stays here as long as the gentleman from Illinois——

Mr. MANN. I hope he will.

Mr. DUPRÉ. I agree with you in that respect. [Laughter.] The gentleman told his secretary to refer it to the Committee on Foreign Affairs, and I wish very much that the gentleman from Illinois would leave any attack on this bill to the merits of the bill and not to the question of reference, as I think the gentleman should do, because I respect him and know him to fight in the open.

Mr. MANN. I can see no reason why I should favor the bill because the gentleman made an erroneous reference of it. The Committee on Foreign Affairs has no business to report such bills. It is bad enough to report a bill that is constitutional and which comes within their jurisdiction. This bill is in plain violation of the Constitution, and is reported by a committee which has no jurisdiction and, moreover, which has no knowledge of the subject. I do not think we ought to pass it.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield before he retires?

Mr. MANN. I reserve the balance of my time, and will permit the gentleman to use his entire 20 minutes if he wants to.

Mr. DUPRÉ. I ask if the gentleman will yield before he retires from the floor?

Mr. MANN. Oh, no; go ahead.

Mr. DUPRÉ. Mr. Speaker, in some seven years of congressional service here I have never approached this desk, and I would not come here now except that the gentleman from Illinois [Mr. MANN] refused to yield to me, although he had plenty of time, for I wanted to ask him a question. He stated that the Committee on Foreign Affairs had no knowledge about the bill. I want to ask him by what authority he made that statement?

Mr. MANN. If the gentleman will pardon me, I did not make that statement.

Mr. DUPRÉ. I decline to yield. [Laughter.] I commend to the gentleman from Illinois some quiet conversation with minority members of that committee. I would like especially for him to speak to the minority ranking member, Mr. COOPER of Wisconsin. I should like for him to speak to the gentleman from Pennsylvania [Mr. PORTER]. I should like him to converse with other minority members of the committee on the subject. The Committee on Foreign Affairs, to which, through my ignorance and inadvertence, this measure was referred, considered it very carefully and very thoroughly, and I am frank to say that there was no unanimous opinion originally on the subject of the report of the bill to the House, though it did come here with an absolutely frank and free report from that committee.

I have no interest in this bill at all except as an American citizen. The beneficiary of this measure is Marguerite Mathilde Slidell d'Erlanger, whose father was some time a Member of this House and thereafter a Senator from Louisiana, and became historic through his connection with the Mason and Slidell incident in the Civil War. She was the niece of Oliver Hazard Perry. She was born in Bonmet Carre, in my district, 75 years ago. She married a German in 1864. She thereby forfeited her American citizenship. She acquired thereby no German citizenship, because she and her husband lived constantly in France.

The report on this bill, prepared, if I violate no proprieties, by the senior Senator from Massachusetts, HENRY CABOT LODGE, states that when she and her husband had been absent from the Imperial Government of Germany for more than 10 years, under the laws of that Government she and he forfeited their citizenship. She swears in an affidavit submitted before the Committee on Foreign Affairs, to which the bill was inadvertently and ignorantly referred, but by which it was carefully considered [laughter], that she did not know that under the act of 1907 within one year she might have gone before an American consul and asked for repatriation.

I honor her. I know her. I know her brother. I have known her family; I have known them since I was 6 years old. The woman is marooned now in Zurich, Switzerland—a woman without a country; not an American, because she forfeited that citizenship; not a French woman, because she never acquired it; not a German woman, because she never went to Germany. She has a right, upon her request, to be repatriated. She wants to die, as she will, an American citizen. [Prolonged applause.]

Mr. Speaker, I reserve the balance of my time. How much time have I consumed?

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. DUPRÉ. I yield to the gentleman from Virginia [Mr. FLOOD] such time as he may desire.

Mr. MANN. Wait a moment.

Mr. DUPRÉ. Pardon me——

Mr. MANN. Mr. Speaker, I think the bill is unconstitutional——

Mr. DUPRÉ. Pardon me just a moment.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MANN. I think the bill is unconstitutional. It is not the first that we have passed. But the plea of the gentleman from Louisiana [Mr. DUPRÉ] has converted me, and I wish to withdraw my opposition. [Prolonged applause.]

Mr. DUPRÉ. I want to ask the gentleman from Illinois whether he did not foster a bill like this some years ago?

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I desire to call the conference report on Senate bill 8296.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1632).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 12, 17, and 20, and agree to the same.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RAILROADS IN ALASKA.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which is at the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 393) making appropriations for the construction and operation of railroads in the Territory of Alaska.

Resolved, etc., That for carrying out the provisions of the act approved March 12, 1914 (38 Stats., p. 305), entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, to continue available until expended.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. MANN. Reserving the right to object, I assume that this joint resolution is brought in now in the expectation that the sundry civil bill, carrying the appropriation for the necessary expenses to proceed with the construction of the Alaska Railroad, is not likely to become a law at this session?

Mr. FITZGERALD. Mr. Speaker, information has been conveyed to the House that the Army appropriation bill, the sundry civil appropriation bill, and the general deficiency appropriation bill will not be permitted to become laws before the expiration of this session of Congress. There are at present more than 2,500 men engaged in the construction of the railroad in Alaska. Unless this money is appropriated before this session adjourns, these men will suffer the pangs of starvation because of the inability to supply them with the subsistence necessary where they are employed. The situation is unique, and it is not paralleled by the failure to appropriate money for any other purpose. In order to obviate the possibility of from 5,000 to 6,000 persons who are dependent upon the continuation of this work suffering from hunger and privation, it is hoped that this resolution may be enacted even though the general appropriation bill fails.

Mr. MANN. If the gentleman will yield for a moment, my recollection is—and I think it is correct—that when the Alaskan Railroad bill was before the House it provided for a permanent appropriation of $35,000,000, or whatever the sum was, for the construction of the road; but the House changed that so as merely to authorize an upset limit of appropriations, and the statement was made from both sides of the House that so long as the work was progressing there would be no failure on the part of the House to provide the necessary appropriations in order that that work might progress in regular and steady order. I think I am right about that.

Mr. FITZGERALD. The gentleman has correctly stated what happened. Unless this appropriation is made, the work will be stopped. The expense incurred will be very great, and, more important than either of those conditions, several thou-

sand persons will suffer serious privation because of the failure of the appropriation.

Mr. MANN. And the practical pledge which the House made at the time will be broken.

Mr. FITZGERALD. The gentleman is correct in his statement.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I do not intend to object to this, because I know its imperative necessity, but it seems to me that there are other matters of equally imperative necessity embodied in these great appropriation bills, and it is rather startling that we are asked to pass this resolution at this time. I want to ask the chairman of the Appropriations Committee whether there will be other resolutions to take care of other urgent expenses of the Government, as, for instance, the expenditure of nearly $32,000,000 accumulated liabilities and expenses for the American Army on the Texas border?

Mr. FITZGERALD. Mr. Speaker, the House has done everything possible to make available the appropriations necessary for the support of the Government. While the American Army and the men enlisted in the National Guard will suffer some inconvenience, they are not in the same position as those employed in the construction of the railroads in Alaska. This appropriation is essential if those employed there are to be saved from suffering the pangs of hunger. This money must be appropriated at this session of Congress; and while I should be pleased to appropriate the money essential for all the functions of the Government, I hope this case will present such unique and peculiar characteristics that no objection will be made to the appropriation in either House.

Mr. BORLAND. Mr. Speaker, it is far from my purpose to object, but I simply want to call attention to a very startling condition in this legislative body of two branches, which makes necessary at this time such a resolution. I do not object.

SEVERAL MEMBERS. Vote! Vote!

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

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

STEAMER "FRED G. HARTWELL."

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21037) to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft.*

Mr. MANN. I thought the Senate had passed a similar bill.

Mr. ALEXANDER. I wish to substitute the Senate bill for the House bill.

Mr. MANN. I suggest that the gentleman ask to take up the Senate bill instead of the House bill.

Mr. ALEXANDER. I make that request. The Clerk has the bill, S. 8300.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table a bill, which the Clerk will report.

The Clerk read the bill (S. 8300) to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft*, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Headwaters Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Fred G. Hartwell*, official No. 204,987, to the *Harry W. Croft.*

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman——

The SPEAKER. If there is going to be any controversy about this bill and the other similar bill, the Chair will ask the gentleman to withdraw them.

Mr. MOORE of Pennsylvania. I do not want any controversy. I merely want to know if this vessel is of American register.

Mr. ALEXANDER. Both these vessels were built on the Great Lakes, and they belong to a Cleveland corporation.

Mr. MOORE of Pennsylvania. It is just a matter of a change of name?

Mr. ALEXANDER. Just a change of name, and the mortgagees give their consent.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

STEAMER "HARRY A. BERWIND."

Mr. ALEXANDER. I ask unanimous consent to take from the Speaker's table the bill (S. 8301) to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown.*

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Headwaters Steamship Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Harry A. Berwind*, official No. 205072, to the *Harvey H. Brown.*

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the votes by which the bill S. 8300, and the bill S. 8301 were passed was laid on the table.

By unanimous consent, the corresponding House bills 21037 and 21038 were ordered to lie on the table.

NAVAL CONSTRUCTION.

Mr. KITCHIN. Mr. Speaker, I ask for the immediate consideration of a privileged House joint resolution (H. J. Res. 390) with House report No. 1631.

The Clerk read the title of House joint resolution 390, to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships.

Mr. MANN. I think the gentleman's motion should be to go into Committee of the Whole.

Mr. KITCHIN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this joint resolution.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideraion of House joint resolution 390.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That to enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarines, submarine chasers, and such other naval small craft, including aircraft and ammunition for all of said vessels, and for the construction of such dry docks as may be deemed necessary to meet the needs of the Navy, and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet expenditures for the above purposes not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding 3 per cent per annum: *Provided further*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; both principal and interest shall be payable in United States gold coin of the present standard of value and shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority. In order to pay the necessary expenses connected with said issue of bonds or any conversions thereof a sum not exceeding one-tenth of 1 per cent of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet emergency expenditures directed by the President for naval construction or the expediting thereof as may be authorized by law, not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually at a rate not exceeding 3 per cent per annum: *Provided further*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; both principal and interest shall be payable in United States gold coin of the present

standard of value, and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. In order to pay the necessary expenses connected with said issue of bonds a sum not exceeding one-tenth of 1 per cent of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct."

Mr. KITCHIN. Mr. Chairman, this bill provides for the issuing of $150,000,000 worth of bonds to meet and expedite such emergency expenditures for naval construction as is or may be authorized by law. It provides no new construction, authorizes no new construction or purchase, but makes available a fund of $150,000,000 to be used at the discretion of the President and under his direction, to facilitate and expedite the construction of ships authorized by law or which may be at this session authorized by law.

It enables him to expedite the delivery of material, to make purchases authorized by law. In other words, it gives him the necessary money now to expedite the equipment of the Navy, such equipment being authorized by law.

All recognize the necessity for this. I understand that the Senate has added to the naval bill $160,000,000, and that this $160,000,000 additional appropriation will in all probability become law. It is for new construction. In other words, this is for emergency construction. The construction will be authorized in the bill that will become law at this session.

Mr. MADDEN. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. MADDEN. Does the gentleman think it necessary to state the rate of this interest twice, once in each proviso?

Mr. KITCHIN. It may not be necessary, but we do not want to amend it. There is no harm in it.

Mr. MADDEN. On lines 17 and 18, page 3, it says "bearing interest payable semiannually at a rate not exceeding 3 per cent per annum," and then in lines 20 and 21 it says "shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached." I think the last should be stricken out.

Mr. KITCHIN. I have no objection to that, but I will say that I can see no harm in it.

Mr. MADDEN. I do not want to complicate the situation, but I think the words in lines 20 and 21, page 3, "shall bear interest not exceeding 3 per cent per annum" should be stricken out.

Mr. KITCHIN. I do not think it complicates it. It is only a repetition.

Mr. MONDELL. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MONDELL. I take it that the purpose of this is to expedite such naval construction as is now authorized by law.

Mr. KITCHIN. Or may be authorized by law. Authorized by law is the language.

Mr. MONDELL. The resolution does not seem to be very clear.

Mr. KITCHIN. If the gentleman will read the amendment—and I am speaking now of the committee amendment—he will see that it——

Mr. MONDELL. I am reading the amendment, but it does not seem to me very clear. As I read it it provides for such expenditures for construction as may be authorized by law, and if there is any expedition authorized it is authorized by this resolution.

Mr. KITCHIN. I do not see how you can put it more clearly than it is put in the committee amendment.

Mr. MONDELL. If the gentleman will allow me, I think I can suggest how it will be much clearer. If, after the word "for," in line 8, you would insert the words "expedite any such of" and strike out of lines 8 and 9 the words "or the expediting thereof," so it would read:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet emergency expenditures directed by the President for expediting any such naval construction as may be authorized by law, not exceeding $150,000,000.

Mr. KITCHIN. The committee carefully considered the language of the amendment and we all construed it just as I have construed it.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. LONGWORTH. Is not the fault of the gentleman from Wyoming that he overlooks the fact that the words "authorized by law" refers back to naval construction and not to "the expediting"?

Mr. MONDELL. I realize what is understood and what is intended.

Mr. PHELAN. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. PHELAN. I notice in the bill that the bonds must be issued at par and can not carry more than 3 per cent interest. They are emergency bonds and will probably be issued when Congress is not in session. Suppose the Secretary of the Treasury should find that he could not issue 3 per cent bonds at par, then he could not get any money?

Mr. KITCHIN. I will say that he has the authority to issue $300,000,000 of certificates of indebtedness, but they can not run more than a year.

Mr. McKENZIE. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. McKENZIE. This bill simply provides for an authorization.

Mr. KITCHIN. Not for an authorization of any construction, but it is expediting what is already or may be authorized.

Mr. McKENZIE. It is an authorization for the issue of bonds, and the President is to determine whether the emergency arises?

Mr. KITCHIN. Yes; but it makes no difference whether it arises to-morrow or 6 months or 12 months from now. We have already appropriated the money in the naval appropriation bill, and we are providing for the funds.

Mr. McKENZIE. There is a possibility that it will never be used at all.

Mr. KITCHIN. Yes. I will say to the gentleman from Massachusetts [Mr. PHELAN], in answer to his query, that under the new revenue act recently passed the Secretary of the Treasury has power to issue certificates of indebtedness to the amount of $300,000,000, but not to run to exceed 12 months, and if the occasion should arise such as the gentleman suggested he could easily issue these certificates of indebtedness. These certificates of indebtedness could be issued for a period of one year. This would be at least until next March, but in the meantime Congress shall have met in regular session.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. BORLAND. I understand this money is to be used by the President in expediting naval construction. In what way is it to be expedited? Is it to be done by the payment of a bonus or by superprices or anything of that kind?

Mr. KITCHIN. I will say to the gentleman that I do not know, but I would say that he could use it in equipping navy yards or in buying material and equipment. There is no money available now for that purpose, because the money that will be appropriated in the naval bill will not be available until after July 1, and then there are no funds provided for this extra $160,000,000 included in the naval bill. We did not provide for that in our revenue bill. We provided only for a reasonable amount of appropriations which we thought the Senate would add to the naval bill, but instead of adding a reasonable amount they have added $160,000,000, which is at least $130,000,000 more than we anticipated when we passed the revenue bill, and I understand the Army bill has been increased some $30,000,000, and we did not calculate that they would increase that more than $10,000,000.

Mr. BORLAND. Will this permit in any way a change in the contract prices?

Mr. KITCHIN. Not at all.

Mr. LENROOT. I take it it is not the purpose of this joint resolution to authorize any expedition whatever, but merely to provide money?

Mr. KITCHIN. To provide the money. This is the money for the expedition or equipping of the Navy.

Mr. OLIVER. Is the gentleman informed as to the character of new construction provided for by the Senate in this increase of $160,000,000 to which he has referred?

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the committee is not in order. It is almost impossible to hear the gentleman.

Mr. KITCHIN. Mr. Chairman, I will say to the gentleman from Ohio that until this preparedness excitement struck the country, when we discussed a matter of $10,000,000, every man in the House would look up and take notice; but since we have been shelling out in appropriations hundreds of millions extra every session, a little matter of $150,000,000 extra does not even interest the membership of the House; it is too ordinary. I read here from the naval bill, as passed by the Senate, which will most probably become a law, the Senate amendment. It is as follows:

NAVAL EMERGENCY FUND.

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft

and ammunition for all of said vessels, and for the construction of such dry docks as may be deemed necessary to meet the needs of the Navy, and for each and every purpose connected therewith—

An so forth. That is the new provision.

Mr. OLIVER. It substantially follows the provision in the House bill which was stricken out.

Mr. KITCHIN. And the Senate amendments add about $160,000,000 to the House bill.

Mr. MONDELL. Mr. Chairman, the gentleman has just read from a provision in the naval bill.

Mr. KITCHIN. A Senate amendment.

Mr. MONDELL. Does the gentleman expect the naval bill to become a law at this Congress?

Mr. KITCHIN. It is a rather uncertain thing to expect anything of the Senate in its present condition; but I understand in all probability they will permit the naval bill to become a law.

Mr. MONDELL. And if it should not become a law?

Mr. KITCHIN. Then none of these bonds could be issued, except for construction already authorized.

Mr. MONDELL. On the other hand, if it should not become a law, by changing a word or two in the resolution it would authorize the President to expedite the construction of the ships now authorized, whether the naval bill passed or not?

Mr. KITCHIN. It would not change it at all; not a bit. I yield 20 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I have voted for preparedness measures to put this country in proper shape to defend itself against aggression or to assert itself against any foreign nation, if necessary. As a Republican I realized, although certain deficiencies already existed, that in voting for these preparedness measures additional expenditures would have to be made. We can not well vote for preparedness without also voting to raise money to pay for it. The President has indicated that it is necessary to meet certain expenditures provided for in the naval program and that it is advisable to speed up that program.

The Senate attached an amendment to the naval appropriation bill to meet these conditions. It provided for a bond issue of $150,000,000, which was to be expended in a certain way. An issue was at once raised as to the prerogatives of the House. The House resented the intrusion of the Senate upon its constitutional right to originate revenue legislation, and the Senate took the revenue amendment out of the naval appropriation bill. The Ways and Means Committee of the House then met and to-day agreed upon a resolution which the chairman of that committee has reported and which is now before you for consideration. I am in favor of the passage of this resolution as the chairman of the Ways and Means Committee of the House has presented it. It is a resolution which proposes to make good the appropriations the House has made for speeding up the naval program. In fact, it keeps the faith of those who voted the appropriations to prepare this country to maintain peace, and, if need be, to engage in war. It is such a resolution as Republicans who voted for preparedness can vote for.

There were several features of the Senate amendment which I fear would not have been acceptable to the House. It is doubtful if we could have passed the Senate amendment with the unanimity with which it is hoped the House resolution will pass. One of the provisions of the Senate amendment was that certain purchases might be made and certain construction done that was not authorized by law. The Ways and Means Committee resolution provides that the proceeds of this $150,000,000 bond issue shall be expended to speed up, as authorized by law. The Ways and Means Committee resolution preserves the House prerogative as to revenue legislation and holds the expenditure of the $150,000,000 to such purposes as are authorized by law. Thus Congress maintains its status under the Constitution. Another feature of the Senate amendment which has been rejected related to a discretion intended to be conferred upon the Secretary of the Treasury to regulate the rate of interest as to other issues of bonds. That has been taken out and the interest rate is fixed at 3 per cent. As the resolution now stands every Republican can vote for it; every man who voted for preparedness can vote for it, knowing the expenditures are to be authorized by law and that the rights of Congress are being preserved. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing certain letters and documents on a subject in line with the subject of this bill, to speed up the procurement of munitions, and so forth.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to print in the RECORD the article indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, taking up the matter of the interest upon the bonds to be issued, it is a matter of large concern to this country. It may be known to very few of the membership of this House that the armed neutrality bill carries a peculiar provision for the issuance of bonds and the bearing of interest. It provides:

That any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

And this bill, as at first presented, and to which we objected, contained a similar provision, which was stricken out. It provided in effect that the United States Government should guarantee at all times the market value of the bonds first issued. It provided that when a second or third issue was made then the purchaser of the first issue should have the right to have automatically the interest on the first issue of bonds increased to a basis equal to that the last should bear. That has been taken out of this proposition. This plan was never followed by the United States before. It is important to the gentlemen of this House to remember this so that should the Flood neutrality bill come before us again steps should be taken to change the interest provision. Because I believe there were few in this House who saw or understood distinctly what that interest provision meant when we voted upon that neutrality bill.

Some thought that this was necessary for the purpose of floating the bonds. These bonds can be readily sold to the American people. They can be floated independent of any bank, I mean any commercial, any savings bank, or even the citizenship of the United States. There is in cold storage in the reserve banks of the United States over one-half a billion dollars not earning 1 cent for the stockholders. There is now $48,000,000 in United States bonds and notes held by them which has been approved as a proper investment. It would be eminently proper for this Government to permit the reserve banks to invest freely in these bonds, so that these 3 per cent bonds would float and be kept at par and——

Mr. MADDEN. The gentleman realizes that the $500,000,000 in the reserve banks is the money of the national banks that they place there as capital of the banks and the reserve?

Mr. SLOAN. It is not there for that sole purpose. It is there to be earning. The primary purpose was to rediscount members' paper; but only $20,000,000, or 2¼ per cent of the resources of Federal reserve banks, is used for that primary purpose. It is growing less right along in percentage and actual value.

Mr. MADDEN. Then it must be made liquid, must it not?

Mr. SLOAN. It ought to be. It is a matter of cold storage now.

Mr. MADDEN. You can not keep it liquid if you put it in Government bonds.

Mr. SLOAN. Why do they put Government bonds there now, as the gentleman will see by looking over the last statement of the banks? They have now $48,000,000 in United States Government securities as an investment.

Mr. PHELAN. Does the gentleman know that the bonds have a circulation privilege?

Mr. SLOAN. The reserve act authorizes the Federal reserve bank to buy and sell United States Government bonds with no limitation as to circulating privilege or amount bought or sold. In fact, one of the arguments made by those who favored the reserve system was that in times like these the reserve system would by purchase of our bonds protect our credit. The only thing you get from these bonds in these banks is the interest borne upon them. More than that, these Federal reserve banks go beyond the investment of the Government bonds, and have something like $17,000,000 invested in city warrants.

Mr. WINGO. Does the gentleman think it would be wise to take the gold that is now in the Federal reserve banks and absorb all that gold in these Government bonds, thereby defeating the rediscount operations of the banks?

Mr. SLOAN. Oh, no; not all of it, or nearly all of it. There is $500,000,000, and this issue is only $150,000,000. Any amount that would not be immediately absorbed by the public the reserve banks ought to take care of as long as they have

$500,000,000 lying there in actual cold storage, which ought to be working and should be used to maintain our credit.

Mr. WINGO. Five hundred million dollars in gold?

Mr. SLOAN. Five hundred million dollars. The total resources of these banks is $890,000,000. The total earning assets $209,000,000. The reserve system having accomplished nothing practically for its stockholders, having performed no marked service for the public, it would be a matter of final regret that it could do no effective service now to maintain the national credit.

Mr. KITCHIN. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Chairman, I did not intend to speak on this bill, but the gentleman who preceded me made some remarks which I think ought to be corrected. The idea, with all due respect to him, of having the Federal reserve funds invested in United States bonds of this kind is absolutely absurd. The purpose of having funds in the Federal reserve banks is to have those funds liquid. The primary purpose of Federal reserve banks is to take care of the reserve funds of this country, so that whenever any bank is in trouble or needs cash or credit it can get it from the Federal reserve banks. The last thing the Federal reserve banks ought to do is to put their funds in anything but liquid assets. When they are putting them in United States bonds, they are putting them in what amounts to a permanent investment; it is not a good way to use their funds. The Federal reserve banks ought to keep their funds in liquid assets, and any man who is at all familiar with the purpose of these banks never should suggest an investment of these funds in United States bonds of this kind.

Mr. SLOAN. Are the bonds of the United States less liquid or do they have a less liquid-value market than municipal warrants or rediscounted paper of individuals in this country?

Mr. PHELAN. In answer to the gentleman, if he had read the Federal reserve act carefully he would not have asked that question.

Mr. SLOAN. That is absolutely unfair, because I have read it a number of times, and I asked the question fairly.

Mr. PHELAN. Then the gentleman does not understand. He will find if he will read the act carefully that the only municipal bonds in which the Federal reserve bank can invest are the bonds payable in six months—that is, having six months to maturity—and no Federal reserve bank can invest one copper in municipal warrants of any kind that have over six months to run.

That is all I have to say. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I congratulate the country upon the fact that this is a unanimous report from the Committee on Ways and Means, equally joined in by the Republican opposition party and by the Democratic administration party.

Mr. Chairman, in all times of national emergency when it becomes necessary for this country to present a solid front before the nations of the world in matters relating to international affairs partisanship is put to the rear and we all join together. [Applause.] I am one of those who believe we ought to keep out of war, but that we ought to be prepared if war should be forced upon us. [Applause.]

And when this emergency has arisen, and when the question comes before the House, we will pass a provision for the procurement of $150,000,000 as though you were dotting an "i" or crossing a "t." [Applause.] We have reached the point where all of us as patriotic citizens are determined that if the worst comes we will all join together in defense of our common country. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I see that the gentleman from Illinois [Mr. MANN] appreciates fully the magnitude of the questions that were presented to the Committee on Ways and Means when this bill was placed before it. In the course of the regular appropriation bills we had in this House we authorized the expenditure of over $600,000,000, an enormous sum, for military and naval preparation. In addition to that, we have recently passed a bill placing in the hands of the President $100,000,000 more, which I hope is soon to become a law. The Senate, taking into consideration the special condition and, indeed, I might say, the crisis which now confronts us, added an amendment to the naval bill which carried in two separate items, of $115,000,000 and $35,000,000, a total of $150,000,000 more. One hundred and fifteen million dollars of this sum was for smaller vessels in the nature of torpedo craft and submarine chasers, building docks to accommodate our larger vessels, and expediting construction.

It was in the course of striking while the iron was hot, of meeting the emergency which was upon us, by authorizing this sum, which I may say the Senate amendments provide shall be immediately available for this purpose which I have briefly described. One hundred and fifteen million dollars was provided for in the Senate amendment, as I have said, together with this $35,000,000 to be used for the purpose of building or buying additional submarines, which can be quickly constructed.

As the gentleman from Illinois [Mr. MANN] has said, realizing that this emergency was upon us, the Senate, and I hope the House will concur, has taken this opportunity to provide and place in the hands of the President $150,000,000 to be expended in accordance with his discretion and under his direction for expediting construction and for the increase of our Navy. When this is done we believe that our Navy will be able to meet the conditions which now confront us. Nothing less, we thought, would; and therefore the committee united, Democrats and Republicans—all Americans—in passing this emergency measure. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I only want to add a sentence or two to what has been said. This bill bears the unanimous O. K. of both the Republican and Democratic members of the Committee on Ways and Means. There is not a bit of partisanship in it. There is only patriotism in it. [Applause.]

It has been suggested that another body may fail to pass a bill to which this bond issue principally applies, but it is not our duty to attend to matters on the other side of the Capitol. It is our duty to attend to our own affairs and to do the right thing; and this is the right thing to do. [Applause.]

I want only to say one word additional to what has been said as to the absolute and imperative necessity of passing a measure of this sort, and I call attention to it because I think the attention of Members of this House and of the country should be called to the condition of the United States Treasury this morning; I mention this in no spirit of captiousness at all. But, gentlemen, for the first time that I have seen, certainly for the first time in four years, the balance, the actual working balance in the Treasury, is less than one charge upon the Treasury.

Let me call your attention to this item: According to the report of the Treasurer this morning there is a net balance available for paying the debts of the United States of $67,559,000, in round numbers. There is in the hands of disbursing officers, appropriated for certain specific purposes and available only for those specific purposes, according to this morning's Treasury report, $68,648,000. In other words, gentlemen of the House, there is more money to-day by a million and one hundred thousand dollars in the hands of disbursing officers than there is in the Treasury in the way of an available balance. I am leaving out all other questionable items except the redemption fund of national bank notes, which is $47,000,000. In other words, gentlemen, to-day we have an actual deficit in the Treasury. We have $50,000,000 less than nothing.

Mr. KITCHIN. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from North Carolina?

Mr. LONGWORTH. Certainly.

Mr. KITCHIN. I know what the gentleman states is true, but I know that the gentleman would not wish his statement to go unexplained and a part of the truth withheld. The fact is that if we had not expended about $130,000,000 on account of the Mexican situation and had issued half as many bonds for Panama Canal construction in this administration as were issued under Republican administrations we would have in the Treasury to-day a larger general balance than there was in the Treasury at this time during any year of President Roosevelt's administration or President Taft's administration. [Applause on the Democratic side.]

Mr. LONGWORTH. I am sorry that my genial friend from North Carolina thought that I was intending to suggest a political advantage one way or the other. I was simply calling attention to the fact, however it may have arisen, that the situation is such that the gentleman's bill which he brings in to-day is necessary in order to run the affairs of this Government. I trust that the gentleman will not charge or even suggest that I have attempted to criticize the Democratic Party for its management of the affairs of this Government. [Laughter.]

Now, permit me one word more, at the risk of adding possibly a little levity to this occasion. The United States Senate has passed a bill to repeal the sinking-fund provision of the laws of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. May I have two minutes more for a perfectly nonpartisan explanation of the financial situation? [Laughter.]

Mr. KITCHIN. If I give the gentleman three minutes instead of two minutes, will he put all the facts in his speech about the Treasury Department? [Laughter.]

Mr. LONGWORTH. How soon?

Mr. KITCHIN. I yield to the gentleman three minutes.

Mr. LONGWORTH. May I have 10 legislative days in which to extend my remarks? [Laughter.] Such latitude is not without precedent. I want to call attention to the bill recently passed by the United States Senate to repeal the sinking-fund provisions.

Mr. MADDEN. Does that mean they are going to repeal the national debt?

Mr. LONGWORTH. It is an act to authorize the Secretary of the Treasury to use, in his discretion, surplus money in the Treasury in the purchase or redemption of outstanding interest-bearing obligations of the United States. In a letter written by the Secretary of the Treasury the statement is made that the balance credited to the sinking fund in the Treasury is now about $991,096,000.

This is a bill to redeem these outstanding obligations of nearly a billion dollars out of surplus moneys in the Treasury. I want to leave it to the mathematicians of this House to figure out how long under present conditions it would take to redeem these outstanding obligations of $1,000,000,000.

I yield back the balance of my time.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. LONGWORTH. Yes.

Mr. MADDEN. The Government owes about $990,000,000 now.

Mr. LONGWORTH. That is the sinking-fund credit on the books.

Mr. MADDEN. And, according to bills we have recently passed for bond issues, including this one, we are adding $890,000,000 more.

Mr. LONGWORTH. Not to that; no.

Mr. KITCHIN. If the gentleman will permit an interruption, of course he intended to say; that is, if he knew—it is possible that he is ignorant and did not know——

Mr. LONGWORTH. That is hardly possible——

Mr. KITCHIN. That this $990,000,000 sinking fund is simply a book account that has been accumulating since 1862, and that Mr. Wayne MacVeagh, Secretary of the Treasury under the Republican administration, recommended that the act requiring such sinking fund be repealed, because it was a pure myth; that while it showed $990,000,000 in the sinking fund, not a single dollar was there, and never had been——

Mr. LONGWORTH. I agree with the gentleman. I am in favor of the bill.

Mr. KITCHIN. Have I informed the gentleman?

Mr. LONGWORTH. No; I have no more knowledge on the subject than I had before the gentleman arose; but I want again to emphasize the fact that it is necessary to pass the bill brought in by the gentleman from North Carolina, and I compliment him upon the highly patriotic motives that have animated his action.

Mr. FORDNEY. Mr. Chairman, as a general practice I am opposed to raising money by bond issues for the ordinary expenditures of the Government. I am not opposed to the passage of this bill, under the existing conditions, but I want to call the attention of the House to the fact that there are to-day authorized but unissued $240,569,000 of so-called Panama Canal bonds yet to be sold and disposed of. In the recent revenue bill that passed this House there was an authorization of an additional $100,000,000 of long-time bonds, and $300,000,000 of short-time bonds or certificates of indebtedness. The flood-control bill that passed the House a day or two ago carried with it the authorization of another additional $100,000,000 of Government bonds. This bill now authorizes an additional $150,000,000 of bonds.

If this bill becomes a law, then the Secretary of the Treasury has the power and the authority to issue within the next year $890,569,000 of Government bonds to replenish the Treasury for expenditures of this kind. I am sorry to say that because of existing conditions over which we have no control, conditions which have recently been brought about, it is necessary that the Treasury of the United States be replenished by the proceeds of a bond issue to give available money to do the things authorized by this Congress because of this emergency or so-called war scare. Therefore, I am not opposed to this bond issue and will vote for it, and I hope all Members on both sides of the House will unanimously support the passage of this bill.

Mr. KITCHIN. Mr. Chairman, I move the adoption of the committee amendment.

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise——

Mr. MANN. Was the bill read for amendment?

The CHAIRMAN. As a matter of fact, the amendment was read.

Mr. KITCHIN. Yes; the Clerk read the amendment.

Mr. MANN. I do not know whether anybody wants to offer an amendment. Members have the right to do so. I do not care to, if no one else does.

Mr. KITCHIN. I move that the committee do now rise and report the bill with the amendment favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 390 and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

Mr. KITCHIN. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 225, noes 0.

Accordingly the bill was passed.

On motion of Mr. KITCHIN, a motion to reconsider the last vote was laid on the table.

MISS J. V. COLLINS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 553.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Miss J. V. Collins, clerk to M. F. CONRY, a Representative in Congress from the State of New York at the time of his death, March 2, 1917, the sum of $125, being an amount equal to one month's salary of a clerk of a Representative in Congress.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARTHUR LUCAS.

Mr. LLOYD. I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 554.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, $30 to Arthur Lucas for special janitor services rendered during the second session of the Sixty-fourth Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CERTAIN SESSION EMPLOYEES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 529 (H. Rept. No. 1629).

Resolved, That the employment of the session clerks to the 11 expenditure committees, the assistant clerk to the Committee on Rules and the messenger to the Committee on Disposition of Useless Executive

Papers authorized by H. Res. 382, the additional page authorized by H. Res. 384, the clerk to the Committee on Education authorized by H. Res. 224, and the two janitors to committees and attendant for the ladies' reception room authorized by H. Res. 39, be continued to and including March 31, 1917, at the rate of compensation they now receive, the same to be paid out of the contingent fund of the House.

Mr. MADDEN. Mr. Speaker, I must object to that, if an objection will be of any avail. I realize that it is a privileged resolution——

Mr. LLOYD. Mr. Speaker, the session clerks who are provided for in the legislative appropriation bill receive pay up to the last day of March. The session clerks who have been provided for by the House itself, by this resolution will get paid just the same as the other session clerks.

Mr. MADDEN. I want to call the attention of the House to the fact that these session clerks in connection with the committees referred to in the resolution just presented by the gentleman from Missouri will have no work to do. They have no work to do now. They never ought to have been created, and they certainly ought not to be continued after the House adjourns.

Mr. LLOYD. I think, Mr. Speaker, that is saying rather too much. I do not know how much work they do. I take it for granted that when clerks are authorized they have work to do and that they perform whatever work is necessary to be done.

Mr. MANN. May we have the resolution reported again, to see what it is?

Mr. FITZGERALD. Let the resolution be reported again.

The SPEAKER. Without objection, the Clerk will report the resolution again.

The resolution was again read.

Mr. MADDEN. What are the two janitors to committees?

Mr. LLOYD. They are the two janitors who have charge of the various committee rooms in this building. There are seven or eight committee rooms that are cared for by two janitors specially employed.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SEBE NEWMAN.

Mr. LLOYD. Mr. Speaker, I present the following House resolution.

The Clerk read as follows:

House resolution 453 (H. Rept. No. 1630).

Resolved, That there shall be paid, out of the contingent fund of the House, the sum of $600 to Sebe Newman for extra services rendered in connection with the sending out of blanks, receiving, filing, and compiling expense statements filed by candidates for Representatives in Congress, in accordance with H. R. 2958 of the Sixty-second Congress, entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses.'"

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. MADDEN. Is the expenditure provided for in this resolution to be paid to some man already permanently employed?

Mr. LLOYD. Yes; the man who is to receive this pay is the clerk of the disbursing office, receiving $2,400 a year. This service was rendered outside of his regular service hours, the most of the work was done at night. This is a laborious job. Over 8,000 of the statements have been filed. The most of the membership of this House know how faithful the clerk has been in furnishing the information which you needed from time to time, and the blanks you needed. You can go to the clerk's office and find out how much has been expended in any district in the United States.

Mr. MADDEN. Yes; that is the business of the office clerk.

Mr. LLOYD. But this work has all been provided since he became a clerk. This is the amount that has been paid to the person who performed the services two years ago and four years ago.

Mr. MADDEN. I am not going to object, but I think it is bad practice to pay a man a salary and then pay him extra when he has any work to do.

Mr. MANN. I would like to ask the gentleman a question. This appropriation is for the preparation of contested-election cases?

Mr. LLOYD. No; it has nothing to do with contested-election cases.

Mr. MANN. I saw a resolution that I was told was to be reported making an appropriation in reference to the preparation of contested-election cases, and another one for the filing of publicity statements.

Mr. LLOYD. No; there was a resolution presented asking for an appropriation to pay Mr. Priorlieu.

Mr. MANN. That is not the one I am talking about.

Mr. MILLER of Delaware. I think I can explain what the gentleman refers to. The one that the gentleman refers to was in the deficiency bill yesterday. I called it to the attention of the gentleman from Illinois yesterday.

Mr. MANN. The gentleman is mistaken.

Mr. MILLER of Delaware. This resolution is the only one of that character that has been before the Committee on Accounts, and it refers to publicity returns for Members of Congress and not contested-election cases.

Mr. MANN. There was one resolution to pay the Clerk of the House $1,100 for preparation of contested-election cases.

Mr. MILLER of Delaware. Yes; and that item was in the deficiency bill yesterday.

Mr. MANN. And $500 for campaign publicity work. Was that in the deficiency bill?

Mr. FITZGERALD. No; nothing about the campaign in the deficiency bill.

Mr. MILLER of Delaware. That is true. The appropriation for the contested-election case to which the gentleman refers, and to which I called his attention yesterday—and the gentleman knows why I called his attention to it—was in the deficiency bill and not in a resolution from the Committee on Accounts.

Mr. STAFFORD. I would like to ask the gentleman from Missouri, has this honorarium been paid to this individual before?

Mr. LLOYD. No; not this individual, but some individual did perform the same service two years ago and four years ago.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 518.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House resolution 518 (H. Rept. No. 1617).

Resolved, That after March 4, 1917, the members of the Committee on the District of Columbia who are Members elect of the Sixty-fifth Congress, or a subcommittee thereof appointed by the present chairman of said committee, be, and are hereby, authorized to continue the investigation directed by House resolution 229 of the Sixty-fourth Congress and to expend for the purpose and as provided in House resolution 256 of the Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500, in addition to the unexpended balance of the amount heretofore authorized.

The SPEAKER. Is there objection?

Mr. SANFORD. I shall object to that.

Mr. LLOYD. I want to say that this is simply providing by a House resolution that which we put into the general deficiency bill which passed yesterday. It is very evident now that the general deficiency bill will not become a law. That is the only purpose of offering this resolution.

Mr. FITZGERALD. How can the House by a simple resolution do any such thing?

Mr. SANFORD. I object.

The SPEAKER. The gentleman from New York objects.

Mr. LLOYD. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the resolution. Is a second demanded?

Mr. MANN. I demand a second.

Mr. LLOYD. I ask unanimous consent that a second may be considered as ordered.

Mr. MANN. I object.

The SPEAKER appointed as tellers the gentleman from Missouri [Mr. LLOYD] and the gentleman from New York [Mr. SANFORD].

The committee divided; and the tellers reported that there were—ayes 104, noes 104.

The SPEAKER. The Chair votes "aye." A second is ordered, and the gentleman from Missouri has 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. LLOYD. Mr. Speaker, this resolution is intended to authorize those members of the District of Columbia Committee who are Members of the next Congress to continue the investigation which they have carried on for the last four or five years. That committee during this time has made an investigation which has resulted in greater achievements than any investigation that has been had in six years. If you have followed the course of the investigations conducted by Chairman JOHNSON, of that committee, you will find that there has been restored to the Treasury of the United States more than $2,000,000 as a result of their work during that time, and I am very sure that no com-

mittee has accomplished so much as that in the matter of ascertaining wrong accounting or a deficit in accounting or wrong statements with reference to accounts existing in this country. There were a number of accounts for which the United States should have received credit that it had not received credit for. It is not my purpose to undertake to explain fully what has been accomplished by this committee. I now yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Speaker, yesterday when this resolution was before the House the Speaker very aptly said from his chair that this was one of the few investigating committees that has really accomplished anything. Before the Sixty-fourth Congress convened there had been recovered by this committee from the Government Hospital for the Insane account $719,536.09; from the relief of the poor act of 1879, $3,825; from errors in deductions from revenue in 1897, $8,952.08; from interest paid on the last two items, $2,810.96; from the Washington Market Co. for past rentals, $166,012.50, and from the Washington Market Co. for future rentals, $202,500; from interest on the 3.65 bonds, $586,067.23; making a grand total of $1,689,703.86. Since the convening of the Sixty-fourth Congress there has been recovered from the Government Hospital for the Insane, second charge, $282,754.88; from court fines in United States cases, ascertained, approved, and included in the deficiency bill, $235,750.88; making a total for the Sixty-fourth Congress alone of over $518,000, and for the two Congresses of $2,208,209.

We all know that at the opening of the Sixty-second Congress a great number of investigating committees were created, 26 in number, as a partisan matter. This subcommittee of the Committee on the District of Columbia in the last Congress, for which $40,000 was appropriated to look into this work, caused to be refunded to the United States from the District of Columbia, where it was illegally deposited or collected, the sum of over $2,208,000. They come in here with this resolution and ask for $7,500 to continue their work after March 4, and they also ask to use the unexpended balance in the last appropriation, which amounts to only a few hundred dollars.

I am not taking issue on the point of order that was made yesterday by my distinguished colleague the gentleman from New York [Mr. SANFORD]. We all know the House voted this provision in the deficiency appropriation bill last year. It looks as if the deficiency bill would fail, and therefore when this House has decided to suspend the rules, or to consider this bill under suspension of the rules, in view of the evidence submitted as to what the committee has accomplished, I think we should waive whatever qualms we have about the parliamentary status, especially as the point was decided yesterday, when the resolution was brought up, but not under suspension, and can be used as a precedent. I have had the pleasure of serving on two committees which deal with out-of-the-way things—the Committee on Claims and the Committee on Accounts. The Committee on Claims, we all know, has bills coming before it which are meritorious and equitable, but which can not be paid by the Government for some reason or other. The Committee on Accounts likewise has a great number of bills and resolutions coming before it of extraordinary character. The Committee on Accounts takes care of legislation which a number of members will contend is more or less uncalled for, but nevertheless which is equitable and just, and your committee has thoroughly looked into this matter. They feel as our honored Speaker felt yesterday when he said from his chair that this is one of the investigating committees that has accomplished something, and we should brush aside any parliamentary qualms at this time and pass this resolution under suspension of the rules, and I trust it will be done. [Applause.]

I herewith append a table showing the figures I have given:

RECOVERED PRIOR TO SIXTY-FOURTH CONGRESS.

Government Hospital for Insane, first charge	$719,536.09
Relief of poor account, 1879	3,825.00
Error in deduction from revenue, 1897	8,952.08
Interest paid on last two items	2,810.96
Washington Market Co., past rentals	166,012.50
Washington Market Co., future rentals	202,500.00
Interest on 3.65 bonds	586,067.23
	1,689,703.86

RECOVERED DURING SIXTY-FOURTH CONGRESS.

Government Hospital for Insane, second charge	$282,754.26
Court fines in United States cases, ascertained, approved, and included in deficiency bill	235,750.88
	518,505.14

Recovered prior to Sixty-fourth Congress	1,689,703.86
Recovered during Sixty-fourth Congress	518,505.14
Total	2,208,209.00

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker no one denies the value of the work done by the Subcommittee of the Committee on the District of Columbia in its investigations and in the results which have come from its work. But that is not the question involved at this time. The question here to be determined is whether the House of Representatives will perform an idiotic act, whether the House of Representatives will ignore the Constitution of the United States and attempt, by a simple resolution, to do that which is required to be done by a joint resolution or a bill. It is the most astounding proposition that has been presented to this House in some time, that the House in its expiring moments should attempt to do that which requires the concurrent action of both Houses and the approval of the President of the United States. This House has no power to continue by simple resolution any committee that it has created; nor has it any power to create a committee out of Members elect to the next Congress. I sympathize with the gentleman from Kentucky [Mr. JOHNSON], and when the general deficiency appropriation bill was before the House I did not antagonize the motion to incorporate this provision in the bill, so that if it should receive the approval of the Senate and of the President of the United States the committee might continue. Never before has anyone attempted to do so ridiculous a thing as is proposed in this resolution. It might properly be entitled "What is the Constitution among friends?" because it is proposing the idle practice of adopting a House resolution purporting to accomplish something which the House has not the power to do.

I have too much respect for this body to sit silent and permit it to adopt such a resolution without expressing my protest against it.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. FITZGERALD. Yes; I will yield.

Mr. MILLER of Delaware. Did not the gentleman let it go on his deficiency bill last night?

Mr. FITZGERALD. Of course. The gentleman from Delaware apparently does not appreciate the difference between a legislative act, which is an act requiring the concurrence of the two Houses and the approval of the President or else a vote of two-thirds of each House after the President has declined to approve it, and the simple act of one House without the concurrence of the other House. It is an unfortunate thing that the Committee on Accounts has so little knowledge of what this House can do. It is not only unfortunate, but it is regrettable, that the House should be put in any such a lamentable position as to be asked seriously to pass such a resolution. To think that men occupying seats in this body should be so ignorant of their power under the Constitution [laughter] as to attempt by a simple resolution to provide for the performance, after the House expires, of an act by a committee to be created by this House! It is so absurd and so preposterous that it would be unworthy of youngsters in a preparatory school.

Mr. MILLER of Delaware. Did not the Speaker of this House just break a tie vote on the matter a few minutes ago?

Mr. FITZGERALD. Yes; but that does not help the situation any.

Mr. MILLER of Delaware. Would he place him in the same class?

Mr. FITZGERALD. The Speaker of the House very frequently, in recognizing Members for motions to suspend the rules, is confronted with embarrassments that do not confront the Members upon the floor of the House. He is besieged by Members. His relations with Members are such that he can not very well always interpose an objection that properly should be bestowed by the House, but the Speaker is not only informal, but assumes that the House is not only intelligent but that it is courageous enough not to put itself in so preposterous a position as the gentleman from Delaware invites it to do. [Applause.]

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MILLER of Delaware. The gentleman does not contend the present occupant of the chair, Speaker CLARK, is influenced at all by personal motives in his votes or decisions?

Mr. FITZGERALD. Not at all. I do not make any accusation against the present occupant of the chair. He has been my close personal friend for 18 years. He has not only been my friend, but I have been his protégé. I know he looks upon me with the affection of a father [laughter and applause], but I know what the Speaker of this House has to contend with. I know the pressure to which he is subjected, and he should not be expected to assume the responsibility for every idiotic act

of every ignorant Member of the House of Representatives. [Laughter.] It is a violent presumption, but the House itself is supposed frequently to exercise some judgment and possibly some intelligence, and the ordinary, reasonable, common sense that is expected of any men who have not been unfortunate enough either by accident or otherwise to have become Members in this body. [Applause.] I hope we will not adopt this resolution and make ourselves ridiculous.

Mr. LLOYD. Will the gentleman from Illinois use some time?

Mr. MANN. The gentleman may proceed.

Mr. LLOYD. We have used 10 minutes and the gentleman has used 5. Can the gentleman use some time now?

Mr. MANN. I yield five minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, after the thorough and somewhat delicate discussion of the personal element involved in this problem by the gentleman from New York, who I understand is not only one of the best judges of human nature but one of the best judges of legislation this House has, I would like to discuss briefly the merit of the proposition itself. There is a right and a wrong way to do all public business. This is the wrong way. It could not be further wrong if you studied to make it wrong. It is attempted to be justified by its results, but its results do not begin to justify it. It is contended that after the expenditure of something over $40,000 this committee has discovered that the District of Columbia has illegally obtained credits in its accounts with the United States Government to the extent of two and a half million dollars; that public officers employed by the Government under this administration, and holding public office in the office of the Auditor for the State and Other Departments, have closed their eyes and allowed these matters to be undisclosed, and that the gentleman from Kentucky, armed with the power and authority that this House has intrusted to him, has come back to the Treasury with the two and a half million dollars. Well, I do not know whether he has brought the money back or not, and I do not care. We can by law, in the usual, the ordinary, the regular, the old-fashioned open way provide that public officers shall attend to public business and shall guard our Treasury from improper attempts by any person. I do not mean to say that I agree with the Committee on the District of Columbia in their conclusion that the District of Columbia has taken two and a half million dollars, and that this committee has brought it back. I do not know, and you do not know, and you can only take their conclusions; I can only state that the gentlemen who have done this work have faith in themselves and believe that they have done the right thing, but no report has been made to you.

There is no record of what they have done. There is nothing to show for any of their work except the vouchers for their disbursements up in the office of the Clerk of this House.

Can we continue to do public business in this way? This resolution provides—and I am not discussing now the parliamentary side of it—that after this Congress adjourns one Member of this Congress can spend $7,500 for auditors and clerks to search these records and keep them honest. But we have a public auditor for that purpose. The precedent is bad, as my friend from New York [Mr. BENNET] pointed out yesterday, because it opens the way to temptation. We all would like $7,500 to spend in a little investigation of our own. The resolution provides that this money shall be spent and that this one gentleman from Kentucky shall determine how the money shall be spent. Of course the formal audit of his accounts will be with the ad interim committee. The resolution gives to the gentleman described the authority personally to control the expenditure of this money. I do not know that this auditor, who has $25 a day for this work, resides in the gentleman's district, but I would venture a guess that he does. I would venture a guess that any of us who had the right to hire somebody at $25 a day would hire somebody from our district. Neither do I claim that the gentleman who is hired on this job is not a competent auditor. Possibly he is. Probably he is. But we can not afford to make that kind of a precedent. Public business should be done in such a manner that the public will have confidence. The proper and the orderly way is to appoint a commission and invest that commission with the power to do work in a proper and fit fashion. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I have been very greatly surprised at the two speeches which have been made against the adoption of this resolution. The gentleman from New York [Mr. FITZGERALD], like everybody else through all time, when he could find no other objection imagined a constitutional objection. He says, too, that it is without precedent, and that it is silly for this House to undertake to do what is now sought to be done, notwithstanding that the House has heretofore done exactly that which is now sought to be done by this resolution.

The gentleman from New York [Mr. SANFORD], I regret to say, has made insinuations which I did not suspect of him.

Mr. SANFORD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. SANFORD. I thought I would try as clearly as I could to make it perfectly plain to the gentleman and to the House that I granted to the gentleman my full confidence that he had spent this money honestly and as he thought well. I made it as clear as I possibly could that it was the principle that I attacked, and if the gentleman does not see the principle I can not make it clearer. But I again make it clear to him and to the House that I know nothing whatever, nor does the House know, of the manner in which this work has been done. But in spite of that I grant the gentleman the presumption that it has been done competently, exactly, and thoroughly, and I have not questioned the personal end of it at all. If that is not clear, I can not make it clear.

Mr. JOHNSON of Kentucky. Unfortunately, the speech made by the gentleman a few moments ago is not in accord with what he now says.

Mr. SANFORD. Will the gentleman yield? I can not be more generous than I just was nor than I tried to be before. If the gentleman wishes still to be unpleasant, let him be unpleasant.

Mr. JOHNSON of Kentucky. It is beyond my ken, Mr. Speaker, to see how anybody having the public interest in view can vote against this resolution. With something more than $40,000 this committee has unearthed more than $2,000,000 owing to the United States, and has placed that money into the Treasury of the United States. We come and say that if you will give $7,500 more in order that this work may not be stopped in the midst of investigating certain items that we honestly and firmly believe that with that money we will restore at least $200,000 more to the Public Treasury. Or, in other words, every dollar you get in this way it has and will cost you less than 2 cents.

I regretted a few moments ago to see party lines drawn upon this question. I have been chairman of the Committee on the District of Columbia for six years. In those six years I have never referred to politics. I have endeavored, and I have succeeded, during those six years in making that committee not a political one, but strictly a business one, and its business has been successfully conducted.

The gentleman from New York [Mr. SANFORD] has just spoken of the money that has disappeared under this administration and which has been returned under this administration.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Will the gentleman from Missouri yield me two or three minutes more?

Mr. LLOYD. I yield two minutes to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. I wish to enlighten the gentleman from New York who made that remark.

Mr. SANFORD. I did not say the money disappeared during this administration. I did not infer that, and *I do not* infer it now, or no one else, except you.

Mr. LOBECK. Did not the gentleman say that this disappearance of money was during the last six years?

Mr. SANFORD. It has been recovered since this work was begun, but not in the six years.

Mr. JOHNSON of Kentucky. The gentleman has so clothed his remarks that I understood him to say it disappeared under this administration. He disclaims having said so, and I accept what he says.

But, inasmuch as he did mention this administration in connection with this work, I can say that every dollar that has been collected has been collected under Democratic administration, and out of the two and a quarter million dollars which has been collected during this administration less than $50,000 has been collected because of unlawful acts committed during this administration.

Now, this is a cold-blooded proposition of business. It is nothing more, and I do not intend to make anything more of it or try to make anything more of it than that. I can not understand why any man who wishes to serve the country well will deliberately oppose the return of this money to the public Treasury when it can be done at a cost of less than 2 cents on a dollar.

The gentleman from New York [Mr. SANFORD] opposed this proposition at first by the interposition of a point of order. The Speaker decided that the rules stood in the way, and there the matter was dropped until last night, when this resolution was put upon the deficiency appropriation bill. Now, everybody knows that the deficiency bill is not going to become a law, and therefore the resolution will fail with it.

This is a motion to suspend the rules—the rules which the Speaker said forbade the doing of this. It has been done many times here to-night and to-day and yesterday; the rules have been suspended, I mean, to do that which the rules forbade. Why can not this be done? The gentleman from New York [Mr. FITZGERALD] says it must be done by act of Congress.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. If the gentlemen of this House will pass this resolution, this work will be done, and another $200,000 will be put into your Treasury. [Applause.]

Mr. LLOYD. Mr. Speaker, will the gentleman from Illinois use the remainder of his time?

Mr. MANN. Does the gentleman from Tennessee [Mr. PADGETT] bring in a conference report?

Mr. PADGETT. Yes.

The SPEAKER. The Chair will state to the House that the proceedings on this particular bill will be suspended until we dispose of this conference report.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I submit the conference report on the naval appropriation bill, together with a statement, and ask that the statement be read in lieu of the report.

The SPEAKER. The Chair will inquire if this is a complete agreement?

Mr. PADGETT. It is.

The SPEAKER. The gentleman from Tennessee asks to have the statement read in lieu of the report.

Mr. MANN. In view of the fact, Mr. Speaker, that there are very important amendments in this conference report that the House has never seen, I think we ought to have the conference report read.

The SPEAKER. The Clerk will read the report.

The conference report was read.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT (NO. 1633).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 34, 38, 39, 48, 83, 87, 89, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 35, 36, 37, 40, 41, 42, 43, 45, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 91, 92, and 94; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Page 3, line 5, of the engrossed amendments, after the word "Government" insert quotation marks (") ; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "removed" at the end of said amendment and in lieu thereof insert "increased to $2,080,956"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "including the acquisition of necessary lands"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In said amendment strike out the words "acquisition by" and "or condemnation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Change total to "$16,976,255.01"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "The President, in his discretion, is authorized to reduce the course of instruction at the Naval Academy from four to three years for a period of two years from the date of the approval of this act and may during said two years, graduate classes which have completed a three-year course"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out the following words: "the present fund being inadequate to meet the requirements of the service at this time"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Strike out said amendment and insert the following: "That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, an assistant paymaster in the United States Navy, as an additional number in said grade or to any grade to which he may hereafter be promoted: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall, for purposes of pay, be credited to him as service in the Navy"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out all of the proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out said amendment and insert:

NAVAL EMERGENCY FUND.

"To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchased or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, including aircraft, guns and ammunition for all of said vessels and aircraft and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $115,000,000 or so much thereof as may be necessary, and to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Strike out said amendment and insert in lieu thereof the following:

"In addition to the 18 submarines hereinbefore appropriated for, the Secretary of the Navy is hereby authorized and directed to proceed at once to cause to be constructed 20 coast submarines to have a surface displacement of about 800 tons each at a cost not to exceed $1,300,000 each, exclusive of armor and armament, on the most approved lines according to plans and specifications to be provided or adopted by the Secretary of the Navy. The same may be let by contract to private builders or constructed by the Government in navy yards, or both, as may be directed by the Secretary of the Navy. Said 20 submarines shall be constructed on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlanti coast plus the cost of transportation from the Atlantic to the Pacific. Eighteen million dollars is hereby appropriated toward the construction of said submarines."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the matter stricken out insert the following:

"(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 50 per cent of the amount so determined by the President and shall be entitled to sue the United

States to recover such further sum as added to said 50 per cent shall make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In the proviso of said amendment strike out the word "further" and at the end of said amendment add the following proviso: "*Provided further*, That in computing said 10 per cent and 5 per cent increases of salaries, the specific increases of salaries made in this act shall be included as a part of such increase"; and the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
ERNEST W. ROBERTS,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
N. P. BRYAN,
BOIES PENROSE,
H. C. LODGE,
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 bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

On amendment No. 1: Increases from $50,000 to $100,000 the appropriation for obtaining information from abroad and at home, and the House recedes.

On amendment No. 2: Increases the limitation on the appropriation "Pay, miscellaneous," for clerical, inspection, and messenger service in the navy yards from $200,000 to $215,000, and the House recedes.

On amendment No. 3: Increases the appropriation for "Pay, miscellaneous," from $1,000,000 to $1,134,000, and the House recedes. This amendment provides for the rental of additional storage space in the vicinity of the navy yard, Norfolk, at an annual rental of $14,000 for three years.

On amendment No. 4: Provides for the consolidation of unexpended balances in the various subheads of the appropriations for "National Advisory Committee for Aeronautics" for the fiscal year ending June 30, 1917, and permits the expenditure by that committee of these unexpended balances for the purposes stated in the appropriation, and the House recedes.

On amendment No. 5: Increases the appropriation for "recruiting" in the Navy from $319,228.84 to $419,228.84, and the House recedes.

On amendment No. 6: Strikes out the proviso in the appropriation for "recruiting," which limits the amounts to be expended for motor-propelled passenger-carrying vehicles to $500, and the House recedes.

On amendment No. 7: Provides for the repeal of a paragraph in the naval appropriation act approved August 29, 1916, which provided for the discharge from the Navy of enlisted men upon first enlistment in the months of June and December after the completion of one year's sea service if the enlisted man so elects. The repeal of this section does not apply to any man enlisted in the Navy for the first time since August 29, 1916, and the House recedes with an amendment by inserting after the word "Government" at the end of the paragraph and before the last proviso quotation marks (").

On amendment No. 8: Provides that the Secretary of the Navy may authorize the senior officer present on a foreign station to order examining and retiring boards in the Navy and Marine Corps, and the House recedes.

On amendment No. 9: Increases the appropriation for the maintenance of the Naval Training Station, California, from $85,000 to $92,000, and the House recedes.

On amendment No. 10: Makes an increase for the same purposes at the Naval Training Station, Rhode Island, from $90,000 to $100,000, and the House recedes.

On amendment No. 11: Increases the appropriations for the same purpose for the Naval Training Station, Great Lakes, from $90,000 to $96,400, and the House recedes.

On amendment No. 12: Increases the House appropriation of $705,611 to $1,375,345 for projectile plant, and removes the limit of cost of $1,411,222 as authorized in the naval appropriation act of last year, and the House recedes with an amendment agreeing to the increased appropriation, but fixes a new limit of cost at $2,080,956.

On amendments Nos. 13, 14, 15, and 16: Increases the appropriation for batteries for merchant auxiliaries from $4,131,174 to $4,731,174 and increases the limit of cost for such purpose from $5,781,174 to $6,381,174 and makes the appropriation immediately available and available until June 30, 1920, and the House recedes.

On amendments Nos. 17, 18, and 19: Increases the appropriation for ammunition for merchant auxiliaries from $7,281,941 to $7,731,941 and makes the appropriation immediately available and available until June 30, 1920, and the House recedes.

On amendment No. 20: Provides for the further development of the submarine base at New London, Conn., including the acquisition of necessary lands, and makes an appropriation of $1,250,000 for that purpose, and the House recedes with an amendment striking out the authority to acquire any lands.

On amendment No. 21: Increases the appropriation for the maintenance Bureau of Yards and Docks from $2,000,000 to $2,709,000, and the House recedes.

On amendment No. 22: Increases the limitation on the appropriation for maintenance, Bureau of Yards and Docks, for clerical, inspection, drafting, and messenger service from $625,000 to $780,000, and the House recedes.

On amendments Nos. 23 and 24: Provides for the improvement of the central power plant, cost $150,000, and for the extension of the chain shop, costing $60,000, at the navy yard, Boston, and the House recedes.

On amendment No. 25: Increases the limit of cost of the gun shop at the navy yard, Washington, D. C., from $600,000 to $1,100,000 and increases the appropriation to complete that shop from $400,000 to $900,000, and the House recedes.

On amendment No. 26: Provides for the improvement of the central power plant and distributing systems at the navy yard, Washington, D. C., appropriation $772,000, and the House recedes.

On amendment No. 27: Is a change of total.

On amendments Nos. 28 and 29: Provides for the acquisition by purchase or condemnation of a strip of land along the south boundary of the marine recruiting station at Port Royal, S. C., and the House recedes with an amendment requiring that the land be obtained by purchase only, not to exceed $5,000.

On amendments Nos. 30 and 31: Appropriates $750,000 for the enlargement of the dry dock at the navy yard, Charleston, S. C., with a limit of cost of $1,085,000 for such purpose, and the Senate recedes.

On amendments Nos. 32 and 33: Appropriates $125,000 for two magazines and one building for the storage of torpedoes at the naval aeronautical station, Pensacola, Fla.; and the House recedes.

On amendment No. 34: Increases the appropriation for improvements at the powder factory at Indianhead, Md., from $150,000 to $172,000; and the Senate recedes.

On amendment No. 35: Strikes out the House provision for one building for ammunition storage, $35,000, at the naval magazine, Charleston, S. C., and appropriates $70,000 for two buildings for ammunition storage and $50,000 for a building and equipment for storage of torpedoes; and the House recedes.

On amendment No. 36: Appropriates $25,000 for three contagious wards at the naval training station, San Francisco; and the House recedes.

On amendment No. 37: Provides $50,000 for a barracks building and $12,000 for laundry, including machinery, for the marine guard, American Legation, Peking, China.

On amendments Nos. 38 and 39: Provides for a laundry to cost $12,000 at the marine barracks, Mare Island, Cal., and the Senate recedes.

On amendment No. 40: Provides that nothing in this act shall be construed as preventing or interfering with the continuation or undertaking of necessary experimental work during the next fiscal year as heretofore conducted by the Navy Department; and the House recedes.

On amendment No. 41: Provides for an increase from $550 to $755.01 to reimburse the owner of some property which was damaged by the firing of a 16-inch shell at the Naval Proving Grounds, Indianhead, Md.; and the House recedes.

On amendment No. 42: Appropriates $200,000 for the improvement of the lighting facilities to facilitate night work at the various navy yards and naval stations; and the House recedes.

On amendment No. 43: Provides an increase in the appropriation for "Repairs and preservations at navy yards and stations" from $1,250,000 to $1,705,000, and the House recedes.

On amendment No. 44: Is a change of total.

On amendment No. 45: Provides for the use by the Government for a period not to exceed six years at an annual compensation of $50,000 of a dry dock at Boston, being built by the Commonwealth of Massachusetts, capable of docking the largest vessel that can be passed through the locks of the Panama Canal. The right of the United States Government to the use of said dock in time of war to be prior and paramount. This dock is to be completed within 30 months after the entering into of this contract. The contract for the use of the dock is to provide for docking rates not in excess of commercial rates and for such other conditions as may be prescribed by the Secretary of the Navy, and the House recedes.

On amendment No. 46: Provides an additional midshipman at the Naval Academy for each Senator, Representative, and Delegate in Congress, and for a period of two years reduces the course at the Naval Academy to three years instead of four, graduating the two senior classes in March and September of this year, and also provides for an amendment to the personnel sections of the naval appropriation act of last year, waiving the requirement in certain cases that lieutenants, junior grade, shall serve in that grade for a period of not less than three years. The House recedes with an amendment striking out the extra appointee to the Naval Academy for each Senator, Representative, and Delegate in Congress and the provision relating to the service of lieutenants, junior grade, and amends the provision relating to the reduction of the course from four to three years by providing that the President may, in his discretion, reduce the course of instruction at the Naval Academy from four to three years for a period of two years from the date of the approval of this act, and may during that time graduate classes which have completed a three year's course.

On amendment No. 47: Adds a provision to the paragraph relating to the appointment of dental surgeons that the time served as acting or acting assistant dental surgeons shall be reckoned in computing the increased service pay and service for promotion of such as are commissioned; also a further proviso nullifying the above provision by requiring that increased pay shall be computed from the date of their respective commissions, and the House recedes with an amendment striking out the later provision.

On amendment No. 48: Provides that the act to provide for examination of Army officers dated October 1, 1890, shall apply to commissioned officers of the Coast Guard who have been or may hereafter be retired, and the Senate recedes.

On amendment No. 49: Makes an appropriation of $1,500,000 to be added to "Clothing and small stores' fund," stating that the present fund is inadequate, and the House recedes with an amendment striking out superfluous language.

On amendment No. 50: Makes an appropriation of $3,000,000 for "Reserve material, Navy," for procuring apparatus and materials other than ordnance materials and medical stores as a war reserve to be carried for the purpose of fitting out vessels of the fleet and merchant auxiliaries in time of war or when in the opinion of the President a national emergency exists. Perishable stores to be expended and replaced from time to time, and the House recedes.

On amendment No. 51: Increases the limitation from $1,400,000 to $1,650,000 for clerical, inspection, storemen, store laborer, and messenger service in the supply and account departments of navy yards and stations, and the House recedes.

On amendment No. 52: Increases the appropriation, "Maintenance, Bureau of Supplies and Accounts," from $2,750,000 to $3,250,000, and the House recedes.

On amendment No. 53: Provides that hereafter persons appointed to the corps of civil engineers of the Navy shall, from the date of their original appointment, take rank and precedence with lieutenants, junior grade, of the Navy, and the House recedes.

On amendment No. 54: Provides for the appointment of Leonard G. Hoffman, secretary of the late Admiral Dewey of the Navy to the position of passed assistant paymaster in the United States Navy, giving him credit for services as secretary to Admiral Dewey as service in the Navy, and the House recedes with an amendment striking out said provision and inserting the following: "That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Leonard G. Hoffman, secretary to the late Admiral of the Navy, an assistant paymaster in the United States Navy, as an additional number in said grade or to any grade to which he may hereafter be promoted: *Provided*, That the services of the said Leonard G. Hoffman as secretary to the late Admiral of the Navy shall for purposes of pay be credited to him as services in the Navy."

On amendment No. 55: Is an increase in the working appropriation in the Bureau of Construction and Repair from $11,500,000 to $12,850,000, and the House recedes.

On amendment No. 56: Is an increase in the limitation of the appropriation, Construction and Repair of Vessels from $1,300,000 to $1,650,000, and the House recedes.

On amendment No. 57: Provides for an increase in the limit of cost for 3 Coast Guard cutters authorized in the naval appropriation act of last year, two to be increased from $700,000 to $900,000, and one from $125,000 to $185,000. The amendment also provides for three additional Coast Guard cutters, one for service on the Atlantic coast with headquarters at Buford, N. C.; one on the Great Lakes with headquarters at Detroit, Mich.; and one on the Pacific coast with headquarters at Honolulu. The total cost of the three vessels to be $1,250,000, and an appropriation of $675,000 is made, and the House recedes.

On amendment No. 58: Is a change of title for the officer in charge of the communication offices in the Navy Department from "Superintendent of Radio Service" to "Director of Naval Communications," and the House recedes.

On amendment No. 59: Is an increase in the limitation for clerical, drafting, inspection, and messenger service in the Bureau of Steam Engineering in navy yards from $885,000 to $1,035,000, and also provides for an appropriation of $8,000 for the installation of a pneumatic-tube between the communication office in the State, War, and Navy Department to the Navy Annex Building, and the House recedes with an amendment striking out the provision relating to the installation of the pneumatic tube.

On amendment No. 60: Provides for an increase in the working appropriation of the Bureau of Steam Engineering from $10,320,000 to $12,270,000, and the House recedes.

On amendment No. 61: Provides for a high-power radio station on the island of Porto Rico with an appropriation of $400,000, and the House recedes.

On amendments Nos. 62 to 73, inclusive: Provides for additional cooks, waiters, pantrymen, and other employees in the commissary department of the Naval Academy to care for the increased number of midshipmen at the Naval Academy as provided in the appropriation bill of last year, and the House recedes.

On amendment No. 74: Increases the current and miscellaneous expenses at the Naval Academy by $2,500 for extra textbooks and other material at the Naval Academy, and the House recedes.

On amendment No. 75: Is a change of total.

On amendment No. 76: Provides for an increase in the appropriation "Maintenance and repairs, Naval Academy" from $390,120 to $465,120, providing for an increase of $75,000 to fit the marine barracks at the Naval Academy as temporary quarters for housing and messing midshipmen, and the House recedes.

On amendments Nos. 77 and 78: Are changes of total.

On amendment No. 79: Provides for foreign-service pay on shore for warrant officers of the Marine Corps, giving them the same percentage of increase in pay as all other officers of the Marine Corps, and the House recedes.

On amendment No. 80: Increases the pay of a draftsman in the office of the Quartermaster of the Marine Corps from $1,800 to $2,000, and the House recedes.

On amendments Nos. 81 and 82: Are changes of total.

On amendment No. 83: Is a change of total, and the Senate recedes.

On amendment No. 84: Provides that in the case of a national emergency the President is authorized to suspend the provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States, provided that the wages of such persons shall be computed on a basic day rate of eight hours work with overtime work to be paid for at not less than time and one-half for all hours work in excess of eight hours.

On amendment No. 85: Provides a naval-emergency fund to enable the President to secure more economical and expeditious delivery of materials, equipment, and munitions, and secure more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and other naval craft, including aircraft and ammunition for said vessels and for the construction of such dry docks as may be necessary, and for each and every purpose connected therewith, and provides an appropriation of $115,000,000 to be expended in the discretion of the President. The House recedes with an amendment which

makes the fund also provide for aircraft guns and ammunition for aircraft, and strikes out the provision relating to the construction of dry docks.

On amendment No. 86: Provides for the construction of 10 fleet submarines and 40 coast submarines and provides that not less than 5 of the fleet submarines and 20 of the coast submarines shall be constructed on the Pacific coast and provides an appropriation of $35,000,000 for that purpose, and the House recedes with an amendment changing the authorization to 20 coast submarines in all, in addition to the 18 appropriated for elsewhere in the bill. The 20 coast submarine are to be of a surface displacement of about 800 tons each and to cost, exclusive of armor and armament, $1,300,000 each. All 20 are to be constructed on the Pacific coast and the cost of transportation from the Atlantic to the Pacific is allowed in addition to the cost of construction on the Atlantic, and an appropriation of $18,000,000 is made toward the construction of the said submarines.

On amendment No. 87: Provides an appropriation of $1,500,000 toward the acquisition of a site for an additional navy yard in San Francisco Bay, and the Senate recedes.

On amendment No. 88: Strikes out the penalty clause in the paragraphs of the bill granting authority to the President in time of war or national emergency to require persons to comply with any order which he may give for the necessities of the Government in the manufacture of war material or construction of ships, and also strikes out the provision relating to authority granted the President to cancel or modify any contract or assume, occupy, or requisition or take over any factory or part thereof and provides for compensation to be paid therefor to be agreed upon and a right to recover a fair and reasonable damage by a suit in the Court of Claims, and the House recedes with an amendment which eliminates the penalty clause from the bill and modifies the remainder of the amendment so that if the owner deems the compensation unsatisfactory he shall be paid 50 per cent of the amount determined by the President and shall be entitled to sue the United States to recover such further sum as added to the said 50 per cent as shall make up such amount as will be just compensation therefor.

On amendment No. 89: Strikes out the House provision whereby an appropriation of $12,000,000 is made available for the fitting up of navy yards in the event that the Secretary of the Navy is unable to secure from private shipbuilders contracts for the expeditious construction of ships heretofore authorized at a fair and reasonable price and inserts a provision making the sum of $12,000,000 available for the fitting up of navy yards and the acquisition of additional land, notwithstanding whether the Secretary of the Navy is able to secure property contracts or not, and the Senate recedes.

On amendment No. 90: Provides an appropriation of $30,000 for tests and experiments of the Talbot boiler for use on board battle cruisers of the Navy, and the Senate recedes.

On amendment No. 91: Strikes out the House provision which reaffirms the policy of the United States to adjust and settle its international disputes through mediation or arbitration to the end that war may be honorably avoided, and the House recedes.

On amendment No. 92: Amends section 44 of the act to codify and revise the penal laws of the United States, approved March 4, 1909, so that whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine, mine, or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or violate any duly authorized order or regulation of the President within the limits of defensive sea areas, upon conviction in the district or circuit courts of appeals of the United States may be fined not more than $5,000 or imprisoned for a term of not exceeding five years, or both, and the House recedes.

On amendment No. 93: Provides for an increase of 10 per cent for all civilian employees in the Naval Establishment whose salary is less than $1,200 per annum and 5 per cent for employees whose salaries are $1,200 and not more than $1,800 per annum, and the House recedes with an amendment by adding a proviso which takes into consideration in the increase allowed any increase in the bill for specific salaries.

On amendment No. 94: Makes all appropriations in the act immediately available, but no appropriation shall be used for the payment of deficiencies, and the House recedes.

L. P. PADGETT,
J. FRED. C. TALBOTT,
ALBERT ESTOPINAL,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on the conference report.

The SPEAKER. The gentleman from Wisconsin reserves a point of order on the conference report.

Mr. STAFFORD. I think a number of the amendments are subject to a point of order. I think the gentleman ought to explain some of the amendments that have gone beyond the authority of the conferees. There was one such as I recall from hearing the reading by the Clerk. I ask the gentleman from Tennessee to give the House a résumé of the various amendments and agreements in conference.

Mr. PADGETT. There were 94 amendments to the bill. I do not know along just what line the gentleman wants information. If he will indicate it, I shall be glad to do my best to gratify him.

Mr. STAFFORD. Of course, the House is generally interested in those provisions of the bill under consideration commandeering the various business establishments of the country.

Mr. PADGETT. Yes.

Mr. STAFFORD. As I followed the reading of the report, some of the House provisions appeared to have been agreed to which had been stricken out by the Senate, and others disagreed to. That is a very important question, and I think the House would be interested in a detailed explanation by the gentleman of just what was done by the conferees.

Mr. PADGETT. Yes. The Senate struck out, on page 73, paragraphs C and D. Paragraph C was the paragraph imposing a criminal penalty for refusal or failure to comply with any provision of paragraph B. That is the direction or order of the President when taking over these plants. The Senate would not agree to a restoration of that paragraph and insisted that that paragraph must be eliminated; that there must be no criminal offense, and stated that under no conditions would they agree to the retention of that paragraph. So that was eliminated.

The next paragraph, paragraph D, was reinstated with an amendment providing that the Government when taking over the property should make compensation, and, in case of disagreement between the owner and the Government, the Government should pay 50 per cent of the amount which the President determined would be reasonable, and that the owner should have the right to sue the United States for the difference instead of waiting for a suit for the whole matter. It was provided that the Government should pay one-half of the amount which the President had determined was a reasonable amount, and the suit would be over the remaining portion of it.

Mr. STAFFORD. Why was 50 per cent decided upon? Why would you not grant the contractor 75 per cent or a larger amount? Was it the idea that you would penalize the contractor and force him to accept the amount that was determined by the President, so that in case he did not accept it he would get but 50 per cent down on the half-and-half principle and force him to wait until the court decided as to his right to the balance?

Mr. PADGETT. Not at all. On the contrary, that was suggested by some of the shipbuilders, and we accepted their figures.

Mr. STAFFORD. Of course, it was better to get 50 per cent than nothing at all.

Mr. PADGETT. That was the only suggestion they made. We took the one they made. They asked for nothing different and nothing more.

Mr. STAFFORD. The gentleman can understand that it might be better for the interest of private contractors that they be paid a larger percentage.

Mr. PADGETT. It may be, but they did not ask for any more, and they expressed satisfaction with this.

Mr. STAFFORD. Who were these interested parties that were taken into the confidence of the conferees?

Mr. PADGETT. I do not remember the name of the gentleman who was introduced to me this morning, but he said that he was a shipbuilder, and he asked me if we would accept that proposal.

Mr. STAFFORD. Did he have letters or credentials from the other private contractors of the country?

Mr. PADGETT. If he did, I did not know it. He did not disclose it.

Mr. KELLEY. Will the chairman of the committee kindly point out the chief increases that have been made by the conference committee over the House bill?

Mr. PADGETT. The conferees agreed practically to the Senate amendments increasing the appropriations for munitions and for the necessary improvement of the yards in order to enable them to execute and carry out the building program necessitated by the large program that has been adopted.

There was a provision for the enlargement of the dry dock at Charleston, S. C., and an appropriation of $750,000. That was eliminated.

Mr. BRITTEN. Just at that point, is there any understanding between the conferees that any money appropriated in this bill for repairs and improvements of yards is to be used, if in the discretion of the Secretary of the Navy it is deemed wise, to lengthen the dock at Charleston?

Mr. PADGETT. Absolutely not. On the contrary, that was proposed and was specifically rejected by the conferees.

Mr. BRITTEN. The reading clerk went over these amendments rather rapidly, and I could not follow him. What was done with Senate amendment 35, please, on page 31 of the bill, relating to certain increases for the Charleston yard?

Mr. PADGETT. That provides two buildings for ammunition storage and one building with the necessary equipment for the storage of torpedoes. That was agreed to.

Mr. BRITTEN. That was agreed to?

Mr. PADGETT. Yes.

Mr. BRITTEN. Then, with reference to Senate amendment 20, on page 24, I understood the reading clerk to state that certain language was stricken from the amendment. Was the amount reduced?

Mr. PADGETT. It was not.

Mr. BRITTEN. Will the chairman of the committee please advise the House what it is intended to do with this $1,250,000, which is explained in a general way in the bill? It is my opinion, as a member of the Naval Affairs Committee of the House, that that particular yard had been practically abandoned prior to last year, when some submarine activity began to take place there.

Mr. PADGETT. No; it was converted into a coaling station some years ago, but several years ago the present Secretary of the Navy converted it into a submarine base, and it is the principal and only submarine base on the Atlantic. Admiral Grant is in charge, and the submarines are there. The whole administration of the submarine upon the sea is from that point, and this was for the purpose of improving the yards, building the repair shops, and fitting it up for the care, repair, and handling of submarines, and the schooling of the men in that work.

Mr. BRITTEN. I could not ascertain if the Senate Committee on Naval Affairs had had any hearings on that particular part of the bill.

Mr. PADGETT. There was no hearing. There was a letter from the department setting forth the necessity for it, and the purposes for which the money was to be expended.

Mr. BRITTEN. Does Admiral Grant approve the location of this submarine base at this particular place?

Mr. PADGETT. He does, indeed.

Mr. BRITTEN. What was done with Senate amendment 61, on page 52, for a high-power radio station in Porto Rico?

Mr. PADGETT. It was agreed to.

Mr. BRITTEN. Will the chairman of the committee please advise us as to why that was agreed to? We have a very high-power radio station here at Arlington, and another one in Panama, that would cover all that entire territory.

Mr. PADGETT. No, sir. That is in the region that is the most important and vital in the Atlantic Ocean, in the Caribbean, and we have also iately acquired the Danish West Indies, and we have Porto Rico, and it is anticipated that if there should ever be any trouble that would be the scene of the trouble.

The ships of the Navy have radio apparatus, and they are able to receive long-distance communications, but are not able to send long-distance communications. This is for the purpose of having a station in Porto Rico that will be available for the fleet in the Caribbean Sea.

Mr. BRITTEN. What means have we for communicating with the fleet when they are in the Caribbean Sea now?

Mr. PADGETT. The high power-station at Arlington, a medium station at Key West, Fla., and then we have a high-power station on the Isthmus of Panama.

Mr. BRITTEN. Have we no medium station on any of the islands down there?

Mr. PADGETT. No, sir.

Mr. BRITTEN. Nothing at Guantanamo?

Mr. PADGETT. No, sir.

Mr. BRITTEN. Senate amendment 89—what was done with that $12,000,000?

Mr. PADGETT. It was agreed to. The Senate receded and it was kept in, in the language in which it was appropriated by the House.

Mr. BRITTEN. And then Senate amendment 90, at the bottom of page 75, for the testing of the Talbot boiler?

Mr. PADGETT. That was eliminated.

Mr. NOLAN. Will the gentleman explain as to Senate amendment 93, the 5 and 10 per cent advance in salaries?

Mr. PADGETT. That was agreed to just as it is written in the bill, except that, in line 12, where it says "*And provided further*," the word "*further*" was stricken out, and following line 15 there was a proviso, providing that in the computation of the 5 and 10 per cent increases authorized, the specific increases of salaries made in this bill should be included as a part of the increase. There are various salaries that have been specifically increased in this bill. It went no further than that.

Mr. NOLAN. It does not affect the wage board?

Mr. PADGETT. No.

Mr. SISSON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SISSON. What was the gross amount added in the Senate to the bill as it passed the House?

Mr. PADGETT. About $166,000,000, if I remember definitely, and then this 5 and 10 per cent increase is an indefinite appropriation, and, of course, I can not answer about that.

Mr. SISSON. How much does the bill carry as agreed upon in conference?

Mr. PADGETT. I have not had time to figure it up. We reduced it between $19,000,000 and $20,000,000.

Mr. SISSON. Your bill, then, is somewhere about $20,000,000 less than when it came from the Senate?

Mr. PADGETT. Yes.

Mr. SISSON. What did the bill carry when it left the House?

Mr. PADGETT. $368,000,000.

Mr. SISSON. Then, it now carries about $500,000,000?

Mr. PADGETT. More than that; somewhere about $516,000,000 or $518,000,000.

Mr. CANNON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CANNON. I am a tenderfoot. I have listened with interest to the explanation given. What bothers me about this bill which carries between $500,000,000 and $600,000,000 is that I do not know how many seamen we have or how many mechanics we have. How many are authorized under the existing law? How many seamen and mechanics competent to manage a battleship?

Mr. PADGETT. The enlisted men do that.

Mr. CANNON. But they are mechanics, too, are they not?

Mr. PADGETT. We do not denominate them mechanics. Mechanics work in the shop, but the enlisted men up to the 29th of August authorized was 51,500. That was increased by the bill passed August 29 last to 78,000 men. Since then there has been a net increase running it up to between 58,000 and 59,000—since the 29th of August.

Mr. CANNON. Making a total of what?

Mr. PADGETT. Fifty-eight thousand or fifty-nine thousand men.

Mr. CANNON. Authorized?

Mr. PADGETT. No; there are authorized about 78,000.

Mr. CANNON. But the enlistment now is about 59,000? How many men would it take to man the ships now ready to be manned?

Mr. PADGETT. Full complement? I think the full authorization of the men we have now would man all the ships we have. I would say to the gentleman that we have something over 2,000 in the reserves, acquired since the 29th of last August, and then we have officers and enlisted men in the Naval Militia, in round numbers, 10,000.

Mr. CANNON. That may be brought into the service?

Mr. PADGETT. Yes; in the case of an emergency.

Mr. CANNON. Under the law?

Mr. PADGETT. Under the law.

Mr. CANNON. How much are we short between what is authorized and what we have or can get?

Mr. PADGETT. Between seven and eight thousand.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman.

Mr. GARDNER. I was going to ask if it is not true that you need the Naval Militia to man the auxiliaries?

Mr. PADGETT. We have a large number of militia, enlisted men, that would come into the service.

Mr. GARDNER. Twenty thousand short of the regular enlistment?

Mr. PADGETT. Yes; but during the month of February there was a net gain in the enlistment of about 2,000.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Is it not a fact that we are 23,500 short in the enlisted personnel to-day, and taking the reserves, the seamen who are on parole, those who are under arrest in one

form or another, are we not 20,000 short, and were we not the 1st of the month?

Mr. PADGETT. I do not think we are short that many.

Mr. CANNON. What I want to get at is this: Here is a bill with the prospect of war, or a possible war, with a large authority to the Executive. I take it for submarines and similar craft, power to seize the private shipyards, or to use the navy yards—I do not know whether the power to purchase or not. But if trouble is to come on us in the next 3 to 6 months or 12 months, and we go ahead and expend a large part of this money in getting additional ships or submarines, or whatever we can get, or on aviation, is there any other authority under the law to man these in an emergency beyond what the gentleman has stated?

Mr. PADGETT. Yes; there was a provision in the act of August 29 giving the President authority to enlist up to, I think, 88,000 men; that is, 10,000 above the 78,000.

Mr. CANNON. Precisely. But suppose there happened what the bill contemplates—and whether it happens or not, it is a good insurance policy—how many men at the end of 6 or 12 months, under the large expenditure in the discretion of the President, would be required to man what we have or what in the meantime will be constructed and ready for service?

Mr. PADGETT. I should say about 85,000 or 90,000 men.

Mr. CANNON. In addition?

Mr. PADGETT. No; all told.

Mr. CANNON. The gentleman does not contemplate that there will be any great increase under emergency in the next 6 or 12 months of smaller or other craft?

Mr. PADGETT. Not in the next six months; no. It takes longer than that to construct anything that we are authorizing.

Mr. CANNON. Is there a provision by which the President can increase the pay if it is necessary to get the enlisted men?

Mr. PADGETT. There is no provision in the law. In time of war the President could create a deficiency if he wanted to. There is no law against creating a deficiency for the Army and the Navy.

Mr. CANNON. He could legally increase the pay by bounty or otherwise?

Mr. PADGETT. There is no authority except the authority of war under which he as Commander in Chief could create a deficiency and come to Congress afterward. There is no law against creating a deficiency.

Mr. CANNON. Under that would he have the power to do it?

Mr. PADGETT. There is no legal authority for it.

Mr. CANNON. Then how could he do it?

Mr. PADGETT. He would just go ahead and do it in time of war and come to Congress for the money.

Mr. CANNON. Precisely. Could he go ahead and conscript men to man the ships under the same emergency?

Mr. PADGETT. We have a number of retired officers who are all subject to call in time of war. Then, there is the Naval Militia, and that has somewhere like seven hundred or a thousand officers, and they are subject to call.

Mr. CANNON. The gentleman has spoken of that.

Mr. PADGETT. Then, there is a reserve of officers that is being created as well as of men.

Mr. CANNON. I understand that; but what I want to know is whether the President can, in the event of war, either by law or in spite of law, conscript to thoroughly man the navy yards now or as they may be increased within 6 or 12 months or 2 years from these extraordinary appropriations?

Mr. PADGETT. We have no conscript law in this country.

Mr. CANNON. If the President can increase by bounty——

Mr. PADGETT. That would not be conscripting. They would enlist.

Mr. CANNON. Precisely. They would enlist. We could not conscript at all.

Mr. PADGETT. There is no conscript law—no authority to conscript.

Mr. CANNON. And no commander in chief would dare conscript?

Mr. PADGETT. No; he has no authority.

Mr. CANNON. I am not going to criticize, but I am anxious about one thing, and then I shall sit down. I am anxious, first, not so much about ships that will be created in two or three or four or five years from this time—battleships or cruisers—but I am anxious about submarines, and I am anxious about aviation, and I am anxious about ammunition, and I am anxious about thoroughly equipping what we have or what we can get. More than that, I am anxious about being able to utilize them after we have gotten them; and I must say, without criticism, because I am not an expert, that I feel that this bill, running up between five and six hundred millions of dollars, to some extent is like sounding brass and tinkling cymbals.

Mr. DOWELL. Mr. Speaker, I desire to ask the chairman of the committee a question. Will the gentleman yield?

Mr. BUTLER rose.

Mr. PADGETT. I desire to yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, will the gentleman yield to me for a few moments?

Mr. PADGETT. How much time does the gentleman want?

Mr. DOWELL. May I ask the gentleman a question or two first?

Mr. BUTLER. Yes.

The SPEAKER. To whom does the gentleman yield, if to anybody?

Mr. PADGETT. How much time have I remaining of my hour?

The SPEAKER. The gentleman has used 25 minutes.

Mr. BUTLER. I would like the gentleman to yield me 15 or 20 minutes. I may not consume all of the time, but I think perhaps that some of my colleagues would like to use a little time.

Mr. PADGETT. I will yield the gentleman 15 minutes.

Mr. DOWELL. I desire to ask the gentleman a question before he does that.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. PADGETT. I yield the gentleman from Pennsylvania 15 minutes, but first I am going to answer the question of the gentleman from Iowa if I can.

Mr. DOWELL. Mr. Speaker, I want to know under the enlistment at the present time how many we are short of being able to equip the ships that are already in commission or will be within the next 12 months?

Mr. PADGETT. I do not know about the next 12 months. I have not looked up as to how many will go into commission. The ships we have in commission at the present time, I think, as answered to the gentleman from Illinois [Mr. CANNON] would take somewhere about 85,000 men.

Mr. DOWELL. And we have 58,000 now?

Mr. PADGETT. Fifty-eight thousand or fifty-nine thousand. In addition to that we have the Naval Militia of about 10,000, and then we have 2,000 in the reserve. We have retired officers and a reserve officers' list.

Mr. DOWELL. Then they are more than 20,000 short of sufficient to man the ships already in commission on a peace basis?

Mr. PADGETT. There is something like that, but you must remember that up until the 29th of August the authorized enlistment was 51,500, and at that time the Secretary had overenlisted something like 200. There was a provision in the law legalizing that overenlistment so that it would not be necessary to discharge them. In the act of August 29 the authorized enlistment was increased to something like 78,000—a little above 78,000, I believe. During the month of February just passed there was a net gain in the enlistment of, I think, over 2,000.

We had about 1,200 or 1,300 net gain, and we had about six hundred and something in December.

Mr. DOWELL. Now, I desire to inquire, if we are this much short of sufficient men to man ships already in commission, what will be the situation in one year from now when we put more ships in commission?

Mr. PADGETT. We have authorized an increase up to seventy-eight thousand and some hundreds, and, as I stated, in an emergency up to 88,000, I believe it is that.

Mr. BUTLER. Eighty-seven thousand.

Mr. PADGETT. And the Chief of the Bureau of Navigation states that he thinks that in a short time he will have the enlistments up to at least 70,000.

Mr. DOWELL. But, as I understand, it would require an enlistment of 85,000 to man ships already in commission?

Mr. PADGETT. If they were all fully commissioned and on a war basis; but no nation in the world in time of peace and not in actual war keeps all the ships in full commission.

Mr. DOWELL. I wanted to inquire of the gentleman what he will do with those in reserve and in ordinary?

Mr. PADGETT. That is what I spoke of. I included that in the statement I made about the 85,000.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. GARDNER. Does the gentleman mean to say 85,000 men will man the Navy that is now in commission and in reserve and in ordinary in time of war?

Mr. PADGETT. I think so.

Mr. GARDNER. What, with the war percentage added?

Mr. PADGETT. I think that 85,000 would take care of this. We would have to take the men off the shore stations.

Mr. GARDNER. Skinning your shore stations to the bone, I think the testimony shows it is a great deal higher.

Mr. PADGETT. I think it is about that.

Mr. DOWELL. No provision has been made in this bill for increasing the number of men to man the ships that have been provided in this bill?

Mr. PADGETT. No; as I stated to the gentleman a while ago, in the bill it gives 29,000 and increases it from 51,500 up to about 78,000, and with authority given to the President to increase it to 87,000.

Mr. AUSTIN. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. AUSTIN. I would like to know what disposition was made of Senate amendment numbered 47, providing for appointments to the Naval Academy?

Mr. PADGETT. That was eliminated. There was an amendment in there giving the President authority to reduce the course from four years to three years for two years and to graduate if they had made the three years' course. That was left with the President.

Mr. AUSTIN. Will that provide a sufficient number of officers for the increased number of ships that are going to be constructed?

Mr. PADGETT. No; but we could take about 600 off shore stations and get 400 or 500 out of retired officers, and then from the Naval Militia something like 800 or 900, which puts us in very good shape. Mr. Speaker, how much time have I remaining now?

The SPEAKER. The gentleman has 28 minutes.

Mr. PADGETT. I yield 15 minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I am obliged to our chairman for the 15 minutes yielded me. Mr. Speaker, if gentlemen will not talk I shall be greatly obliged. This bill puts a tax upon the Government of nearly $520,000,000, and I should think the American Congress could remain silent for a few minutes to understand the reason for it, as well as its uses. I very greatly regret that I did not feel myself able to join with my colleagues in making this conference report. I do not believe that anyone in this House who has any knowledge of any performance of mine relating to the expansion of our Navy will ever charge me with being a contractionist. I was unable to join in this report for the reason that I believe it is starting out upon an area of navy-yard expansion to which I am unable and unwilling to agree. I do not propose to enumerate the items of the bill to which I object, because it would require perhaps an hour to state in terms my objections. I am a poor conferee and I believe I have had my last service at that business. I imagine that when these conferees were appointed it was their business to understand what these Senate amendments covered, as well as the real necessities for them. The other conferees did; I did not. I am opposed to supplemental estimates submitted by either House after the different items in an appropriation bill of this character have been considered. I can readily appreciate there may be instances when under the stress of conditions we should surrender our views and make liberal appropriations without inquiry. I do not believe the demands here so urgent that the House conferees should have surrendered without making greater resistance and requiring further information.

Mr. Speaker, after this measure was passed and was reported to the Senate numerous amendments were made, very greatly increasing in amount a number of the items found in the bill. There may have been a necessity for it. I shall cordially vote for this bill, because I know it should become a law, and I hesitate to consume even the few minutes of time allotted me lest I might in some way endanger its passage. It was simply after consulting myself and after surrendering to my own views that I declined to join with my colleagues in their report.

I do not believe that the old navy yards which we have thrown to the winds should be revived at this time. I always understood that Norfolk, the most important point upon our coast, should be used as a base for submarines. Yet in this bill there is an appropriation of $1,250,000 for the resurrection of a naval station somewhere in Connecticut, a place that we have endeavored for 15 years to desert. This is one of the items in the bill to which I object, and which I do not believe we should make without knowledge and without complete estimate.

Another, to which my colleague, Mr. BRITTEN, called the attention of our chairman, is the radio station at Porto Rico. We have no ships there. We are not intending to have any there. The amount found in the Senate amendment is $400,000. Not a word of evidence given to any of us showing the necessity for it. I also learned that our esteemed Secretary of the Navy had said he could do without this station, but the appropriation appears in the bill—a small item of $400,000 for the beginning of an improvement at some particular point that I did not believe was necessary.

If I thought that my failure to agree to this report would in any way endanger the passage of this bill or delay it more than a few minutes, I would have gulped down my views and signed the report. I have no doubt that this House will adopt the report unanimously, as it should do under the exigencies of the present occasion. I know, and the gentlemen of the House will appreciate it as well as I do, that there may be an occasion within a short hour when we will have to use our implements of war. And therefore it is extremely embarrassing that one should appear in any way as an obstructionist or set his opposition against that of his fellows who are equally wise. I did not and I do not intend to commit myself for the future.

Again, a supplemental estimate appeared for the navy yard at Washington amounting to $1,300,000, and, without knowing one real substantial reason for it, it was included in the bill. It may be right. But why was the increase included in the estimate submitted to the House committee and considered for two months?

Now, the navy yard at Charleston has in it an increase of $85,000, as I count it. In the estimates submitted to the Naval Affairs Committee we allowed at Charleston, I believe, practically all that was asked of us. We may not, perhaps, have done so, but there is one thing sure—that it is allowed now, except the extension of the dry dock at that point.

I could go along through the bill and give you a number of instances. Where will these extravagances end and when will the Treasury revolt? But, above all, I do not mean to criticize my colleagues. The struggle has been a hard one from the beginning to the end. I am simply out of accord with their views, because I can not see the necessity for these enormous increases in the navy-yard expansions and the beginning of those already declared useless.

Furthermore, different bureaus have had great increases made by Senate amendments. The reasons for them might be told within an hour or two, but I am not capable of learning so quickly. I would liked to have had the time to learn. I have not been used to acting upon the mere explanation of a bureau chief that he needed the money. I can not oppose them, however, now. I dare not do it, because they may be necessary. It may be that Construction and Repair needs more money; the Bureau of Steam Engineering may need greater sums; but we had their complete estimates and fully considered necessities not more than two or three weeks ago, and I do not know the necessity for the excess allowed them.

Mr. CAMPBELL. What is the argument in behalf of these navy yards at this time?

Mr. BUTLER. I do not know.

Mr. BURNETT. Did you not have any hearing showing the necessity for these things?

Mr. BUTLER. For two months.

Mr. BURNETT. And there was nothing brought out to show the necessity for these things so suddenly injected into the bill by the Senate and the conferees?

Mr. BUTLER. I will say to my friend from Alabama, Do not criticize the conferees. They are doing the best they can under the circumstances as they see them, and have done well.

Mr. CAMPBELL. Is it not true that no reason was given for these large increases in the navy yards?

Mr. BUTLER. Yes; I suppose so.

Mr. BURNETT. The gentleman did not answer the question as to whether you did or did not have hearings authorizing these enormous increases before the House committee?

Mr. BUTLER. We had hearings covering, as I said to the gentleman, two months, and then made a report of the bill to the House.

Mr. BURNETT. These were not insisted on, then, before your committee at that time?

Mr. BUTLER. No, sir.

Mr. CRAMTON. Will the gentleman yield?

Mr. BUTLER. Yes, sir.

Mr. CRAMTON. May I ask the gentleman whether we are to understand it is his opinion or his fear that under cover of alleged present emergency a number of heavy appropriations are being rushed in that have only a very remote connection with any present emergency?

Mr. BUTLER. I wish I could answer my friend. I do not know. I have done the best I could. There is nothing in the conduct of any of these conferees that would warrant anyone having a suspicion that they subsided or surrendered because of any influence upon them that was not absolutely right. They can understand these subjects better than I can, I will say to

the gentleman from Michigan. They can grasp them more quickly. I am like the gentleman from Missouri. I not only like to be informed, but I like to be convinced.

Mr. CRAMTON. Without any criticism upon any Member of the House, may I ask the gentleman if he might be understood to have the fear that the bureaus were taking advantage of the situation?

Mr. BUTLER. Mr. Speaker, in answer to the gentleman, I did not see the necessity for some of the amendments touching these navy yards. I did not see the necessity for the increase of $500,000 or $600,000 toward the construction of a projectile factory, when even its location has not been selected.

Mr. CRAMTON. And hence it could have no connection with our present emergency.

Mr. BUTLER. They can not possibly use the money for another year. I would like to know more about the necessity for the great increase before I vote for it on a conference.

Mr. Speaker, when this session ends its work the service of my esteemed colleague, ERNEST W. ROBERTS, ends. This is his last official work, for a time at least; his association with Congress will end, I hope for a short time only, not forever. [Applause.] It will not increase the great esteem I have for him to speak of it publicly—he knows it privately—because I have spoken to him of it; no man has ever sat with us who has exercised more diligence than ERNEST W. ROBERTS. No man connected with this House, with one possible exception—our chairman—has a greater knowledge of naval affairs than has Mr. ROBERTS. [Applause.] No man has been more attentive in his work than he, and his constant, useful service will live as an everlasting monument to attest its value to our Government. The evidence to prove my statement can be found in the hearings before the Committee on Naval Affairs. I have never known in a service of 20 years upon this committee any member more diligent than he, anyone more intelligent, or anyone more desirous to make his service a benefit to the whole Republic than ERNEST W. ROBERTS. [Applause.] He and our chairman wrote the most important law of all the laws affecting the personnel of our Navy, and their great work has been fully approved.

Mr. Speaker, when that gentleman retires from Congress this House will lose a valuable and important Member. While he may not have led the horse, he always held the handles of the plow. I do not say this of him because he and I are friends, but I say it of him because he deserves to have it said. The House of Representatives will lose one of its hard-working Members, both able and civil; and I hope that some one among us may be found who can render to the chairman of the Committee on Naval Affairs service equal to that which has been rendered by my friend whose departure I so greatly deplore. [Applause.]

The SPEAKER. The gentleman from Pennsylvania yields back three minutes.

Mr. BROWNING. Mr. Speaker, I would like to have a couple of minutes.

Mr. PADGETT. I have how many minutes remaining, Mr. Speaker?

The SPEAKER. The gentleman from Tennessee has 15 minutes.

Mr. PADGETT. How much does the gentleman want?

Mr. BROWNING. I wish to yield five minutes to the gentleman from Illinois.

Mr. PADGETT. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, if there is any one thing which a nation ought to be certain about, it is when it announces a fixed policy of the nation in regard to foreign affairs. One of the criticisms of the President, whether well directed or not, is sometimes made to the effect that he wabbles. But the President is a fixed star in comparison with Congress and the Naval Committees on the subject of wabbling. [Laughter.] Last year, when the naval bill was under consideration in the Senate—and, remember, it was the long session of Congress; there was plenty of time to consider any proposition in both Houses—last year, I say, the Senate inserted in the naval bill this language:

It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided.

That amendment was agreed to by the conferees on the part of the House, agreed to by the House itself, and signed by the President, and it went into the law.

Did it announce a wabbling policy? Do we state to the countries of the world our policies in international affairs to-day, only to be reversed to-morrow and changed about the next day? Has Congress no stability at all? This year, when the naval bill was under consideration, I offered as an amendment on the floor the identical proposition:

It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided.

The gentleman from Tennessee [Mr. PADGETT] and his fellow managers on the part of the House and the Senate, which took this position last year, now strike that out of the bill and thereby declare it is not the policy of the United States to pursue this course.

Last year these gentlemen proudly announced to the world the fixed policy of the United States. Lo and behold, before the year had expired for the current law they reverse their position. How do they expect to have the respect of the world, much less the confidence of the world? If we say to-day that our policy in foreign affairs is so and so, how does anybody expect that the world will take us seriously?

Mr. TALBOTT. Mr. Speaker, will the gentleman yield for a moment?

Mr. MANN. Yes; but not for a dissertation.

Mr. TALBOTT. Is there anything in this law that takes back what we did last year—eh?

Mr. MANN. The gentleman from Maryland is one of the conferees.

Mr. TALBOTT. Is there anything in this bill that does that?

Mr. MANN. He announced last year that it was the policy of the United States, and he now strikes it out of the bill. Of course, we take it back.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. MANN. Well, I have not got much time, but I yield.

Mr. SHERLEY. What does the gentleman think of the wisdom of announcing such policies by putting resolutions into a bill of this kind, without any serious consideration of them? Ought a great nation do that? [Applause.]

Mr. MANN. I see the gentleman from Kentucky gets the applause of the gentleman from Massachusetts. [Applause.]

Mr. SHERLEY. I am glad to have his approval on a matter affecting my country. I wish I had the gentleman's information touching this matter.

Mr. MANN. Whether it is proper or not I do not undertake to say. I did not put the provision in the bill. It was the Senate that put it in the bill and the House accepted it, and the gentleman from Kentucky [Mr. SHERLEY] made no protest against it. It has been the law since the bill was signed last summer, and the gentleman from Kentucky has remained silent during all the time, not protesting against that being the policy of the country. What I am calling attention to is the fact that no one can expect the policies of the United States to be taken seriously when one day they assert that this is their policy and another day assert that it is not.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BARKLEY. If it is the gentleman's view that this is the law, why is it necessary to repeat it every year?

Mr. MANN. It is a declaration of policy, no matter whether it is permanent law or not. They strike it out. That is a refusal to follow the policy.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. In which one of the various wars of the United States has it been our policy to try to settle it by arbitration?

Mr. MANN. I do not know whether it is the policy or not.

Mr. GARDNER. I ask which one?

Mr. MANN. The gentleman always propounds a foolish question when a matter of this kind comes up. The gentleman was silent when this subject was under consideration on the naval bill.

Mr. GARDNER. The gentleman does not wish to misrepresent me——

Mr. MANN. Oh, the gentleman from Massachusetts can make his speech in his own time.

The SPEAKER. The gentleman from Massachusetts must not interrupt the gentleman from Illinois, except with his consent.

Mr. GARDNER. I am asking the gentleman's consent.

Mr. MANN. I am doing the talking. I will give the gentleman from Massachusetts the credit to suppose that he did not know it was in the naval bill last year.

Mr. GARDNER. Now will the gentleman yield?

Mr. MANN. No; I will not yield to the gentleman.

Mr. GARDNER. He has made a misstatement.

Mr. MANN. I have not made a misstatement. I do not follow the policy of the gentleman from Massachusetts. I never make a misstatement.

Mr. GARDNER. I will get you the speech.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the point of order.

Mr. PADGETT. I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, these are critical times that we are passing through, and what a Congress did a year or two ago certainly will not be binding upon us at this time, when conditions are quite different. I think that this Naval Affairs Committee has done the best that it could. Gentlemen suggest that we are about to bring into use old navy yards. I am not surprised at that. When half the world is at war, and when our rights and liberties are being assailed, I do not wonder that patriotic Members are seeking navy yards that have been out of use in order to equip this Government for any emergency. [Applause.]

The question that I want to ask the chairman of the committee now is, What assurance have we and what assurance has the House that the Senate will pass this bill? This House has passed the Army bill. It lies at the other end of the Capitol, throttled by an organized filibuster. Other measures that have passed this House, supply bills that must run the machinery of this Government, are throttled in the same fashion; and if the bill passed by this body almost unanimously, to give our Commander in Chief of the Army and Navy power to defend this Government when Congress is not in session if unlawfully attacked, is to be throttled by the same methods, I say it will be a national humiliation and a national tragedy. [Applause.]

I trust that this bill will pass, and I trust that the Army bill will pass, and that the supply bills will pass. I want to say, Mr. Speaker, as an American citizen hailing from the South, I am proud to-night to call the roll, and to say that not one man south of Mason and Dixon's line voted against that bill the other day. [Applause.] The vote from the South was unanimous to give this power to the President of the United States. [Applause.]

Gentlemen, these are critical times. I want the country to know who it is, and what propaganda it is, that is back of the movement to defeat that measure to confer this power upon our President. [Applause.] I want that responsibility lodged where it properly belongs, and I want this House to insist upon its rights and powers; and I ask the chairman of the committee to ask gentlemen at the other end of the Capitol if they are anxious for this naval bill to be passed, if it would not be wise for us to hold it back awhile and let them act on the Army bill and the other bills that we have passed, and the bills that will authorize the President to strike, if need be, against unlawful attack when Congress is not in session. [Applause.]

The SPEAKER. The gentleman yields back one minute.

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, I am not going to speak on the merits of this conference report, as I shall vote for it. I do want, however, to pay a slight tribute to our friend, ERNEST W. ROBERTS.

Mr. Speaker, one of the greatest surprises to me in the November election—and there were many of them—was the failure of reelection of Mr. ROBERTS, of Massachusetts, and the only explanation of the matter that occurs to my mind is that the voters in the ninth district of that great State were not informed as to the splendid service of their Representative. Perhaps a few minor performances by Mr. ROBERTS, along popular or spectacular lines, might have served better to impress many people of his district than did his profound and concentrated study of great problems and his efforts and accomplishments in the interest of his district, State, and the whole Nation. During the important and prolonged hearings of the Naval Affairs Committee of this House I have constantly marveled at his almost endless questions, searching into the finest technical details and pursued to the development of the fullest information concerning the Navy in its every branch and particular. Knowing the man and his work as I do, it seems inconceivable that the majority of a constituency can desire to withdraw this past-master legislator when his State and his country have sore need of the services of men with the knowledge, experience, and worth of our good friend, ERNEST W. ROBERTS. [Applause.]

Mr. PADGETT. I yield one minute to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Speaker, the gentleman from Pennsylvania [Mr. BUTLER] has seen fit to criticize severely the pending appropriation of a million and a quarter to resuscitate an abandoned navy yard somewhere in Connecticut. It would be impossible in the short time allotted me to state all the strong and convincing reasons that justify and demand this appropriation. Nearly 300 years ago the Pilgrim Fathers landed on the shores of Massachusetts seeking a place to establish religious freedom, and they established this religious freedom so firmly and so thoroughly that only those who thought as they thought were at liberty to remain there, with the result that Roger Williams left for the land of the Narragansetts to establish the Providence Plantations, and John Winthrop and others went to southeastern Connecticut to the land of the Pequots. There where the waters of Long Island Sound meet and mingle with the waters of the Atlantic they discovered a beautiful estuary, not a river, but rather a broad and deep arm of the sea, and there they settled, and on the banks of a fairer Thames they laid the foundation of a newer London.

This city of New London, the city of my birth, has not in size as yet fulfilled their fond anticipation, but a fairer harbor and a better location for naval purposes, especially submarine training, does not exist to-day in the whole United States. In that harbor of New London the *Great Eastern*, the largest ship of its day, found safe and ample haven; on the banks of the River Thames was built and launched the *Minnesota*, the largest cargo-carrying vessel in the world to-day; in that harbor the submarine merchantman, the *Deutschland*, found unmolested and unobstructed entrance and exit; at New London transportation facilities are unequaled—the largest ships may enter and depart, and the Grand Trunk runs north and south, and the New York, New Haven & Hartford Railroad taps the east and west. Fort Michie, Fort Terry, and Fort Wright, modern forts, equipped with modern guns, afford safe and adequate protection. On the banks of that river the Electric Boat Co. has established a modern plant for the building and repair of submarine engines. There the Government of the United States now owns nearly 100 acres with over half a mile of water front. There it has established a submarine base and a submarine training school, the only one in the United States. The bill now pending provides for the building of many additional submarines. Admiral Grant, the commander of the submarine flotilla, has given this matter careful and thorough consideration; he has pronounced it an ideal location for a submarine base and a submarine training school, and the Secretary of the Navy has said that there should be available as early as practicable a complete submarine base and training school at the New London Naval Station. For these reasons this appropriation should command the unanimous support of the Members of this House. [Applause.]

Mr. PADGETT. I yield one minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, a nation's foreign policy should be a consistent one, and because it should be a consistent one it should not be lightly announced without consideration. Nothing is more pernicious than the putting in, on slight or no consideration, general statements touching the nation's policy in appropriation bills. The failure of this bill to carry the statement that was in the bill last year does not mean, either, that we have abandoned that policy or that we ever had it. It means that we have reached that degree of soberness where we do not undertake to announce great policies by the offering of a resolution without consideration, placed in the middle of an appropriation bill. [Applause.]

Mr. PADGETT. Mr. Speaker, I have two minutes remaining, have I not?

The SPEAKER. Yes.

Mr. PADGETT. I yield one minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, when the naval bill passed the House there was a provision in it known as the Hensley provision for arbitration. On that I made a speech in opposition. I called attention to the fact, as I have to-night, that that had never been our policy in the past. The Speaker himself came down on the flood and answered me. I remember it most distinctly. Then the bill went to conference, and in the conference the wording was slightly changed; or in the Senate the wording was changed, and in the conference still further changed.

I read from the conference report:

Change amendments 242, 243, and 244. Change the verbiage relating to peace commission to be appointed by President from completion of European war, and House receded.

Now, Mr. Speaker, the gentleman from Illinois is not always right; and while it is true that the President wabbles and Congress wabbles there is one person who has wabbled more than either, and that is the minority leader, both as to his position on preparedness, and in this very Congress, as to the question whether we should settle this matter by arbitration or whether we could authorize the President to take such steps as to settle it without arbitration.

Mr. PADGETT. Mr. Speaker, in the minute remaining I shall not undertake to argue the matter as to whether the conferees

had good reasons and good information for the agreement they entered into. I call for the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for two minutes. Is there objection?

Mr. TALBOTT. I ask for two or three minutes myself.

The SPEAKER. The two gentlemen can not both speak at once. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PADGETT. Mr. Speaker, the closing session, like all closing sessions, brings separations in the Committee on Naval Affairs. There are seven members to retire from the Naval Committee. With each one of these Members I have maintained a friendship which has been to me a real pleasure, and I regret that the separation comes. I want to join with the members of the committee who have preceded me in speaking a word in behalf of Mr. ROBERTS, who is one of the oldest members of the committee in time of service. When I became a member of the comittee 12 years ago Mr. ROBERTS was then a member, and I think has served upon the committee 18 years. I have been thrown in very close and intimate association with him in the conduct of the business of the committee, and especially have I been thrown in close relations with him in conference and consultation work.

In addition to that in working upon the committee last year in the preparation of the personnel legislation he and I were thrown together very closely, and it gives me real, genuine pleasure to say that I have found Mr. ROBERTS at all times a studious, clean, well-minded, valuable member of the committee, and it affords me pleasure to speak this word of commendation and at the same time to express my real sentiments of personal regret at the severance of our association. [Applause.]

The SPEAKER. The gentleman from Maryland asks unanimous consent to speak for three minutes. Is there objection?

There was no objection.

Mr. TALBOTT. Mr. Speaker, a great many people have an idea that the naval appropriation bill is made on the floor of this House. It is not; it is made in committee. It is an important bill, and in the last two years has become in the eyes of the people the most important legislation of the Congress.

We have spent months investigating as to what was the best thing to do for the country in the way of preparation for anything that might happen. Mr. ROBERTS has attended all the hearings, has examined all the experts that have appeared before the committee, and his efforts have always been directed toward eliciting the best information for the use of the committee and of the Congress. Especially in the preparation of the legislation he was as useful as any man on the committee. In getting the proper language and expressing the idea of the committee in the legislation he was extremely valuable. His manner has always been courteous, polite, and kind. His intelligence was not surpassed by that of any gentleman on the committee. His knowledge of naval affairs and legislation was equal, if not greater, than anyone, and in losing him the State has lost a valuable Member of Congress, the committee has lost a valuable assistant in all our legislation, and the Nation has lost, in my judgment, a valuable legislator.

I want to say in this connection that there is very little politics in the Committee on Naval Affairs. We do differ when we vote on election day. But when we come to the consideration of the naval bill, as far as I am concerned, as far as Mr. ROBERTS was concerned, as far as a large majority of the committee was concerned, we have no politics. We have just one idea and that is to prepare a naval program for this Nation that will insure what I have always considered and believed a proper naval program to be, the best guaranty of peace for this Nation. I have always believed that if you had an adequate Navy we would have peace, and not only have it but the Nation would always be able to command peace. [Applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRIEST] may proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may proceed for three minutes. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Speaker, I hold in my hand, and wish to make it a matter of record, a memorandum of respect and regard. It is subscribed to, regardless of party politics, by the Members from Pennsylvania in the Sixty-fourth Congress. It is a note congratulatory and commemorative of the completion in the Congress of 20 years of honorable service by the dean of the Pennsylvania delegation, the Hon. THOMAS S. BUTLER. [Applause.] Coming into this body with the Fifty-fifth Congress, March 4, 1897, his work here is conceded to have been characterized by industry, ability, conscientious endeavor, and patriotic purpose. His constituents, his State, and the Nation have benefited by his labors.

I place herewith in the RECORD the congratulatory letter sent him to-day by his colleagues from Pennsylvania:

The undersigned, Members of the House of Representatives of the Congress of the United States, who constitute the representation from Pennsylvania in the Sixty-fourth Congress, congratulate the Hon. THOMAS S. BUTLER, dean of our delegation, and Representative from the seventh district of Pennsylvania, upon the completion of 20 years in Congress, an event unprecedented in his district and unusual in the history of Pennsylvania. We congratulate not only Representative BUTLER and attest herewith our respect and regard for him, we congratulate as well his constituents in the counties of Chester and Delaware, and the State and Nation, all of whom he has served with ability, faithfulness, honor, and patriotic purpose since entering upon his duties as a Member of the Fifty-fifth Congress, March 4, 1897.

THOMAS S. CRAGO, MAHLON M. GARLAND, DANIEL F. LAFEAN, JOHN R. K. SCOTT, WILLIAM S. VARE, J. HAMPTON MOORE, GEORGE W. EDMONDS, PETER E. COSTELLO, GEORGE P. DARROW, HENRY W. WATSON, W. W. GRIEST, JOHN R. FARR, JOHN J. CASEY, ROBERT D. HEATON, ARTHUR G. DEWALT, LOUIS T. MCFADDEN, EDGAR R. KIESS, JOHN V. LESHER, BENJAMIN K. FOCHT, AARON S. KREIDER, WARREN WORTH BAILEY, C. WILLIAM BEALES, CHARLES H. ROWLAND, ABRAHAM K. KEISTER, ROBERT F. HOPWOOD, HENRY W. TEMPLE, MICHAEL LIEBEL, Jr., HENRY J. STEELE, S. TAYLOR NORTH, SAMUEL H. MILLER, STEPHEN G. PORTER, WILLIAM H. COLEMAN, JOHN M. MORIN, and ANDREW J. BARCHFELD.

Of all the many Members who, like Mr. BUTLER, first entered the House with the Fifty-fifth Congress, it is interesting to note that only 10 are yet in the House. All of these Members have attained high rank in this body. They are: WILLIAM C. ADAMSON, of Georgia; THOMAS S. BUTLER, of Pennsylvania; WILLIAM S. GREENE, of Massachusetts; EDWARD L. HAMILTON, of Michigan; ROBERT L. HENRY, of Texas; JAMES T. LLOYD, of Missouri; JAMES R. MANN, of Illinois; JOHN A. MOON, of Tennessee; JAMES L. SLAYDEN, of Texas; and JOHN H. STEPHENS, of Texas. It can truly be said that the Fifty-fifth Congress contributed liberally of youngsters who are now veterans in the ranks and who have made their impress on the legislative life of the Nation. [Applause.]

FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

The SPEAKER. When the conference report on the naval appropriation bill was taken up there was a discussion of a motion to suspend the rules and pass the resolution (H. Res. 518) respecting the District of Columbia Committee.

Mr. LLOYD. Mr. Speaker, I will ask the gentleman from Illinois to use his time now.

Mr. MANN. Mr. Speaker, the Committee on Accounts is a modest committee. They really have not quite measured up to their possibilities. They are an able committee, but they have not done all that they could have done. We passed the deficiency appropriation bill last night and inserted in it an item authorizing the distinguished gentleman from Kentucky [Mr. JOHNSON] to employ an accountant to proceed with certain investigations relating to accounts between the United States and the District of Columbia. The law of the land and the Constitution require that such an authority and appropriation should be made by an act of Congress. Hence we inserted it in the deficiency appropriation bill. I believe it carried $7,500. The deficiency appropriation bill carried over $62,000,000. Now, because the deficiency appropriation bill is not going to become a law, the Committee on Accounts undertakes to put one of the items for the next Congress into the contingent fund and have it paid out of the contingent fund. Why so modest? Why not include the other $62,000,000 and have it paid out of the contingent fund? The authority is just as much in one case as it is in the other. Possibly the contingent fund would not be large enough. Mr. Speaker, the Committee on Accounts has no more jurisdiction and this House has no more jurisdiction to order this sum paid out of the contingent fund of the House than it has to order any

other item in the deficiency appropriation bill to be paid out of the contingent fund of the House. It takes a law to do that.

The House by itself can not pass laws. It takes an act of Congress. We are one part of the Congress. We can not by a simple resolution appropriate money; we can not authorize the use of money except as it is connected with this House. The Speaker ruled yesterday, and he ruled correctly, that this House can not authorize a committee of the next House to use money. That will be a sad story to my sweet friend from Delaware [Mr. MILLER] but that is the fact, and if we commence the practice of having one Congress out of its contingent fund authorize the payment of money to be expended by a committee of the succeeding Congress, God knows how much the succeeding Congress will have left of its contingent fund. It is true that we frequently pass resolutions, whether they be legal or not, to provide for the payment of the employees of this House beyond the expiration of the Congress. I will not say that we have never done as it is proposed in this instance. Possibly we have. Very many improper things have been done at different times, and if it be alleged that a precedent has been made and we are following a precedent, that is one good reason why we should stop it.

Permit me to suggest this upon the merits of the proposition: The District of Columbia is not going to run away. The accounts are not going to run away. If this accountant does not go into these accounts and the District owes the United States, that can be ascertained by the next Congress under an appropriation made by law. I would like to know why the Republicans of this House should undertake to vote in a Democratic Congress to pay out of the contingent fund for services of the next House which is not going to be Democratic. That House will be quite competent to take care of its own contingent fund. We do not need the assistance of this House to dispose of the contingent fund of the next House, and I hope the gentleman's motion will not be successful.

Mr. LLOYD. Mr. Speaker, it may be true, as has been alleged, that some of the speeches that have been made in opposition to this resolution, that the District Committee is idiotic and ignorant, but I imagine that every man on the floor will give as much weight to the opposition that has been made to this particular resolution in other particulars as he will in that, because certainly there is not an individual on the floor of this House who for one moment believes that the District Committee is either ignorant or idiotic.

I want in the moment I have to spare to call attention to this, that so far as the merits of this resolution are concerned there is only one position taken, and that is that this committee from time to time has rendered splendid service to this House, and all that is asked by this resolution is that they be permitted to continue the work which they have so splendidly begun.

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken; and on a division (demanded by Mr. LLOYD) there were—ayes 94, noes 114.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and thirty-six Members present, a quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-four Members have risen, not a sufficient number.

So two-thirds not having voted in favor thereof, the motion to suspend the rules and agree to the resolution was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 393) making appropriations for the construction and operation of railroads in the Territory of Alaska.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes; and

H. J. Res. 393. Joint resolution making appropriations for the construction and operation of railroads in the Territory of Alaska.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 206. Joint resolution extending until January 8, 1918, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914;

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.;

S. 7905. An act to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill.;

S. 6601. An act for the enlargement of the post-office building in Pittsburgh, Pa.;

S. 8301. An act to authorize the change of name of the steamer *Harry A. Berwind* to *Harvey H. Brown;*

S. 8300. An act to authorize the change of name of the steamer *Fred G. Hartwell* to *Harry W. Croft;*

S. 8296. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8075. An act for the relief of Marguerite Mathilde Slidell d'Erlanger.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 655. An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

RECESS.

Mr. KITCHIN. Mr. Speaker, I move that the House stand in recess until 10 o'clock a. m. to-day.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes a. m., Sunday, March 4, 1917) the House stood in recess until Sunday, March 4, 1917, at 10 o'clock a. m.

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, with a letter from the Chief of Engineers, report on preliminary examination of Island End River, Mass. (H. Doc. No. 2109); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Newark Bay, N. J. (H. Doc. No. 2110); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting the balance sheets of Auto, Livery, and Federal Taxicab Cos., Auto Livery Co., City & Suburban Railway of Washington, Federal Taxicab Co., Georgetown & Tennallytown Railway Co., Postal Telegraph Cable Co., Potomac Electric Power Co., Semmes Motor Line (Inc.), Washington Interurban Railway Co., and Washington Railway & Electric Co. for the year ended December 31, 1916, which were received by this commission subsequent to February 1, 1917 (H. Doc. No. 2038); to the Committee on the District of Columbia 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. RANDALL: A bill (H. R. 21099) to establish rates of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: A bill (H. R. 21100) to secure an equitable classification and compensation of officers and employees in the executive civil service; to the Committee on Reform in the Civil Service.

By Mr. ABERCROMBIE: A bill (H. R. 21103) to provide Federal aid to the States in the promotion of education; to the Committee on Education.

By Mr. KENT: A bill (H. R. 21104) to add certain lands to the Sequoia National Park, Cal.; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 552) providing for the consideration of House resolution 518; to the Committee on Rules.

By Mr. CHURCH: Joint resolution (H. J. Res. 391) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GANDY: Memorial from the Legislature of the State of South Dakota, proposing that a resident of South Dakota be named to consider, with Indian Office officials, application of South Dakota Indians for patents in fee to lands embraced in allotments; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: Memorial of the Legislature of the State of Washington, favoring an appropriation for the purpose of protecting the lands of the Skokomish Indians within the Skokomish Indian Reservation from damage by flood waters of the Skokomish River; to the Committee on Indian Affairs.

By Mr. HADLEY: Memorial of the Legislature of the State of Washington, favoring legislation for the development of the water-power resources in Western States; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington, favoring an appropriation for the improvement of the Skokomish River for the protection of land in the Skokomish Indian Reservation; to the Committee on Indian Affairs.

By Mr. JAMES: Memorial of the Legislature of the State of Michigan, favoring the bill to save daylight and provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Memorial of the Legislature of the State of New York, favoring the Civil War volunteer retirement bill; to the Committee on Military Affairs.

By Mr. CAREW: Memorial from the Legislature of the State of New York, favoring the passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. MORIN: Memorial of the Legislature of the State of Pennsylvania, favoring Volunteer retirement bill; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Pennsylvania, expressing disapproval of the proposed plan to impose a Federal tax upon the profits of corporations, etc., or any other extension by the Government of taxes upon sources heretofore relied upon by the States for their revenue; to the Committee on Ways and Means.

By Mr. DILLON: Memorial of Legislature of the State of South Dakota, pertaining to allottees upon Indian lands; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KREIDER: A bill (H. R. 21101) granting a pension to Robert A. Ryder; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 21102) granting a pension to Ella S. Anderson; 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 Knife and Fork Club, of Kansas City, pledging to support the President in any action he may deem necessary to take for the protection of American honor; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Evidence to accompany House bill 20909, Florence Marquis, for special relief; to the Committee on Pensions.

By Mr. BURNETT: Memorial of United Daughters of the Confederacy opposing war; to the Committee on Foreign Affairs.

By Mr. CAREW: Memorial of the Northeastern Association of Fish and Game Commissioners with reference to anadromous fishes; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the University Club, of the city of New York, indorsing the action of the President in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of Republican County Committee of the County and State of New York, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Republican Club of the Twenty-ninth Assembly District of New York, favoring an adequate state of preparedness and universal military training; to the Committee on Military Affairs.

Also, petition of the Polish National Defense Committee, against passage of a bill which would deprive Irishmen and Poles of the assistance of the American people; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of Joint Legislative Board of Railroad Employees of the State of New York against passage of House bill 20752 and Senate bill 8201; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of William Verbeck, Manlius, N. Y., against rider to House bill 20783; to the Committee on Military Affairs.

Also, memorial of meeting of women of New York City, favoring immediate action on suffrage amendment; to the Committee on the Judiciary.

Also, memorial of the Society of Colonial Wars, relative to system of universal training for national defense; to the Committee on Military Affairs.

Also, memorial of the National Historic Society, pledging support to the President; to the Committee on Foreign Affairs.

Also, memorial of the board of managers of the New York Produce Exchange, urging such action as may be necessary for the protection of lives and property of American citizens; to the Committee on Foreign Affairs.

By Mr. FLYNN: Petition of citizens of Brooklyn, N. Y., against war; to the Committee on Foreign Affairs.

Also, memorial of Friends of Irish Freedom, against chapters 6 and 7 of Senate bill 8148; to the Committee on Foreign Affairs.

Also, memorial of the executive committee of the National Association of Life Underwriters, against tax on life-insurance premiums; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Eastern Cuba Plantation Co. & Schoch, of Ottawa, Ill., concerning the insurrection in Cuba; to the Committee on Foreign Affairs.

Also, petitions of citizens of Illinois, protesting against war; to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of the State of New York, favoring preparedness and universal military training; to the Committee on Military Affairs.

Also, petition of 300 citizens of Streator, Ill., opposing any declaration of war, except on a referendum vote by the people; to the Committee on Foreign Affairs.

Also, petition of Society of Colonial Wars in the District of Columbia, favoring universal military training; to the Committee on Military Affairs.

Also, petition of Emergency Peace Federation, opposing grant of power to the President to arm ships; to the Committee on Naval Affairs.

Also, petitions of Rev. C. W. Boardman and John Carlyon, of Oglesby, Ill., favoring prohibitory legislation; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of Society of Colonial Wars in the District of Columbia, relative to universal training for national defense; to the Committee on Military Affairs.

Also, petition of sundry citizens of Boston and Roxbury, Mass., against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

By Mr. GARD: Petition of Hon. G. W. Shroyer, mayor of Dayton, Ohio, in behalf of himself personally and the citizens of Dayton, Ohio, in defense of American rights; to the Committee on Foreign Affairs.

Also, memorial of Members' Council of the Hamilton Chamber of Commerce, pledging loyalty to the country and support to the President; to the Committee on Foreign Affairs.

By Mr. GARDNER: Petition of C. C. Carstens and other patriotic citizens of Massachusetts, pledging support to the Government in the present crisis; to the Committee on Foreign Affairs.

By Mr. GRAY of New Jersey: Memorial of Chamber of Commerce of the city, of Bayonne, pledging loyal support to the Nation in any emergency; to the Committee on Foreign Affairs.

By Mr. HAYES: Petition of 27 people of Paso Robles, Cal., for a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. HULBERT: Declaration of 2,000 Americans, assuring the President and Congress of their support of measures upholding American rights; to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of the State of New York, indorsing preparation for national defense, protection of American lives and property at sea, and restriction of war profits; to the Committee on Foreign Affairs.

Also, memorial of Public Service Commission Association Rifle Club, favoring immediate establishment by Federal Government of a rifle range near New York City to be available for use of civilian rifle clubs; to the Committee on Military Affairs.

Also, memorial of Republican Club of the Twenty-ninth Assembly District, asking that a proper system of military training be instituted and favoring an adequate state of preparedness; to the Committee on Military Affairs.

By Mr. McDERMOTT: Petition signed by Charles J. Vojteck, George Novak, Thomas J. Charvat, Anthony Yansky, John J. Macken, Frank Snekhaus, and others, all of Chicago, Ill., protesting against Webb prohibition amendment; to the Committee on the Judiciary.

Also, petition signed by Anton Svadlenka, E. Stroner, Maurice J. Wall, John D. Frawley, Anton Vecek, Louis J. Ceithaml, William Basta, and others, all of Chicago, Ill., protesting against the passage of the Webb prohibition bill; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Allegheny County Branch, State League German Roman Catholic Societies of Pennsylvania, Mr. John E. Loibl, president, and Mr. Sebastian Reich, secretary, urging that everything possible be done to keep us out of war; to the Committee on Foreign Affairs.

By Mr. NORTON: Petition of sundry citizens of Mott and Minot, N. Dak., against removal of tax on oleomargarine; to the Committee on Ways and Means.

By Mr. PLATT: Petition of residents of Lagrangeville and Arlington, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of residents of Southfields and Harriman, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. RAINEY: Protest of C. A. Weiss, Petersburg, Ill., and 24 other citizens of Menard County, against war with Germany; to the Committee on Foreign Affairs.

By Mr. RIORDAN: Petition of 2,616 citizens of New York City, in favor of the passage of the Fitzgerald food-embargo bills; to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Ohio: Petitions of citizens of Lima, Allen County, Ohio, favoring passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SCULLY: Memorial of the New Jersey Society, Sons of the American Revolution, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Society of Colonial Wars in the District of Columbia, relative to universal training for national defense; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of various residents of Utica, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of 2,000 Americans, assuring the President and Congress of their support of measures upholding American rights; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Women's Missionary Union of New Castle, Pa., favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, petition of public meeting at New Castle, Pa., February 19, 1917, favoring antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of public meeting at New Castle, Pa., February 23, 1917, favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of sundry church organizations of Colorado, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of A. M. Hauser and 108 other citizens of Anamoose, N. Dak., against war; to the Committee on Foreign Affairs.

SENATE.

SUNDAY, *March 4, 1917.*

(Continuation of proceedings of legislative day of Friday, March 2, 1917.)

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors 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 amendments numbered 3, 10, 11, 15, 16, 18, 19, 23, 28, 30, 33, and 34.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, 14, 17, 20, 21, 22, 26, 27, 29, 31, and 32, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"The name of George J. Ham, late of Troop C, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25"; and the House agree to the same.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

Mr. JONES. Can the Senator from New Jersey state whether the report contains the matter in which the junior Senator from Idaho [Mr. BRADY] is interested?

Mr. HUGHES. This is the conference report.

Mr. JONES. I spoke to the junior Senator from Idaho about it to-day. He does not seem to be here now. I understood him to say that he wanted to put some matter in the RECORD, at any rate. I do not see myself that the report ought to be held up any longer, because there are many persons interested in it. I do not feel like asking to have it go over.

Mr. HUGHES. I will ask unanimous consent that the Senator from Idaho be permitted to put in the RECORD any statement in connection with the conference report that he cares to have inserted.

Mr. STONE. Of course I have no objection to that, but it is very unusual.

Mr. HUGHES. I understand it is a statement he desires to put in. I ask that permission be given to him not to extend his remarks in the RECORD, but to print in the RECORD in connection with the conference report certain documents that bear upon the report.

Mr. STONE. I think that is all right.

The PRESIDENT pro tempore. Is there objection?

Mr. STONE. I have no objection to that.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. STONE. I wish to ask the Senator from New Jersey whether this bill contains the item authorizing the payment of a pension of $24 a month to Mrs. Boyd.

Mr. HUGHES. I think it does. I will state that if it does not the conference report containing that item has already been acted upon. I am not certain. This report has been held on my desk for four or five days, and if it does not contain that item the conference report which does contain it has already been acted upon.

Mr. STONE. What I desire in a word to say is that if that item is in this report I would be very glad if there was any way by which it might be eliminated. I fear it can not be done without sending it back to conference. I say that because Mrs. Boyd would prefer not to have any pension at all granted by Congress rather than to have a pension of $24 per month.

Mr. KENYON. I will ask the Senator if this is Mrs. Boyd, the widow of Capt. Boyd who was shot to death at Carrizal?

Mr. STONE. Yes; I am speaking of her.

Mr. KENYON. She was granted a pension of $24 a month?

Mr. STONE. Twenty-four dollars. I was just saying that in her name I desire to register here a protest against the action of the committee, the Senate, and the Congress in allowing her a pension of only $24 a month for the loss of her husband in the battle at Carrizal, in Mexico. He was a splendid young man, in the prime of life. He was ordered to do what he did and it cost him his life, and he left a widow and two children.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

EX-SOLDIERS' REUNION AT VICKSBURG, MISS.

Mr. VARDAMAN. Mr. President, I shall take but a moment of the time of the Senate to-night to execute a very pleasant commission from the people of the city of Vicksburg and State