

LENOX, MASS., am 26. September 1913.

Rumaenische Zeitung "Desteaptate Romane,"  
zum Bericht Z. 14470/res. vom 16. September 1915.  
Check per \$400.

AN DAS K. UND K. GENERALKONSULAT,  
New York, N. Y.:

Mit Bezugnahme auf obigen Bericht erhält das k. und k. Generalkonsulat in der Anlage einen Scheck per \$400 (vierhundert Dollars), mit dem Ersuchen die Quittung über den nachträglich erfolgten Betrag von \$200 anher in Vorlage zu bringen.

Für die k. und k. Botschaft:

(Sgd.) E. ZWIEDINEK.

No. 146. Washington, D. C., September 27, 1915.

The Riggs National Bank.  
Pay to Austro-Hungarian Consulate General in New York  
Four Hundred Dollars

\$400.

(Sgd.) E. ZWIEDINEK.

This letter was evidently translated into English by the imperial and royal embassy and signed by the Austrian chargé d'affairs.

The following is the translation made at the embassy and is transcribed verbatim from such photographic copy:

LENOX, MASS., Sept. 26, 1915.

Roumanian newspaper  
"Desteaptate Romane."  
To report No. 14470/confidential.  
From Sept 16th, 1915.  
Check for \$400.

TO THE IMPERIAL AND ROYAL CONSUL GENERAL,  
New York, N. Y.:

In reference to the above report, the imperial and royal consulate general will please find enclosed a check for \$400 (four hundred dollars), with the request to send here a receipt for the supplementary amount of \$200.

FOR THE IMPERIAL AND ROYAL EMBASSY,  
E. ZWIEDINEK.

I have a photographic copy of the check, which I have just called the attention of the Senate to.

Mr. President, I have here the English translation as well as the original—that is, a photographic copy of the original—and I ask that the photographic copy of the original be printed in the Record, and likewise the English translation of the documents to which I have referred.

The VICE PRESIDENT. The Chair is under the impression that the photographic copies can not go into the Record. The action is a little hazy now in the mind of the Chair, but there was some action taken by the Joint Committee on Printing which prevents all sorts of illustrations going into the Record. Of that the Chair is quite sure.

Mr. NORRIS. Mr. President, I am not sure I can throw any light on it, but it seems to me that these photographic copies ought to be printed as the Senator has requested; and I think, as I remember, that the proper procedure is to have an order from the Committee on Printing. I think there is something of that kind, but I do not believe there will be any objection to it. It has been done in the past. Illustrations have been printed. It is possible in some way; I know that these should be printed just as the Senator has offered them, and I hope that will be done.

Mr. KING. If we had the originals, there is no question, it seems to me, but that they could be printed in the Record.

Mr. NORRIS. They could be printed, of course, as they are; there is not any doubt about that; but to get the illustration in as the Senator wants, and as I think he ought to have—

The VICE PRESIDENT. The Chair remembers very well when the question came up. Who decided it, the Chair does not know, whether it was decided by action of the Senate or by action of the Joint Committee on Printing; but it came up when "Senator TILMAN'S COW" appeared in the Record, and there was a distinct order made that from that time forward nothing should appear in the Record except in print; that I know. But may the Chair suggest that these originals be referred to the Joint Committee on Printing so that they may be inserted, if possible, in the Record?

Mr. NORRIS. Mr. President, I think the order the Vice President mentions, made by the Senate at that time, was that in future no illustrations should be inserted in the Record without the consent of the Committee on Printing. It would probably require their consent.

Mr. KING. I am not quite sure what the order of the Vice President is. I can readily understand that there might be objection to printing illustrations, photographic copies of buildings, or intricate and complicated drawings that would involve considerable expense in the production of the necessary plates in order to produce them in the Record, but I am only asking, and I shall limit my request accordingly, that the text of the documents be printed.

The VICE PRESIDENT. In ordinary type?

Mr. KING. In ordinary type.

The VICE PRESIDENT. There is no question about the right to that, and that is granted. The Chair would be glad to see them printed exactly as they appear in the document; but the Chair is quite clearly of the opinion that there has been some ruling that that can not be done, at least without the consent of the Joint Committee on Printing.

Mr. KING. If the Chair is of that opinion, I shall not make the request broader than I have indicated; but I shall ask that after they have served the purpose just embodied in the request, these letters and documents then be referred to the Committee on Printing for such action as they may deem advisable in the premises.

The VICE PRESIDENT. That action will be taken.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 7 minutes P. M.) the Senate adjourned until Monday, September 24, 1917, at 12 o'clock meridian.

#### NOMINATION.

Executive nomination received by the Senate September 22, 1917.

##### GENERAL APPRAISER.

William C. Adamson, of Georgia, to be general appraiser of merchandise, to fill an existing vacancy.

#### CONFIRMATION.

Executive nomination confirmed by the Senate September 22, 1917.

##### GENERAL APPRAISER.

William C. Adamson to be general appraiser of merchandise.

### SENATE.

MONDAY, September 24, 1917.

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

Almighty God, we worship Thee. The good things of this life come to us from no other hand than Thine, and our delight is in those who keep Thy commandments and who walk in Thy ways. Thou hast committed to us the task not only of preserving our own liberties but of passing on to future generations a world in which peace and righteousness and justice are permanently established. We pray that Thou wilt smile upon our undertakings, guiding us by Thine own unerring counsel to the completion of our task to the glory of Thy name and the benefit of all Thy people. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

ADDITIONAL CLERKS IN ORDINANCE DEPARTMENT (S. DOC. NO. 111).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation in the sum of \$1,429,500 for the employment of additional clerks and other employees in the Ordnance Department, War Department, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House insists upon its amendment to the bill (S. 2477) to authorize the construction of a building for the use of the Treasury Department, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Florida, Mr. BURNETT, and Mr. AUSTIN managers at the conference on the part of the House.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5901) to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes; and it was thereupon signed by the Vice President.

#### PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I have several telegrams protesting against the proposed 3 per cent tax on gross automobile sales. I understand it relates to a provision in the revenue bill, which is now in conference. There is no method by which such matters can be referred to a committee of conference, so I simply call the attention of the Senate to it. I do not ask to

have the telegrams printed in the Record, but simply that they be referred to the Committee on Finance.

The VICE PRESIDENT. The telegrams will be so referred. Mr. JONES of Washington. I present also several telegrams urging that in the revenue bill provision be made under which quarterly or semiannual payments of excess profits taxes may be made over a period of not less than five years. I take this means of calling this matter to the attention of the conference committee. I present the telegrams for reference to the Committee on Finance.

The VICE PRESIDENT. The telegrams will be so referred.

Mr. FRELINGHUYSEN presented petitions of Allentown Grange, No. 98, Patrons of Husbandry, of Allentown; of Egg Harbor Grange, No. 146, Patrons of Husbandry, of Egg Harbor City, and of Blue Anchor Lodge, No. 166, Patrons of Husbandry, of Blue Anchor, all in the State of New Jersey, praying for the enactment of legislation to secure an adequate supply of nitrate of soda for agricultural purposes, which were referred to the Committee on Agriculture and Forestry.

Mr. PHELAN presented a petition of the Chamber of Commerce of Wapa, Cal., praying for the enactment of legislation to provide for the development of water power from the navigable streams and public lands of the country, which was referred to the Committee on Public Lands.

#### DRAINAGE IN NEW MEXICO AND TEXAS.

Mr. MARTIN, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 89) to authorize the Secretary of the Interior to expend funds in New Mexico and Texas for drainage purposes, reported it without amendment.

#### BIG SANDY RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 5335) to extend the time for constructing a bridge across the Tug Fork of the Big Sandy River near Warfield, Ky., and Kermit, W. Va., authorized by an act approved January 28, 1916, and I submit a report (No. 133) thereon. I ask for the immediate consideration of the bill.

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

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

#### JULIA P. TURNER.

Mr. JONES of New Mexico, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the Senate resolution 136, submitted by the Senator from Rhode Island [Mr. COLLIER] on the 22d instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Julia P. Turner, widow of George M. Turner, late a folder in the folding room of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

#### BILLS INTRODUCED.

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

By Mr. JONES of Washington:

A bill (S. 2913) to prevent interstate commerce in timber products upon which labor has been permitted to work more than eight hours in any day, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 2914) granting an increase of pension to Wilder Rice (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 2915) granting a pension to John Acton (with accompanying papers); to the Committee on Pensions.

#### A GERMAN GIRL'S LETTER.

Mr. ROBINSON. I have a brief editorial recently published in the Arkansas Gazette, embracing a letter or alleged letter from a Prussian girl to a friend, giving the viewpoint of the people of Germany concerning the superiority of Prussia over other peoples. I ask unanimous consent that it may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### THE LETTER OF A PRUSSIAN GIRL.

"Katie Hamel is a young Prussian woman, possibly still a schoolgirl, and is the daughter of the State councilor of architecture. She wrote a letter a year ago to a friend in Switzer-

land, and this remarkable epistle, which was first published in the Edinburgh Scotsman, is republished here:

"FRANKFORT ON ODER, July 20, 1916.

"MY DEAR LOUISE: The contents of your last letter would have hurt me had I not known that your thoughts of our glorious war resulted from sheer ignorance.

"You are in a country rendered effeminate by the influence of old-fashioned ideas of liberty, a country which is at least two centuries behind ours. You are in need of a good dose of Prussian culture.

"It is evident that you, a Swiss girl, with your French sympathies, can not understand how my heart, the heart of a young German girl, passionately desired this war. Speaking of it some years ago, my father said to us: 'Children, Germany is getting too small for us, we shall have to go to France again in order to find more room.' Is it our fault if France will not understand that more money and land are necessary for us?

"And you reproach us that our soldiers have been very cruel to the Belgian rabble, and you speak also of the destruction of Rheims, and of the burning of villages and towns. Well, that is war. As in every other undertaking, we are past masters in the making of war.

"You have a great deal to learn before you can come up to our standard, and I can assure you that what has been done so far is a mere bagatelle compared with what will follow.

"As a matter of fact, there is but one race worthy of ruling the world, and which has already attained the highest degree of civilization. That race is ours, the Prussians; for though we Germans in general are the lords of the world, the Prussian is undoubtedly the lord par excellence among the Germans.

"All other nations, and among them, unfortunately, the Swiss, are degenerate and of inferior worth. That is why I have always been so proud of being a true Prussian.

"Yesterday, again, our pastor explained to us convincingly that our first parents, Adam and Eve, were also Prussian. That is quite easy to understand, because the Bible tells us that the German God created us all after his own image. If, then, all men are descended from Adam and his wife, it follows that only Prussians, or at least Germans, ought to exist in the world, and that all who push on and prosper ought to belong to us. You must admit that that is logic, and that is why our motto is, 'God with us, Germany above everything.'

"You know now why we wished this war. Is it not shameful that other nations, who have no right to existence on the earth, wish to diminish our heritage? We are the divine fruit and the others are only weeds. That is why our great emperor has decided to put an end to all these injustices and to extirpate the weeds. Do you understand that now?

"I remain, your school friend,

"KATIE HAMEL."

"It is probable that the Swiss would not agree that their country is in need of 'a good dose of Prussian culture,' because they have before their eyes the dose that Belgium got. The heart of this Prussian girl 'passionately desired this war.' That is of interest in connection with the formula which so many Americans would fain believe, that 'we are not making war on the German people.' So Katie Hamel's father, who is a Government official, told his children some years before the war broke out that Germany was getting too small and that 'we shall have to go to France again in order to find more room.' But Emperor William continually says that 'the war was forced upon us' and this is echoed by the bureaucratic parrots. Yes, Switzerland—and other nations—have 'a great deal to learn' before they can come up to the Prussian standard. They will have to learn to torpedo passenger ships without warning and send to graves in the ocean a thousand men, women, and children. They will have to learn to destroy cathedrals, to drop bombs on women and children, and to kill wounded men in hospitals.

"We feel safe in saying that Katie Hamel is a sweet, amiable, well-mannered girl. But she has absorbed and she breathes forth the Prussian spirit of ruthlessness and frightfulness. She expresses, in the gentle words one might expect to find in a young girl's letter, the remorseless creed that Nietzsche wrote for Germany. She has come under the spell of the monomania that Germany has a divine commission to conquer and dominate the world."

#### LEASE OF POTASH LANDS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2156) to authorize exploration for and disposition of potassium, which were, on page 1, line 5, to strike out "grant" and insert "issue"; on page 1, line 9, after "right," to insert "for a



period not exceeding two years"; on page 1, line 11, to strike out "San Bernardino County, Cal., for a period of not exceeding two years" and insert "and adjacent to Searles Lake, which would be described if surveyed as townships 24, 25, 26, and 27 south of ranges 42, 43, and 44 east, Mount Diablo meridian, California"; on page 2, line 2, after "one," to insert "or more"; on page 2, in lines 5 and 6, to strike out "640 acres" and insert "not to exceed one-fourth"; on page 3, line 9, to strike out "50-year" and insert "20-year"; on page 3, line 14, after "lessee," to strike out all down to and including "terms" in line 17 and insert "Provided, That the potash deposits in the public lands in and adjacent to Searles Lake in what would be if surveyed townships 24, 25, 26, and 27 south of ranges 42, 43, and 44 east, Mount Diablo meridian, California, may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this act: *Provided further*, That the Secretary of the Interior may issue leases under the provisions of this act for deposits of potash in public lands in Sweetwater County, Wyo., also containing deposits of coal, on condition that the coal be reserved to the United States"; on page 3, line 20, to strike out "grant" and insert "issue"; on page 4, line 18, after "hereof," to insert "or otherwise"; on page 4, line 23, after "any," to insert "other"; on page 5, line 5, to strike out "any court of competent jurisdiction" and insert "the United States district court for the district in which the property or some part thereof is located"; on page 5, line 9, after "Sec. 6," to insert "That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*,"; on page 6, line 1, to strike out "a court of competent jurisdiction" and insert "the United States district court for the district in which the property or some part thereof is located"; on page 6, line 3, after "lease," to insert "or of the general regulations promulgated under this act and in force at the date of the lease"; on page 6, line 5, after "thereof," to strike out all down to and including "courts" in line 8; on page 6, line 9, after "shall," to insert "also"; on page 6, line 10, after "all," to insert "deposits of potassium salts in the"; on page 6, line 12, after "potassium," to insert "deposits"; on page 6, line 16, after "Sec. 10," to strike out all down to and including "act" in line 24 and insert "That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools"; on page 7, line 5, after "Sec. 12," to strike out all down to and including "act" in line 15 and insert "That the deposits herein referred to, in lands valuable for such minerals, shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws: *Provided*, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee"; on page 7, line 19, to strike out "such" and insert "all"; on page 7, lines 23 and 24, to strike out "the product" and insert "any of such products"; on page 8, line 2, to strike out "such mineral" and insert "the potassium products."

Mr. PITTMAN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### SUSPENSION OF MINING CLAIMS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution

(S. J. Res. 78) to suspend, during the present war with Germany, the requirement that not less than \$100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of \$100 in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States \$100.

Mr. ASHURST. I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. ASHURST, Mr. SHAFROTH, and Mr. POINDEXTER conferees on the part of the Senate.

#### TRADING WITH ENEMY—CONFERENCE REPORT.

The VICE PRESIDENT. The morning business is closed.

Mr. FLETCHER. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

The motion was agreed to.

The VICE PRESIDENT. Does the Senator from Florida desire to have the report read? It has been laid on the desks of Senators.

Mr. FLETCHER. The report has been printed, and I ask it be not read.

The VICE PRESIDENT. Is there objection to dispensing with the reading of the report?

Mr. BRANDEGEE. We could not on this side hear the request of the Senator from Florida.

The VICE PRESIDENT. It is that the report be not read, it having been laid on the desk of every Senator and printed in the Record. Is there objection? The Chair hears none. The question is, Shall the report be agreed to?

Mr. NORRIS. Mr. President, I wish the attention of the Senate for a very few minutes in the consideration of this conference report. In my judgment, if the conference report is agreed to it places absolutely in the hands of the Postmaster General the power to discontinue the publication of every magazine and every newspaper in the United States, not only through the mails, but prohibits the circulation of such matters as do not meet his approval in any other way by any other means or any other instrumentality.

The so-called King amendment that was adopted in the Senate on this bill provided for certain regulations in regard to German newspapers. The conferees have revamped that amendment and made it apply to newspapers in a foreign language and added to it one or two provisions that it seems to me the Senate would not agree to if they understood it, at least in the same light that it appears to me. It is Senate amendment numbered 127. As printed in the Record, it is found on page 7322, commencing near the bottom of the left-hand column. It is section 19. The amendment is quite long. I do not know that I care to read all of the amendment, but over in the next column, where the amendment is continued, I wish to read.

Mr. POMERENE. May I ask the Senator the date of the Record he is reading from?

Mr. NORRIS. September 22, 1917.

Mr. FLETCHER. On page 7 of the printed report.

Mr. McKELLAR. What part is the Senator reading?

Mr. NORRIS. I am going to commence near the top of page 7322.

I wish to explain, without reading the first part of the amendment, that it is to a certain extent the same as the King amendment which was adopted in the Senate. The conferees have broadened it somewhat. It provides how the publication of newspapers making any comment on our Government or any other Government on either side of the present war, making any comment in regard to anything in relation to the war or the act of any Government, must be printed in the English language as well as in the foreign language, and then it provides as follows:

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association to transport, carry, or otherwise publish or distribute the same, or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917: *Provided further*, That upon evidence satisfactory to him that any print, newspaper, or publication printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present



war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication free from such restrictions and requirements, such permits to be subject to revocation at his discretion.

Mr. JONES of Washington. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. JONES of Washington. I understand the Senator intended to read all the paragraph beginning "any print, newspaper, or publication in any foreign language," and as I followed him he omitted the clause to transport, carry, or otherwise publish or distribute any matter.

Mr. NORRIS. Let me read it again. I did not intend to omit anything, I will say to the Senator, but the print is fine and the light is not very good. I will read it again:

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association to transport, carry, or otherwise publish or distribute the same, or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917:

Mr. President, you will note from language which I have just read that not only is it unlawful to send such publications through the mails but that it is unlawful to use any other means of distribution such as sending them by express or by personal delivery or in any other way. The language to which I particularly object is this clause, which is contained in the matter I have just read:

Or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917.

That applies to every newspaper and to every magazine which is printed in any language, the English language included. On the face of it, Mr. President, it does not look so bad as it really is and as it will in practical application work out. It shall be unlawful to distribute or carry or otherwise publish any matter which is made nonmailable by the provisions of the espionage act. In practice that will mean, Senators, that the Postmaster General, arbitrarily, without giving any particular reason for his action, may exclude from the mails any newspaper which, in his judgment, ought to be excluded, and he can give as his reason that the publishers have violated the espionage act. Such publications will be excluded from the mails the moment the order is made, and there will be in practice no relief; no way in which the publisher of such a newspaper will ever be able to get any hearing at any time anywhere which will save the destruction of his business.

Mr. KING. Mr. President—

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

Mr. NORRIS. I yield.

Mr. KING. I am very much interested in what the Senator from Nebraska has stated. I desire to call his attention to section 3 of the espionage act, and to inquire whether or not the Senator believes that any serious hardship, indeed, any hardship at all, would be suffered by any fair and properly conducted newspaper from the enforcement of the provisions of this proposed legislation to which the Senator is now referring? Before replying will the Senator permit me to occupy the floor for a moment, in order to call his attention to section 3 of the espionage act?

Mr. NORRIS. Very well.

Mr. KING. Section 3 of the espionage act provides:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements—

Mr. NORRIS. Will the Senator tell me from what title he is reading? There are a half dozen sections 3 in the act.

Mr. KING. I am reading from Title I, section 3. To resume:

SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements, with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

The point I was about to make was that the section to which I have just called the Senator's attention makes certain acts whether performed by the publishers of newspapers or others offenses, and prescribes punishment for the same. Another section of the espionage act makes publications of the character to which I have just referred nonmailable: First, the publication of false reports with intent to interfere with military operations, and so forth, constitutes an offense; secondly, the attempt to mail such a publication is an offense, and the paper containing the denounced matter is made nonmailable. The conference

report which the Senator is discussing provides that the distribution of the offending publication by any other instrumentality than the mail is an offense. If it is an offense to publish articles of the character referred to, which are defined as offenses in section 3, I submit the inquiry if such articles are made nonmailable, is there any sufficient reason why the Government should not interdict the distribution of the publications? If it is an offense to publish a certain thing which is calculated to prevent the success of military or naval operations, or to cause insubordination or mutiny in the military or naval forces of the United States, and such a publication is made nonmailable, why should not the Government go a little further and prohibit the circulation and dissemination of the newspaper by any other instrumentality, such as express companies, that might be selected by the publisher or any other person?

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. NORRIS. I should like first to answer the question of the Senator from Utah, but I will yield to the Senator from Florida.

Mr. FLETCHER. I merely want to supplement what the Senator from Utah [Mr. KING] has said by calling his attention to the particular title headed "Use of mails" in the espionage act—Title XII, if the Senator will turn to that—and to ask him to read section 2 of that title, and to see if his inquiry does not obtain as well to that as to the portion of the act which he has read? Let me read section 2.

Mr. NORRIS. Section 2 of Title XII?

Mr. FLETCHER. Section 2 of Title XII, which reads as follows:

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

I ask the Senator if he does not agree that such publications ought to be declared nonmailable, and that the prohibition ought to be enforced against the circulation and distribution of that sort of matter?

Mr. NORRIS. Mr. President, the Senator from Utah and the Senator from Florida have saved me the trouble of reading extracts from the espionage act which I intended to read, and I am very much obliged to them. On the face of it, it looks very reasonable, as the two Senators have pointed out from these two sections, and there are other sections in the espionage act which make such publications unlawful, and this would apply as well as those, but those illustrate it; they go far enough. I intended to read both those sections. The acts they prohibit ought to be punished, and the espionage act does punish them by fine and imprisonment and makes such publications nonmailable.

Let us see how the nonmailability of these publications will be carried out in actual practice. If there were no punishment fixed for the crimes that these sections define, then there would be some excuse for the provision contained in the conference report; but it is already provided in the espionage act that anyone guilty of such acts shall be punished by both fine and imprisonment. What happens? What is the modus operandi when the Postmaster General wants to exclude a newspaper from the mails? He issues an order; he excludes it; there is not any trial before a court or a jury. In effect, he charges the publishers with a crime, because they must be guilty of a crime or else their publications could not be excluded from the mails; but, contrary to all jurisprudence of every civilized country, instead of trying them for the crime, which he ought to do and for which they ought to be punished if they are guilty, he takes away their business before there is a trial; the newspaper or the magazine is excluded on the ipse dixit of the Postmaster General, and there is no way for the man who is publishing a newspaper to maintain himself until he can get, if he ever can get, an adjudication of what is charged against him. He may claim that he has not violated the law; he may say, "I am innocent of any violation of the law," but his newspaper is excluded from the mails. In the meantime he resorts to other means to keep on its feet a business to which perhaps he has given his life; he uses other means of circulation, but every time he does so, no matter what means he uses, if he has committed a crime he is liable not only to pay a fine but to go to prison I think for as long a time as 10 years.

Mr. FLETCHER. Mr. President—

Mr. NORRIS. I will yield in just a moment. But the provision to which I am objecting to here does not permit him even to do that. Under it his business is gone. Every man knows that when a newspaper is put out of business for two or three months, while the publisher of that newspaper may be seeking an adjudication of his right to remain in business, he is out of business for good.



If, as I have heretofore said, his act was not made a crime and no provision was made for its punishment, there might be some reason for this desperate method of putting a newspaper out of business, but when the law provides that when he does any of the acts enumerated in the sections of the espionage act referred to—and there are also several other sections bearing on the same matter—he must go to jail or to the penitentiary and must pay a fine, it seems to me that we ought not to prohibit the man, which we do in effect if we adopt this proposition, from ever having a day in court until the day in court will do him no good. Now I yield to the Senator from Florida.

Mr. FLETCHER. The Senator's argument, I submit, is largely directed against the provisions of the espionage act.

Mr. NORRIS. No; it is not.

Mr. FLETCHER. That act partially covers the matter and imposes the hardships to which the Senator refers.

Mr. NORRIS. The Senator must not misquote me; the Senator is wrong. I voted against the espionage act. I think there are lots of bad things in it, but it is a law now, and it is all right to enforce it, and I am not opposed to anybody honestly and fairly enforcing it; but let me submit to the Senator that when a man has violated the espionage act, then why not try him, as the law provides, before a judge and in a court, to determine whether or not he is guilty when the charge is made that he has violated that act? This provision goes further and says: "You shall not keep up your business while you are endeavoring to secure a trial, but you have got to quit now; you will have no means of maintaining your paper." If the omission of such a provision from the espionage act permitted a man to do anything contrary to the law, I would not be here contending against it, but all the time the law is in force. While he is distributing his paper by express or through delivery boys or by any other means that he may employ, expensive though it may be, all the time he has the law over him, and if in any way he violates it he must go to prison and must pay a fine. That is right; that is the law now; but this provision says he shall not even be allowed to try to maintain his business while he is making what I can conceive to be an honest attempt to secure vindication when he is not guilty of any crime against the United States.

Mr. FLETCHER. Mr. President, the espionage act endeavors to reach this evil by forbidding the use of the mails for the circulation and distribution of this kind of material, nonmailable matter, and it punishes the offender for the use of the mails in violation of the act. Now, this provision does go further. I am perfectly frank to admit that it is intended by this provision to prevent the distribution of the material denounced in that act by any other means than by the use of the mails—that is, matter printed in foreign languages without a corresponding certificate, and so forth, as required by this act and the material declared to be nonmailable by the espionage act. It is intended to stop the distribution of that sort of material in any manner, not only through the mails but in any other way. I submit to the Senator that, whereas there may be a hardship occasionally such as he suggests in enforcing the act, inasmuch as the Postmaster General can prohibit the use of the mails to newspapers under the espionage act, this does not enlarge or increase that hardship to any extent. It simply says that that same unlawful material, illegitimate material, nonmailable material, shall not be distributed by express companies or through any other agency, because it is the material itself which is harmful, its distribution and its publication, and not merely the use of the mails. Forbidding it the use of the mails is merely a means of preventing the injury which would be caused and the evil effects of distribution.

Now, this provision proposes not only to continue the operation of the espionage act forbidding the use of the mails, but also proposes to forbid any other method of distribution of that offensive, seditious, nonmailable material denounced by the law.

Mr. NORRIS. Mr. President, there is no dispute between the Senator and myself as to what the particular language to which I am objecting does, and there is no dispute that it does what the Senator says it is intended to do. My objection to it is that it will do that upon the simple order of the Postmaster General that a publisher has committed a crime. He may be as innocent as an unborn child of any crime, but he is put out of business. The criminal character of the act is fixed in the espionage law; we do not change that; I am not asking to change that; that is the law. This provision is directed at a man's business. It simply puts the man out of business without a hearing, whether he is guilty or whether he is innocent; that is the practical effect of it. There is no means of trial afforded, as there is under the espionage act. Under that act a man can be tried, and he ought to be tried and convicted, if he is guilty. I am not trying to shield any man who is guilty;

that is not my purpose; but I am trying to protect the innocent man; I am trying to protect the press of the country from an arbitrary order of the Postmaster General, who, without reason, without evidence, without anything but his own will, can put every newspaper and every publication in the United States out of business. Heretofore, without this provision, he could go quite a long way, but the man who is put out of business could continue in his own way, expensive and hard though it might be, to keep his newspaper or his magazine in print and deliver it, through some expensive means of his own, until he could secure some judicial determination of the question.

Mr. KING. Mr. President—

Mr. NORRIS. I will yield to the Senator in just a moment.

Another reason why it seems to me that this is not a proper thing to do is that the Postmaster General, as I understand, has already under the espionage act put out of business some 38 or 40 newspapers. With the exception of one or two copies that I have seen, I have no knowledge as to whether or not his action was just, but he put them out of circulation. I know that in some instances the claim is made that not a single statute or law of the United States has been violated. The Postmaster General has never in an instance, so far as I have ever heard, had one of those men arrested for the violation of the espionage act; and yet, if his order putting them out of business is based on fact, every one of them is guilty of a crime and ought to be sent to the penitentiary. The means now provided do not seem to be sufficient for the Postmaster General to carry out the purpose desired. Evidently—I can not come to any other conclusion—he fears that he can not successfully prosecute these men, and I can not resist the conclusion that in many instances he himself does not believe they have committed a crime; but the only reason he can give for putting them out of business under the espionage act is to say that they have violated its terms. If they have violated its terms, they are guilty of a crime. If the Postmaster General has always acted in these matters in the best of faith, why is it that these men are not arrested and sent to prison?

I can easily see how a man publishing a newspaper might say something that was very displeasing to the administration. He might go a good way, probably, in criticizing it, and it might be claimed by the Postmaster General that in the extent of his argument, the distance he had gone in his criticism of the administration, he had violated the law; and the man who published the paper might, on the other hand, be just as honest in his belief that he had not violated the law. Now, that is the kind of a man who ought to be protected, it seems to me. At least, he ought to have a day in court for a hearing before the business of a lifetime is thrust aside and made worthless.

But what happens? The Postmaster General puts the man's newspaper or his magazine out of business. The man says, "Well, I will get back in time. I will get into court. It will take me some time; it will cost me lots of money, and in the meantime, in order that my publication may be worth something when I get through, I must deliver the publication to my subscribers"; and he delivers it through the express to the various cities and places where he has subscribers and hires men or boys at those places to distribute it, to carry it on in the meantime. All the time during that time, if he has violated the law, he can be sent to the penitentiary just the same. He has always got that staring him in the face, as every man has. If he violates the law, he can be punished, and he ought to be punished. But now comes this amendment and says that when you have that kind of a man in that kind of a position, you will make it illegal for him to deliver his newspaper in an automobile; you will make it illegal for him to send it by express; you will make it illegal for him to have it delivered by newsboys; and every newsboy or every man who handles it is liable to be sent to jail and to pay a fine.

Mr. RANSDELL. Mr. President—

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

Mr. NORRIS. I do.

Mr. RANSDELL. I want to ask the Senator what law would be violated if a man were to publish a newspaper that was declared to be nonmailable and not allowed the use of the mails and were to distribute that paper through the aid of newsboys or by the express office or by messengers of any kind other than the mail? What law would be violated? Will the Senator kindly point out the statute?

Mr. NORRIS. Yes; the espionage act.

Mr. RANSDELL. Where? What feature of it?

Mr. NORRIS. The section that the Senator from Utah read, and several other Senators.



Mr. RANDELL. I beg pardon; I do not so understand that. Perhaps I am wrong. The one which we were just discussing here, section 2 of Title XII, reads in this way—

Mr. NORRIS. That is the one that the Senator from Utah read.

Mr. RANDELL. The Senator from Florida [Mr. FLETCHER] read that. The Senator from Utah read another.

Mr. NORRIS. Yes.

Mr. RANDELL. Let us see.

Mr. NORRIS. It is section 3 of Title I.

Mr. RANDELL. Section 3 of paragraph 1:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

Mr. NORRIS. Now the Senator has answered his own question. He will be punished by a fine of not more than \$10,000 or imprisonment for 20 years, or both fine and imprisonment. It does not make any difference how he is distributing it. Why, Mr. President, if the particular provision that we are talking about here goes into the law, it does not apply only to newspapers, it does not apply only to magazines that heretofore have circulated through the mails. It applies to a poster or a bill; it applies to the speech that the Senator from Louisiana, or any other Senator, may make on the floor of the Senate; and if this goes into effect, the Postmaster General could make it illegal for him to take a copy of that speech home and deliver it to his own wife!

Mr. POINDEXTER. Mr. President—

Mr. RANDELL. Mr. President, I hope the Senator will allow me to pursue my inquiry.

Mr. NORRIS. Yes; I thought the Senator was through.

Mr. RANDELL. Section 3 of paragraph 1 relates to false reports or false statements with intent to interfere with the operation or success of the military forces of the United States.

Mr. NORRIS. Yes.

Mr. RANDELL. Now, the section 2 referred to in the bill under discussion is evidently section 2 of Title XII. That relates to any publication, matter, or thing of any kind containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Mr. NORRIS. Yes.

Mr. RANDELL. It is very different from the other. You might urge insurrection and not, as I construe the law, come under this section.

I want to ask the Senator this question: If a publication urges insurrection, treason, or forcible resistance to any law, does the Senator from Nebraska think a publication of that kind ought to be distributed in any way, shape, or form?

Mr. NORRIS. No, no; I have not said so. I do not claim so.

Mr. RANDELL. I understood that from the Senator's argument.

Mr. NORRIS. No; the Senator can not get that understanding from anything I said.

Mr. RANDELL. I know that the Senator is a patriotic man, and I could not believe that he intended to convey any such impression as that.

Mr. NORRIS. No. Now let me reply to the Senator's question, that I said had been answered by reading the extract from the espionage act. He asked me this question: Suppose the publication is excluded from the mails and the publisher resorts to the express to distribute it, what law would he be violating? I said he would be violating the same law.

Mr. RANDELL. Yes.

Mr. NORRIS. Then the Senator read section 3 of Title I of the espionage act, and, as I said, that answered his own question. It does not have to go through the mails.

Mr. RANDELL. I do not understand—

Mr. NORRIS. This applies to the same section that the Senator from Utah read. This particular amendment does not apply only to section 2 of Title XII of the espionage act.

Mr. RANDELL. I admit that.

Mr. NORRIS. It applies to the whole espionage act.

Mr. RANDELL. That is true.

Mr. NORRIS. And there are other provisions in it besides those that have been read that would be violated.

Mr. RANDELL. That is absolutely true; it applies to the whole espionage act; but I do not know any provision of the espionage act that would comprehend the case which I cited to the Senator. Now, perhaps section 2 of Title I has that effect. I do not so construe it. I think it is necessary to put

in the provision which we have here in order to protect the patriotic people of this country against the unlawful, or certainly wrongful, dissemination of these insurrectionary and treasonable utterances other than by the mail. Now they can be sent by express; they can be sent by newsboys; they can be sent by men hired to distribute them in big centers of population. A great deal of harm might be done by such publications, and never reach the mails, and it is that which we are seeking to avoid and to overcome in this act.

Mr. NORRIS. Still the Senator does not seem to get the idea about which he asked me a specific question, and I want to ask him now if the section that he has read does not answer his specific question? I want to ask him now if I was not right when I said that while the man was excluded from the mails with his publication, and was distributing it through the express office, he was liable under the same act as though he distributed it through the mails, and could be punished and sent to prison for 20 years and would have to pay a fine of \$10,000?

Mr. RANDELL. This section applies to making or conveying false reports or false statements with intent to interfere with the operation or success of the military or naval forces.

Mr. NORRIS. Why, yes.

Mr. RANDELL. There might not be any false statement, there might not be any misrepresentation, and at the same time the article might teach treason; it might advocate treason; it might advocate insurrection. It might do all those things and yet not make any false statement or false report of any kind as set forth in section 3 of paragraph 1.

I can understand that the publication might be very vicious and yet not come under the terms of section 3. Perhaps I am obtuse, but that is my understanding of it.

Mr. NORRIS. Mr. President, the Senator from Utah and the Senator from Louisiana ought to have a joint discussion on that proposition, because the Senator from Utah, I think very properly, called my attention to the particular section to which I called the Senator's attention, and he asked me whether I did not think anybody that was guilty of that ought to be punished. I frankly said "yes," and the law itself provides for a punishment. Why should they not be punished? Why are they not punished if they are guilty of a violation of that statute? And if the sending of a newspaper through the mails is a violation of that statute—which the Senator from Utah believes, and I do, and I think the Senator from Louisiana will when he thinks about it—if that is a violation of that statute, then the sending of the same newspaper through the express will likewise be a violation of that statute.

Mr. RANDELL. Mr. President, the Senator does not seem to draw a distinction between the spoken and the printed word. Section 3 refers to the spoken word, and, of course, it might refer also to the printed word; but when a man conveys false reports or makes false statements you do not have to print them in any shape or form to come under the provisions of section 3. You might say that in a speech which would not be printed, and yet several thousand people might hear your speech.

You might tell Tom, and he would tell Bill, and Bill would tell John, and so on, and this report would be carried around and do an immense amount of harm without ever getting it printed, and all of that would come under section 3. It is altogether a different proposition from the printed word, which is covered and intended to be covered by section 2 of Title XII. One is entirely different from the other. They answer different purposes, and are intended to answer different purposes. Now, I ask the Senator, if they were not intended to be different, why are they both put in here?

Mr. NORRIS. I have not said they were the same. The Senator is misconstruing me again. I do not claim that they are the same. I know they are not the same. Now, I want to read again section 3, which the Senator from Utah so kindly read:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

It does not make any difference whether he does it by word of mouth, whether he does it by letter, whether he does it by newspaper, whether he does it by a magazine, or whether he does it by the CONGRESSIONAL RECORD. It does not make any difference whether it goes through the mails or whether it is distributed by express. It does not make any difference whether it is second-class matter or whether it is delivered in an automobile by the man who uttered or wrote the words. It is a



crime just the same, and he can be punished for it. Those who are favoring the particular provision to which I am objecting seem to go on the theory that those things are not crimes now; that they can not be punished now; and that the only way to reach them is to give to the Postmaster General authority to say, arbitrarily, "This newspaper shall not be published; it shall not circulate through the mails," and when he does say so, that this provision says "neither shall it be distributed in any other way." If that were done in regard to a newspaper, if you handed me a copy of it you would be liable to 20 years' imprisonment in the penitentiary and to pay a fine of \$10,000.

Now, Mr. President—

Mr. KING. Mr. President, whenever there is a convenient place, I should be glad if the Senator would yield to me.

Mr. NORRIS. All right; I would just as lief yield now.

Mr. KING. I want to put a concrete case to the Senator from Nebraska. To see just how far he thinks this legislation goes.

Take a case of this character: There is an act of Congress, as I recall, that prohibits the transmission through the mails of obscene, lewd, lascivious, and blasphemous publications. Some of the States have statutes making it an offense to circulate or distribute obscene literature or publications by any means whatever, so that if one should hand the publication to another, or if he should send it by express, such act would be an infraction of the statute enacted under the police power of the State. These same States, as far as I know, also have statutes making it an offense to publish or print obscene, lascivious, and blasphemous articles. They do not content themselves with denominating the printing and publication a crime, but they make it a crime to circulate or distribute it, to hand it from one person to another or to send it through an express company. Does the Senator think that because it is made a crime to print or publish the obscene matter that the States ought not to go further and that they ought not to endeavor to prevent the distribution of the same, though in so doing it is declared to be an offense to circulate or distribute the same?

Now, if that is legitimate and proper legislation—and it seems to me no one can complain about that legislation—

Mr. NORRIS. I wish the Senator would let me answer the question he has asked. He is going to ask so many that I fear I will forget his first question. Will he let me answer the one he has just asked?

Mr. KING. I am trespassing upon the Senator's time, and of course—

Mr. NORRIS. No; I am glad to have the interruption. It always enlightens, and I am not objecting at all. I should like to answer that question, however, and then I will yield again to the Senator if he wants me to.

The Senator asks whether I think the distribution ought to be made a crime, and I answer, to be sure it ought to be made a crime. He says there are many States that make it a crime. Let us see, when I offend against the law, what happens to me. I am arrested. I am tried before a court and before a jury, and I may claim to be innocent. I may be innocent. I can imagine that a man is not always guilty of a crime because he is charged with a crime, and I have my day in court. If I am found guilty, I am punished. I say, yes; I want that kind of a law; and if you came in here with a law—which would not be necessary, because we already have it—and said that if I distributed seditious or treasonable literature by the express company or by the use of an automobile or any other method I should be punished, I should say "Amen" to that. But when I do it, when you claim I have violated the law, you have to bring me before a court, and I have my day in court before I am condemned. You may charge me with a crime when I am innocent. I do not think the Senator from Utah would do that, but I would not even intrust him with the arbitrary authority to say in advance, "This man has committed a crime; therefore his business shall cease." If there were a provision here for a hearing, if there were some provision by which these men could have an opportunity to be heard in their own defense, you would not hear me objecting to it.

Mr. POINDEXTER. Mr. President—

Mr. NORRIS. But in effect they have that privilege taken away from them.

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

Mr. NORRIS. I will yield first to the Senator from Utah, who was not quite through.

Mr. KING. It occurs to me, if the Senator will allow me, that when he concedes that legislation of that character is proper, that men may be and should be punished for distributing a lewd, lascivious, obscene, and blasphemous article or publication, he justifies this legislation, which he is now criticizing, because it merely provides that if there shall be publications of the charac-

ter denounced in the espionage act, and the publication of which is an offense, they shall not be distributed, or the act of distribution shall constitute a crime. It seems to me, if I properly interpret the Senator's position, he must admit that it would be consistent and rational legislation for Congress to go further and say, "We have made it a crime to publish certain treasonable matter and have made the same nonmailable; we will proceed further and say that if such publications are distributed we will enact laws that those who distribute them, if done with knowledge, shall be guilty of an offense."

Mr. NORRIS. Let me answer that.

Mr. KING. And by way of illustration, just as it might be an offense to publish an obscene book it might consistently and properly be made a wrong and an offense for a person to circulate the same, knowing it to be obscene, whether among his friends or among his enemies.

Mr. NORRIS. Taking the Senator's own words, he will not be in dispute with me. He says it is not wrong to make it a crime. My dear sir, it is now a crime to do that very thing. It is already a crime. If you want to enact it over again and make it a crime again, I will not object to that; but the particular clause I am objecting to does try a man in advance. It does not add to the criminal part of it; that is left as it is now; but it simply says you shall not do business when the charge is made. It does not wait to see whether he is guilty or innocent. The case the Senator puts is already in the law. To distribute these things among your friends or your enemies that contains treasonable matter is a violation of law now, for which anyone guilty of it after he has been found guilty in the legal tribunals of the country would be sent to the penitentiary for 20 years. That is all right, but this does not add a criminal provision. It does not make a thing a crime that is not already a crime. It simply interferes with a man's right to have a trial, and although he may never be tried, as soon as he is charged by the Postmaster General, he has, in effect, to cease business; that is all.

Mr. KING. Let me see if I understand the Senator from Nebraska. As I understand the Senator's last statement it is to this effect. He does not object to the Government of the United States or Congress making certain acts referred to in the espionage law crimes. He does not object to Congress passing a law stating that if a man shall publish something that is treasonable he shall be guilty of an offense. He does not object to Congress enacting a law that the treasonable publication shall be nonmailable. But he does object, as I understand him, to Congress going further and saying that while the publication of such matter is an offense, and it is therefore not mailable and that legislation is proper, he does not think Congress should prohibit the distribution by other instrumentalities than the mail of those publications which are treasonable, and the publishing of which is made a crime.

Mr. NORRIS. No; that is not the point I make at all. The facts are that everything that the Senator propounds as being illegal is illegal now. I am objecting to an ipse dixit of the Postmaster General that shall put a man out of business without a trial.

Mr. KING. Will the Senator pardon me?

Mr. NORRIS. Let me go along further on that point. As I have said twice already, so that the answer may not be misunderstood let me say again, when the publisher has been denied the mails and the man resorts to any other means to distribute his paper he is liable to the same law absolutely and to the same punishment if he violates the law. In every one of the cases the Senator has put he presupposes that a man has been guilty of a crime and that he has violated the law. Whenever that is true I have no objection to almost any punishment that you have a mind to provide by statute. But I do claim and I do think that it is a fundamental principle of common, ordinary justice, much more a fundamental principle of American jurisprudence, that before any man should be ruined, put out of business, he should have a trial. If this provision had in it anything that would give the man a trial, I would not object to it.

Mr. SMITH of South Carolina. Mr. President—

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

Mr. NORRIS. The Senator from Washington tried to interrupt me a while ago, and I yield first to him.

Mr. POINDEXTER. I understand the Senator from Nebraska contends that this objectionable matter can not now be circulated by private means without violating the law; in other words, this objectionable matter may be declared nonmailable by the Postmaster General and excluded from the mails under the present law. Also the Senator from Nebraska says it may be kept from circulation by the prosecution of anyone trying to circulate it, through messengers or otherwise.



I should like to know from the Senator from Nebraska what this conference report adds to that situation if his construction of the existing law is correct. I add this to my question, that the conference report he objects to does not provide that matter declared nonmailable by the Postmaster General shall not be circulated by other means. That is not what the conference report says, but it says that matter which is made nonmailable by the provisions of the act relating to espionage shall not be circulated by other means. So it is not the ipse dixit of the Postmaster General, as I understand it, but the question is to be determined by a court.

Mr. NORRIS. Who is to decide it?

Mr. POINDEXTER. The court before whom it is presented. Mr. NORRIS. If that was correct, I would not be objecting to this language; but the Senator can not possibly, as I understand it, put that construction on it. This is the language:

or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917.

In that act "every letter, writing, circular, post card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind" in violation of any of the provisions of the act is declared to be nonmailable.

Now, let us take a case. Who is going to say it is nonmailable except the Postmaster General? That is what he has already said in the newspaper he has put out of business. He said, "You have violated the espionage act. You can not be admitted to the United States mails." That is the decree of the Postmaster General.

Mr. POINDEXTER. If I may interrupt the Senator just at that point—

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

Mr. NORRIS. I yield.

Mr. POINDEXTER. I will agree with the Senator if the conference report said any matter excluded from the mail by the Postmaster General should not be circulated in any other way. Then the man's guilt would be established by the ipse dixit of the Postmaster General. But it does not say that. Every criminal act has to be strictly construed. No court can convict a man unless upon the strictest construction of the criminal statutes he is found to be guilty. When the law says that the offense consists in circulating matter which is made nonmailable by the provisions of the espionage act, then the court is compelled to establish, and there is no court in the United States that would not, before it finds a man guilty, establish beyond reasonable doubt that the matter was nonmailable by the provisions of the espionage act.

Mr. KING. Will the Senator permit me a moment?

Mr. NORRIS. I yield to the Senator.

Mr. KING. An express company to which was tendered a publication to be carried to a distant point that the Postmaster General had held to be nonmailable would not be bound by the decision of the official named, and must receive it or fail to receive it at its own risk, and if it should refuse to receive it for transmission, when it should do so under the law, it is quite likely an action for damages could be maintained against it by the person tendering the publication.

Mr. NORRIS. You can rest assured the express company will not receive it if the Postmaster General has excluded it from the mails. In that case you can rest assured that you will not get anybody else to distribute it.

Mr. POINDEXTER. I suggest that that situation exists now. The reluctance of the express company or agent of any kind to distribute matter would not be increased by this act, because the Postmaster General already has power to exclude the matter from the mails. If his exclusion of it prevents an express company from accepting it for transportation, or an agent or messenger from distributing it, that is the result of the espionage act, the act of June 15, 1917, and not the result of the pending act.

Mr. NORRIS. Mr. President, the result of this legislation will be to practically coerce every newspaper publisher in the United States who can be coerced. It will mean that the Postmaster General will say to a newspaper publisher, "You have violated the espionage act; your paper is excluded from the mails." He will see that he can not get into the mails to distribute his paper and he will find he can not distribute it anywhere else. As I understand it, the very object of this language is to do that very thing. As has been argued by the Senator from Utah and the Senator from Florida, that ought to be sufficient. If you assume to begin with that the man is guilty, then that is right, and there is no answer to that argument, and I am not trying to answer it as to a guilty man. But

what would be the effect to say to one man you shall have the power to practically exclude from the mails and to exclude from circulation any magazine, any newspaper, any bill, anything that the man to whom is given the power says is a violation of the espionage act?

Mr. VARDAMAN. Mr. President—

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

Mr. NORRIS. I yield to the Senator.

Mr. VARDAMAN. If the Senator will permit an interruption, I wish to say that I am very much in sympathy with what he has said regarding the subject matter of the pending question. Amendment 1 of the Constitution of the United States is as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I thought we were going a long ways toward the abridgment of free speech and interfering to an almost unconstitutional degree, with the freedom of the press when the espionage bill was passed. I spoke against the section of the bill under consideration and I voted against it. It ought to have been defeated. But the Senate passed it by an overwhelming vote. It is now the law of the land, and I always endeavor to obey the law.

The Postmaster General under the terms of the espionage law is made practically the censor of the press. He is vested with the almost absolute power of excluding from the mail, or denying certain publications the privileges of the mail, if he believes they are not under the terms of the said law fit for publication. And he has not hesitated to exercise that power to the fullest extent. I think that some papers have been excluded from the mail that ought not to have been excluded. More harm will result from the exercise of such autocratic authority than could possibly result from the circulation of the censored periodical. A good deal has been said about the necessity of protecting the people against the pernicious effect of seditious publications or the unpatriotic utterances of certain newspapers. I do not in any way share the anxiety which honorable Senators manifest for the helpless people. I still have faith in the wisdom and the patriotism of the masses. I believe they are amply able to take care of themselves if permitted to do so. Really I think the people need protection against Congress quite as much as the Congress seems to think it is necessary to protect the Government against the lack of wisdom on the part of the people. Lack of confidence in the ability of the people to govern themselves is the foundation upon which autocracies are built. With all my heart I believe with Thomas Jefferson that a lie is impotent and harmless so long as truth is free to combat it. Those ripe old truths are well understood by Senators but I am sorry to say that they are not practiced very much in these abnormal times.

But coming back to the point the Senator is discussing. The provision to which the Senator objects in this report does not give the Postmaster General the power to exclude from the mail anything he has not already the power to exclude. It does not make anything unlawful that is not already unlawful. It simply prohibits the use of the express company, the freight, or any of the other instrumentalities of commerce for the distribution of something which the Postmaster General has declared ought not to be distributed or what the law provides should not be distributed through the mails.

The thing which the law seeks to deal with is seditious matter; to prevent the circulation or distribution of a newspaper whose columns were used for an unlawful purpose. The purpose of this legislation was not to protect the mail but, rather, to prevent the use of the mail to the injury of the man. Now, if the matter prohibited from passing through the mail was of such a nature that it should not go to the people through the medium of the Post Office Department it is equally dangerous to send it by the express company. I am not apprehensive myself about the bad effect of such publications upon the people, but the law has been written, and it becomes the duty of every patriotic citizen to obey the law. If it is a bad law, and I think it is, the best and quickest way to get rid of it is to enforce it.

I know the hardship it is going to work, and I do not approve the principle or the policy of such legislation and, in my judgment, nothing but harm will result from it. But Congress has declared it to be the law, the courts have upheld it, the Postmaster General, as I have said, has been given the power to judge whether a thing is right or wrong and whether it ought to be withheld from the people, and when he shall do that I do not see any reason why if he determines that it should not go



through the Post Office Department it should be permitted to go by other means of transportation. I expressed opposition to this amendment in committee, but since I realize that it does not give to the Postmaster General or the censor, whoever he may be, any power that he did not already have, nor does it add anything to the present law except with reference to transmitting the newspapers through the mail I can not see why any special harm can result from it. Therefore I signed the report of the conference committee. If I could have my way about it I would not have any legislation of this character at all on the statute books. I do not think it correct in principle or safe in policy. If it does not violate the letter of the Constitution it most assuredly does violate the genius and the spirit of American institutions.

Mr. HUSTING. Mr. President—

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

Mr. NORRIS. I hope the Senator will allow me to proceed.

Mr. HUSTING. I merely wish to clear up something that the Senator from Mississippi said. I wish to ask him a question.

Mr. NORRIS. All right.

Mr. HUSTING. The Senator from Mississippi said—at least I understood him to say—that the purpose of this act was to make nonshippable that which the Postmaster General declared nonmailable. I do not understand it that way. If the Senator please, it seems to me it declares nonshippable, if I may use that term, not the things declared nonmailable by the Postmaster General, but the things declared nonmailable by the statute; and there is nothing in the enactment which makes the Postmaster General censor of the express company.

Mr. VARDAMAN. I think the statute makes the Postmaster General the officer who declares whether it is nonmailable or not.

Mr. HUSTING. Is not that only for the purpose of mail matter?

Mr. VARDAMAN. This refers to the statute. It is made nonmailable by order of the Postmaster General, and it is not nonmailable until the Postmaster General holds it so. The Postmaster General is the court that passes on the question first.

Mr. NORRIS. I hope I may be allowed to conclude. I would have concluded long ago had it not been for the interruptions.

Mr. VARDAMAN. I beg the Senator's pardon. I thought I was answering the Senator from Wisconsin with his permission.

Mr. NORRIS. The Senator's remarks are very illuminating, but I should like to finish. It will take me only a few moments. I want to refer to what the Senator from Mississippi has said. It seems to me he makes the same mistake that other Senators do in assuming always that the man charged is guilty. It is said that if a man is circulating through the mails newspapers containing treasonable utterances he ought to be punished, and he ought to be denied the use of the mails. I say amen. Then it is said such a man ought not to be allowed to distribute such utterances through any other means; and I am willing to agree to that; but we do disagree when it comes to the method of the ascertainment of that fact. If we are going to leave that to the Postmaster General, and the publisher is not to have the right to be heard anywhere in his own defense until it is too late to do his business any good, then, I say it is wrong; it is striking at the fundamental principle of a free press and of free speech—something that our forefathers thought so much of that they put a provision for its protection in the fundamental law of the land, in the first amendment, I believe, to the Constitution of the United States.

As the Senator from Mississippi [Mr. VARDAMAN] says, the people need protection, and we ought to give them protection by rejecting this conference report, for the reasons that I have pointed out. Never yet, Mr. President, in any great war where it was necessary to place in one man's hands an enormous power have rights thus taken away from the people and placed in the hands of one man, when the controversy was all over been restored to the people intact.

It seems to me it is something we want to guard with jealous care; it seems to me that the very fundamental principle of our Government is to a certain extent at issue here and now. Those who favor this proposition ask, if a man is printing treasonable matter should he not be punished just the same if he sends such matter through the express companies as though he sends it through the mail? Again I answer, yes; he should; and there is a law now on the statute books which thus punishes him; but he must be tried by a jury and in the court where he has an opportunity to be heard in his own defense. Whenever you place in an executive officer the right to decide in advance, the right to interfere with my speech or with your speech, and with this magazine and that magazine, you are

striking at the very liberties of the people, something that our fathers and all of us have always contended we ought to keep inviolate.

What would it mean if one man had this wonderful power? What would be the condition of the newspapers and of the magazines of the country? Would not they all be more or less in a continual state of turmoil lest, even innocently, they might offend the censor, whose will was law, and whose dictum, in effect, gave the publishers no appeal and no right to be heard?

Mr. STERLING. Mr. President, just a word or two with reference to some of the views which have been expressed by the Senator from Nebraska [Mr. NORRIS] and others. The complaint of the Senator from Nebraska is to the effect that in the exercise of power on the part of the Postmaster General in excluding certain matter from the mails there is no chance on the part of the publisher to be heard; but this is a present evil, and there must be a remedy for it at once. Somewhere there must be the power to repress and prevent the evil. The evil is the sending through the mails of such publications, and they may be sent from day to day, from week to week, doing injury meanwhile, while the individual publisher waits six months or a year before he is heard and before it is determined whether or not he is guilty. So in a case of this kind there must be the power, which may be immediately exercised, to exclude from the mails.

Mr. President, in statute and in court decisions we have precedents and authority for a law like the one which is now proposed in the conference report. In the case of the sale of lottery tickets and of literature promoting lotteries we have an example of a law of this kind. The Postmaster General may exclude from the mails obscene literature. In both instances the Postmaster General is authorized to exclude from the mails, and there is no trial in advance in either case, but there may be a trial thereafter upon a charge duly made. So, with regard to matter intended to defraud, the mails can not be used for the promotion of schemes meant to defraud the public. The power, as I have said already, must reside somewhere to exclude from the mails such matter as will work injury to the morals or general welfare of the people.

There has been some confusion, I think, in regard to section 3 of Title I of the espionage act. First, however, before proceeding to that, I desire to call attention to section 2 of Title XII of that act, which provides:

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

The power must reside somewhere, as I said a while ago, and necessarily, in this case, in regard to whether matter is mailable or nonmailable, it must be with the Postmaster General. Should we allow treasonable matter, matter promoting insurrection, matter advising forcible resistance to law, to be still carried in the mails while we wait six months for the trial of the publisher to determine whether or not he is guilty, and that, too, when a war is on, the most desperate and dreadful that ever afflicted mankind? It seems to me that the contention is preposterous that there must be had a hearing and a trial before the Postmaster General shall have power to exclude such matter from the mails.

How does the conference report amendment read in this regard? I want to show now just what the relation is to section 3 of Title I of the espionage act. Remember, the Senator from Nebraska and others say, at the instance and suggestion, in the first place, of the Senator from Utah [Mr. KING], that there might be a prosecution under section 3 of Title I of the espionage act. The conference report amendment is as follows:

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same—

Now, note this language—

or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917.

If the publisher has not complied with the provisions of the act with regard to the translation of the matter which is in a foreign language and made his affidavit accordingly, he has failed to comply with the act, and the publication is nonmailable. The only question, then, is as to whether or not its distribution by any other means than through the mails is prevented. I turn to the espionage act, and I find there, when you properly construe section 3 of Title I, that if the nonmailable matter is of a certain type and character, then and then only will it come within the provisions of section 3 of Title I of the espionage law. I read that title, as follows:



SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

If he has violated that section he ought to suffer that penalty. He may violate that section when he attempts to distribute the matter contained in his publication by express, by freight, or by any other means of conveyance. If so, he is then liable, because of the particular nature of the matter published, to prosecution under section 3, of Title I, of the espionage law. Whatever the means, if he has disobeyed that law, if he has not made the affidavit required, and sends forth in his publication seditious matter for the purpose of causing disloyalty or mutiny in the military or naval forces of the Government, to prevent which is the object of section 3 and of this part of the conference report, I do not care what the means, whether it be express, whether it be freight, or whether it be by delivery boy, he ought to suffer the penalty, severe as it is.

Mr. President, we are in a great war and under peculiar conditions, with newspaper publications, many of them printed in foreign languages—some in the language of the enemy, seeking to interfere with the efforts of the United States to bring the war to a successful conclusion. Examples, indeed, have already been furnished, as I am informed and believe, to the effect that sedition has been advised, that resistance to law has been advised through publications of this kind. What is the difficulty? When there is no translation the editorial advising such action may go to a foreign-language speaking community. The English-speaking residents of that community, not accustomed to reading papers in a foreign language, never note it and never know what mischief is done; or, knowing that mischief has been done, are unable to trace it to its source or know how it has been accomplished. So, Mr. President, I think in a time like this and under conditions such as we are now living in this is a wholesome, safeguarding provision, and should become the law.

Mr. POINDEXTER. Mr. President, I want to say merely a word or two. I have in mind a publication called the "American Weekly." It is un-American, and ought not to be called the American Weekly; it ought to be called the German Weekly; but it is printed in the English language. It has been excluded from the mails, and yet it is being circulated all throughout the United States. The entire burden of the matter which it contains is discouragement and attack upon the efforts of the United States in the conduct of this war for the preservation of the country. It is perfectly obvious that it is inconsistent and illogical for us merely to declare such matter nonmailable and keep it out of the mails and yet make it lawful for it to be distributed wholesale in any other way. I have no doubt at all that the funds to meet the expense of distributing this paper—and I refer to it only in illustration of a general situation—through the express companies, to newsboys, and at news stands come from German sources, and very likely from the German Government. I think that this conference report strengthening the law for the purpose of suppressing matter of that kind and meeting on our own soil these insidious and sinister attacks, which we have dealt with in a flabby sort of a way, ought to be enacted, and it is very important that it should be enacted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HUSTING and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. HUSTING. Mr. President, I wish merely to clear up the question that I propounded to the Senator from Mississippi [Mr. VARDAMAN] a little while ago. I will say that I have in my hand the act of June 15, 1917. Section 1 of Title XII of that act declares what is unmailable. I will read it. It is as follows:

#### USE OF MAILS.

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of this act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

Section 2 of Title XII provides:

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

Section 3 of Title XII reads:

SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

That is all that I can find in that law in regard to declaring what is nonmailable. The point I want to make is that the particular section under discussion provides against—

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable—

And to this portion that I am now coming to I want to refer particularly—

and it shall be unlawful for any person, firm, corporation, or association to transport, carry, or otherwise publish or distribute the same, or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage approved June 15, 1917.

The act approved June 15, 1917, does not give the Postmaster General any right to declare what is unmailable or unshippable. Of course, as applied to the United States mails, the Postmaster General, being at the head of the department, necessarily passes on the matter and declares it to be nonmailable, so that the department is forbidden to carry it; but in extending this to express companies there is nothing in the proposed provision which gives the Postmaster General any right to censor what the express company, for instance, shall carry. It depends upon the construction of the law, and the express company or any other carrier touched by this provision is not bound by what the Postmaster General says, but must construe the law himself, and refuse to carry the matter only when it is contrary to the provisions of the law. Now, being contrary to a finding by the Postmaster General is not enough. It has got to be a finding that it is contrary to the provisions of the law. So that the effect of the provision is not to declare unshippable by express, for instance, what the Postmaster General says is nonmailable, but to declare that it shall not be shipped by the express company when it is contrary to the provisions of the law.

So there is a vast difference between this provision and forbidding express companies to carry those things which the Postmaster General says are unmailable. This prohibition or inhibition goes to the extent of prohibiting the express company from carrying anything which the law says is nonmailable. So that whatever the practice may be—and we are not talking about that now; we are talking about what the effect of the law is—this is merely to prohibit express companies and other carriers from carrying those things which, by the facts and circumstances surrounding them, are in themselves nonmailable. That does not put it within the jurisdiction of the Postmaster General, however. That just defines the offense; and the offense is defined by the provisions of the law, not by what the Postmaster General says.

So this is merely carrying the law a little further, and prohibiting men who are publishing nonmailable stuff from evading the law and being able to distribute their treasonable stuff or illegal and unlawful matter through the express companies instead of the mails. It is not extending the offense any further. It is not giving any wider discretion to anybody. It merely closes one more avenue to those who are violating the law. It is just one more protection to the Government of the United States in this war in the way of stopping stuff which Congress has declared to be unlawful—not which the Postmaster General declares to be unlawful, but which Congress declares to be unlawful.

Mr. CUMMINS. Mr. President, I feel sure that no one condemns more severely than I do the utterances of various men and the publication of matter which tends to interfere with the successful prosecution of the war; but I believe that we ought to preserve, if we can, some little part of the right of free speech and a free press. There is certainly a little of it to which we can hold fast without injuring the country or impairing our efficiency and strength in the war. There is some point between absolute silence on the part of every human being, and absolute license, at which we can safely rest. I believe we will do this country more harm in an unreasonable attempt to suppress the right of speech and the right of publication than we will in permitting the publication of many things which seem to us unwise.

I do not agree with the Senator from Nebraska [Mr. NORRIS] with respect to his construction of this report, although I am opposed to the insertion of this particular paragraph in the law. I do not understand what jurisdiction the conference commit-



tee had over the subject, anyhow. I think it is a pure and unjustifiable assumption of authority on the part of the conference committee to make any report upon this subject. It is one that was not considered either by the Senate or by the House. There was nothing in the House bill upon the matter; there was nothing in the Senate bill upon the matter; and how the conference committee—which is, I assume, charged with the duty of reconciling the differences between the House and the Senate—could venture upon legislation of this kind, I am unable to understand.

Mr. FLETCHER. Mr. President, may I interrupt the Senator there?

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

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

Mr. FLETCHER. Section 19 was added to the bill in the Senate. It was entirely a new section. It had relation to publications in foreign languages—in the German language, in fact. That placed the whole matter of the section, the whole of that new matter, in conference.

Mr. CUMMINS. It did, Mr. President.

Mr. FLETCHER. The House disagreed to it. Then an arrangement was reached between the conferees whereby not the precise language of the amendment as it passed the Senate, but that language, together with this, should constitute the real amendment.

Mr. CUMMINS. Precisely. Section 19—which was added, as I understand, upon the motion of the Senator from Utah—relates to the publication of matter in a foreign language. The amendment itself was confined to publications in the German language, and I agree that it was within the jurisdiction of the conference committee to enlarge the legislation so that it would include publications in any foreign language. In so far, I have no objection whatever to it, because I think it is better as reported by the conference committee than as it was passed by the Senate. But when the committee attempted to go further and to declare that it should be a crime to circulate in any manner whatsoever matter that might be in violation of the espionage law, it assumed the jurisdiction of a subject which was not connected in any way, either directly or indirectly, proximately or remotely, with the amendment offered by the Senator from Utah; and if we had any rule on the subject which was entitled to respect—we have none, I agree, or, if we have any, nobody respects it—if we had any rule on the subject that was capable of enforcement, this part of the report could be excluded, and it ought to be excluded, upon a point of order. But, as I have observed in times past, we are substantially lawless with regard to the action of conference committees, and we are gradually permitting these committees to organize new legislation upon new subjects, and it is brought before the Senate without any opportunity for amendment or change.

I make that complaint against the action of the conference committee. I am entirely in sympathy with the general object sought to be accomplished by the committee; but the Senate ought not to enact legislation that it has no chance to consider, no chance to change, no opportunity to amend; and I hope that at some time the Senate will be sufficiently jealous of its prerogatives, and have sufficient discernment with regard to the proper function of a conference committee and its own privileges to condemn the introduction into a report of matter entirely foreign to the subjects which were committed to its care.

Mr. President, I agree with the Senator from Florida [Mr. FLETCHER] with regard to his interpretation of this proposed new legislation, rather than the interpretation of the Senator from Nebraska [Mr. NORRIS]. We have made certain things criminal in the espionage law. I do not intend to review that statute. There are a great many things in it to which I gave my assent with great reluctance, and there are some things in it to which I could not give my assent at all. But it has become the law. It creates many additional offenses against the United States. Section 3, to which reference has been had, is simply a part of its general supervision. It defines certain crimes against the United States; but the whole act is full of definitions of new crimes, and when we came to section 1 of Title XII we said that any publication, newspaper, print, and so forth, in violation of any of the provisions of the espionage law, should not be carried by the United States in its mail. It is a very comprehensive, far-reaching statute, and I make no objection to it. My complaint against that statute—and I simply repeat what I said when the law was upon its passage—is that it gives no fair opportunity for those responsible for a publication, the character of which is brought into question, to have an impartial trial before a tribunal appointed for the purpose.

But that is neither here nor there. The law is a part of our new regulations, and I have no disposition to challenge it at this time. It covers the whole of the espionage act and excludes from the mails everything that is in violation of the act; and, while it is not entirely clear, if a person is violating, for instance, section 3 of Title I through the instrumentality of a newspaper or a magazine, it possibly may be said that the newspaper or magazine is in violation of that section. That is not very clear to my mind, but I do not pause to discuss it at this time. It is sufficient to say that we gave ample, full authority to the Postmaster General to exclude from the mail everything that was or is in violation of the provisions of the espionage law.

Let us see what remedy one has who is charged with a violation of the law through the publication of a newspaper or a magazine.

The Postmaster General rules that a given publication is in violation of the law, and therefore excludes it from the mail. There is a qualified, limited, imperfect appeal to the courts. The person interested may bring his suit to enjoin the postmaster or the Postmaster General from the execution of the order. That is to say, he may apply for what is termed a mandatory injunction in order to compel the admission of the newspaper or the magazine to the mail. What is open to inquiry in a suit of that character? Not the broad, general merits of the publication; not the question of whether its publisher is or is not guilty of an offense under the espionage law. The court has practically the same jurisdiction in such a case as it has when it comes to review an order of the Interstate Commerce Commission or any other body that is created for the purpose of applying to the particular case the law that we announce. The court must find that the Postmaster General acted without evidence, acted arbitrarily, which is but a synonym for saying that he acted without authority of the law. It is a very unsatisfactory review so far as the court is concerned; but I am stating what the law is, rather than criticizing it.

We now come to the present statute; that is, the one that is sought to be added through this conference report. What is it? It says that it shall be unlawful to carry, circulate, or transport any matter which is made nonmailable by the espionage act. I do not think that the espionage act covers the offenses that are named in this particular provision. I do not think that an express company or any other transportation company would be criminally liable under the espionage act for carrying literature that might be conclusive evidence of wrongdoing on the part of the publisher.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 2316) to promote export trade, and for other purposes.

Mr. POMERENE. I ask that the unfinished business be temporarily laid aside pending the consideration of the conference report.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is temporarily laid aside. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, it is true, as said by the Senator from Nebraska [Mr. NORRIS], that the publisher or author of the statements or sentiments which are denounced and condemned by the espionage act still remains liable to criminal prosecution and can be prosecuted, as stated by the Senator from Nebraska, and heavily fined and imprisoned; but I know what was in the minds, I think, of the conferees. They desired to punish the instrumentalities through which the matter reached the public ear or the public eye. They wanted to make it a crime for an express company or any other transportation company to transport this material, even though it might be entirely ignorant of its character. They wanted to make it impossible for a publisher whose publication had been condemned by the Postmaster General to resort to any other channel through which to reach the public, and they have done it effectually in this provision.

Let us see what the effect would be in a given case. Suppose the Postmaster General were to examine a publication, magazine, or newspaper and declare it was nonmailable. The law does not provide for any trial whatever, and even if the publisher desires to challenge the correctness of the Postmaster General's decision, as I have pointed out, his rights of review is so limited that it is a practical denial of justice.

Mr. KING. Will the Senator permit me?

Mr. CUMMINS. Just a moment until I finish this thought. Then I will be glad to yield. The publisher resorts, we will assume, to the express company. Not at all admitting that



the decision of the Postmaster General is correct, but as an alternative he resorts to the express company or to the railroad company or whatever other instrument of transportation he may select, and puts his publication in its hands for circulation. He is, I assume, endeavoring to get the decision or the view of an impartial court upon the character of his publication. He is trying to find out whether he has violated the law or whether he is an innocent citizen. What will the express company do, or the railroad company, or any other general instrument of distribution or carriage do? It will say to the publisher: "I will not accept your publication. I do not intend to incur the hazard of becoming a criminal. I refuse to distribute the paper. The Postmaster General has said it was nonmailable, and if it was nonmailable it is in violation of the espionage law and there is not sufficient compensation or sufficient inducement for this company to accept the paper or the magazine." In that way a publisher who is in good faith entirely innocent is absolutely precluded from any opportunity to secure the judgment of any tribunal upon the character of his publication, except the Postmaster General.

I am appealing to the distinguished Senators who have spoken for this conference report and who are, I understand, largely responsible for it. Do you believe that that is in harmony with free institutions? Do you believe that it secures by proper guaranties the safety of the citizen according to the traditions of the forefathers?

Mr. RANDELL. Mr. President—

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

Mr. CUMMINS. I yield to the Senator. But I ought to yield first to the Senator from Utah [Mr. KING].

Mr. RANDELL. Does the Senator contend that the courts are not open to this man whose material is declared nonmailable by the Postmaster General?

Mr. CUMMINS. If the Senator heard what I said a few moments ago—

Mr. RANDELL. I have listened with great attention.

Mr. CUMMINS. Then the Senator knows my view on that question.

Mr. RANDELL. I certainly think you believe that the courts are open, and yet you have just said there was absolutely no appeal, that there was nothing for this man to do when the Postmaster General declared against him. It differs entirely from what the Senator said a few moments ago.

Mr. CUMMINS. There is no difference at all. I said there was no practical or efficient remedy. I said a few moments ago what I say now, and if the Senator from Louisiana differs from me with regard to the law on the subject I hope he will make it perfectly clear. I am not suggesting that the decision of the Postmaster General with regard to the nonmailability of a particular publication could have under this law any weight as evidence in a prosecution against a person who was alleged to have violated the provision you have reported. I am saying, however, that when the Postmaster General holds that a given publication is not mailable and those who are injured by his ruling appeal to the court there is just one way in which they can appeal, and that is by instituting a bill in equity for an injunction against the department or some officer of the department, and that the inquiry there is not as to the merits of the ruling but as to the transgression of authority upon the part of the Postmaster General. If the court finds that the Postmaster General had some evidence upon which to found his judgment, and did not act in an arbitrary way, it will refuse to interfere with the order of the department, no matter what its judgment might be with regard to the essential fundamental merits of the proposition itself.

Mr. VARDAMAN. Mr. President—

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

Mr. VARDAMAN. I wish to ask the Senator what would be the remedy for the publisher if he should not go to the Post Office Department, but offered his paper to the express company, and the express company should decline to carry it, without reference to any action on the part of the Postmaster General?

Mr. CUMMINS. So far as this particular provision is concerned, it does not depend upon any action or order of the Postmaster General; but if the publisher goes to the common carrier and tenders the paper for transportation and the carrier refuses to transport it, the person who offers it has no remedy, except possibly an action in mandamus to compel the carrier to accept it. But if the carrier does accept it in the ordinary course of its business, and then it was afterwards found that the matter was nonmailable under the espionage act, the carrier becomes liable criminally for the transportation, and that without regard to knowledge upon its part or participation upon its part other than the mere acceptance of the commodity itself.

Mr. FLETCHER. Of course the Senator does not question but that the ordinary rules of procedure in criminal cases would attach in that case as in the other. The question of intent would be involved, and the question of reasonable doubt would also be involved.

Mr. CUMMINS. Entirely; I think that is true; but what is intended here, through a rather devious and ingenious method, is to prevent the publisher from having any opportunity to try his case in the regular and the ordinary way.

Mr. KELLOGG. Mr. President—

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

Mr. CUMMINS. I yield to the Senator.

Mr. KELLOGG. Under Title XII of the espionage law, section 2, publications "urging treason, insurrection, or forcible resistance" to the law are "declared to be nonmailable," and the next section makes it an offense to attempt to use the mails for such a purpose. I should like the opinion of the Senator as to whether there ought not to be some law that would prohibit circulars or publications urging treason from being circulated among the people in any other way.

Mr. CUMMINS. There certainly should be.

Mr. KELLOGG. Is not that what this provision accomplishes?

Mr. CUMMINS. Who is to determine whether the circulars are of that character? That is the whole question here.

Mr. KELLOGG. The Senator asks who is to determine it.

Mr. CUMMINS. The effort is to prevent a trial. The effort is to give to a departmental officer the right to pass upon the character of all sayings and all writings concerning public affairs. The Senator has quoted one sentence of the espionage law. There are 20 other provisions under which the Postmaster General can act. He has quoted the one which is the plainest. I suppose there could not be much difference of opinion with regard to the publications that would come under section 3 of Title I of the espionage act, but there are a score of others upon which there is the widest difference of opinion and opportunity for the widest difference of opinion.

Mr. KELLOGG. Under sections 2 and 3 of Title XII of the espionage act the same question would arise, if a man is tried for attempting to mail a letter urging treason, that would arise under this provision of the trading-with-the-enemy act.

Mr. CUMMINS. Yes; so far as punishment of the individual is concerned, and we need no additional law for the punishment of individuals. The Lord knows we have enough penalties now to prevent the commission of these crimes, if penalties will prevent them. But this is not intended to impose penalties. It is not intended under it to accuse express companies and railroad companies and other public instrumentalities of the commission of a crime. It is intended that they shall refuse to carry these things because they are afraid of the action of the Postmaster General or the ex parte conclusion or decision of a purely administrative officer.

Mr. KING. Mr. President—

Mr. CUMMINS. I yield now to the Senator from Utah.

Mr. KING. I asked a similar question of the Senator from Nebraska [Mr. NORMAN] to the one I am about to propound to the Senator from Iowa. In practically every State of the Union there are statutes making it an offense to transmit or to distribute or to carry or to circulate any obscene or lascivious matter. If I tender to an express company in a State having a statute of that character a book which is obscene and lascivious, and the express company knows it and transmits it, it would commit an offense. If it did not know the character of the publication it would not be guilty of an offense in receiving and transmitting it.

Now, what is the difference in principle between the case which I have just suggested and the question which the Senator is now discussing? The Government of the United States declares that it is an offense to publish certain matter that is treasonable, and as I understand the Senator from Iowa he concedes that such legislation is proper. That is the matter which is referred to in section 3 and in the other section of the espionage law which has been referred to by the Senator from Nebraska [Mr. NORMAN]. The law declares that it is an offense, as the Senator from Minnesota just stated, to attempt to mail matter of that character. Now, what is there wrong or improper in Congress declaring the publication of that matter to be an offense? We prohibit its transmission through the mails, and if individuals or express companies knowingly—and that is the intent and meaning of this statute—transmit or distribute this matter, the publication of which has been made an offense, they shall be guilty of an offense. What is the difference in principle between this legislation of Congress and a State statute of the character to which I have just referred?



Mr. CUMMINS. I have been trying to point it out, and I will try again. In the first place, I differ from the view of the Senator from Utah with regard to the interpolation of the word "knowingly" in the criminal provision of this report. I do not believe that word would be a part of the statute if we adopt the conference report. We have a great many offenses against the United States in which the intent is not a part. We have, I suppose, hundreds of crimes which are committed without an intent to violate the statute at all, and this would be one of them in my judgment.

However, that is not really a part of the question asked by the Senator from Utah, and I desire to answer his question in perfect candor and good faith. There is just the same difference between imposing penalties of this kind upon publications by reason of their character that is illustrated in these two extremes. Suppose we pass a statute making it an offense to transmit through the mails, or through any other channel of distribution, pictures of nude women. Everybody can understand that; there is no opportunity for variety of opinion; and if that be the sentiment of the community which has enacted the law it is perfectly proper to punish not only the one who deposits the forbidden print in the mail or the express office or with the railway company but the carrier of such a print as well. Suppose, however, we were to say that any publication which tends to make democracy unsafe throughout the world should not be circulated or transported by either the Post Office Department or an express company or a railway company. I am not saying that we will not come to a time when it will be perfectly proper to declare that anyone is a criminal who does attempt to make democracy unsafe throughout the world. We may reach that point; but I am saying that there is a vast deal of difference between the opinions of men concerning the subject matter. What makes democracy unsafe throughout the world? What argument? What illustration? The Senators from Florida and Louisiana may think one thing will insure the safety of free institutions throughout the world. I may think that an entirely different course of argument is necessary to accomplish that purpose.

Mr. POINDEXTER. Mr. President—

Mr. CUMMINS. I yield to the Senator.

Mr. POINDEXTER. I should like to ask the Senator from Iowa a question there. He is now urging that a certain character of publications ought not to be prohibited; that is, at least in such general language as that which he describes, publications which some administrative officer might, in his opinion, tend to make democracy unsafe with the world. I assume we will all agree with him upon that proposition, but does the Senator argue that the publications which are described in this bill ought not to be prohibited from circulation?

Mr. CUMMINS. As I interpret the bill, all of them should be prohibited; but if the Senator from Washington should interpret the bill as I gather his general views there are a great many of them that he would prohibit that I would not. Such is the general character of the language used.

Mr. POINDEXTER. That would be a matter of interpretation of the language. I understand, however, that the Senator is not urging that the publications described in the bill should not be prohibited from circulation either by the mail or otherwise, as he construes it.

Mr. CUMMINS. I would make the penalty quite as severe for circulating through other channels as through the mails. I do not think there is any difference in that respect at all. If the thing is wrong it ought not to be circulated.

Mr. POINDEXTER. Then, may I ask the Senator to state briefly what is his objection to it?

Mr. CUMMINS. I want somebody to determine whether it is wrong or not before the penalty of \$10,000 or 20 years in the penitentiary is incurred.

Mr. POINDEXTER. Does the Senator believe that anybody could incur such a penalty under this act unless a court of competent jurisdiction determined it after a trial?

Mr. CUMMINS. Has the Senator heard the argument I have made?

Mr. POINDEXTER. Yes.

Mr. CUMMINS. I have been trying to make perfectly clear the great variety of opinion with regard to some of the provisions of the espionage law. I was very much opposed to some of those provisions; I am not taking any new attitude; but we have enacted the law and there is a widespread difference of judgment with regard to what the law embraces. I do not want to make a disinterested man or company a criminal until there is opportunity to investigate and determine the subject. That is all.

Mr. POINDEXTER. In what way does the Senator argue that the bill would make a man a criminal before there was an opportunity for a trial?

Mr. CUMMINS. I have stated that, but I will state it again. The newspaper or magazine goes to the Post Office Department and the publisher finds that the paper has been excluded from the mails.

Mr. POINDEXTER. That is what I thought—

Mr. CUMMINS. Just wait until I finish. I think I can make my own view anyhow perfectly clear. It is excluded from the mails on the ground that it is in violation of some of the many provisions of the espionage law. There is no appeal from the decision of the Postmaster General. There is, however, under the common law a right to attack the order of the Postmaster General, not upon the ground that the evidence fairly considered would lead to another conclusion, but upon the ground that the Postmaster General exceeded his authority under the law and decided the case without any evidence or in a way so arbitrary that it was clear he gave no heed to the evidence. There is no trial upon the merits, broadly speaking. But the publisher must accept that inadequate remedy. He comes to the conclusion that he will circulate his paper through the express company.

All the time, mark you, he is claiming that there is no violation of the statute; that he does not contravene any provision of the espionage law. He goes to an express company and tenders his paper for circulation or for transportation. The express company says to him, "For the meager compensation that we receive for transporting these papers we can not incur the hazard of becoming a criminal under the law and being prosecuted and fined under the statute. Therefore we refuse to distribute and to circulate your paper." What remedy has the publisher then? Where does he secure his opportunity to have an impartial tribunal to pass upon the quality and character of the things he has been saying or writing?

Mr. POINDEXTER. May I ask the Senator does he argue that an express company or the agencies used in the distribution of publications ought not to be prohibited by law from distributing them?

Mr. CUMMINS. What I was about to say is that the publisher, the person who is responsible for the utterance or the writing, whatever it may be, must take his chance, and I am not appealing for him. If he is convicted he must suffer the penalty that the law prescribes. But before we create a system that will prevent him from circulating his magazine or newspaper through the refusal of the ordinary instrumentalities of distribution to accept the paper, the Government ought to be required to institute a suit for an injunction to restrain those instrumentalities from taking and circulating his paper, and there the question as to whether it was in violation of the espionage law or not could be fairly and fully determined. In that way we would not find it necessary to condemn the accused before he had the privilege of a trial.

I give you an illustration; and I, of course, largely accept what the newspapers, the general press, have given to the public about it. Here is a magazine published in New York called *The Masses*. I never read a copy of it in my life. If it is what it is generally reputed to be, I have probably less sympathy with it than has any Senator upon this floor. It was excluded from the mails on the ground that it was in violation of the espionage law. Its publisher sought a mandatory injunction before a very eminent judge of the district court of the United States in New York. After full hearing the judge indicated, through his opinion, that he was about to issue, and he did issue, a mandatory injunction, which forbade the postmaster of the city of New York refusing to receive the publication to the mails. I judge from the reports that it was solely upon the ground that in the view of the judicial department of the Government the publication was not in violation of the espionage law.

What happened? Representatives of the Post Office Department of the United States or the postmaster in New York—I do not know who or which—appeared before a judge of the circuit court of appeals and secured in a formal way, without any trial, as I understand, an order staying the issuance or execution of the mandatory injunction. Mark you, the judge of the circuit court of appeals did not attempt to pass on the propriety of issuing the injunction, but in the ordinary course of affairs issued a stay. That left the order of the Postmaster General in full force and effect; and the case is now in the circuit court of appeals.

I do not know what the result will be; whether the judgment of the district court will be affirmed or reversed; I do not know whether the Supreme Court of the United States will finally affirm or reverse the judgment; nobody can tell; but what



happens in the meanwhile? The newspaper or magazine, deprived of the use of the mails, goes to the express companies as a channel of distribution; the express companies distribute it. Then comes this statute, and I have reason to believe, I do believe, that this proposed new provision of the law has come into the conference report simply to meet that individual case, so that the express companies or other transportation companies will refuse to transport the magazine, being in fear of the law, in fear of the consequences, for nothing can make it sure to them what the outcome will be. Thus, although the only judge who has ever passed upon the matter has decided that the material complained of was not in violation of law, this publication is absolutely put out of business. What has occurred in this instance may happen in a score of others.

I do not believe that any such drastic law is either necessary or that it will promote the public good. I think that any such legislation will have a much greater tendency to create sedition and to sow discord than it will have to bring about harmony and unity among the people of this country. I have hoped that a fair discussion of the subject might lead to its amelioration in some way; that it might induce those who are responsible for it to reconsider what they have done. Joining them and all other Senators in the belief that we ought by prompt and decisive enactment to punish those who are disloyal, I repeat the sentiment with which I began, that there must be left in this country some room for difference of opinion. It can not be that the Senator from Florida believes that the successful prosecution of this war depends upon suppressing all controversies with regard to every subject which pertains to the war; it can not be that we have reached a point in which it is necessary to padlock the lips of the people; it can not be that we are in that position which makes it necessary to appoint one spokesman for all the people of the country and to declare that any dissent from the views uttered by that censor shall be condemned as treason. Those who take that position, those who are moving along those lines, will, in my judgment, do much more to weaken the United States in the great struggle in which it has engaged even than those who inadvisedly and indiscreetly and improperly criticize the conduct of the war or criticize the character of our legislation.

I think that the overwhelming majority of the people of this country are of one mind. No matter what they may have believed a few months ago, they now know that we are involved in the mightiest struggle of all time; they know that we have undertaken to do what no other nation ever tried to do and what no other nation save our own could do. They intend to do this vast thing, and they intend to do it successfully; they intend to carry forward this war to a victorious end; there is no dissent among the people with regard to that general determination; but if, through provisions of the kind I am now considering, the Congress of the United States, little by little, insidiously grasps and carries away the last remnants of free speech and of a free press, they will finally awaken such indignation on the part of a free people that the object which they seek to accomplish will not only not be attained, but our last condition will be worse than our first.

I conclude by saying that, in so far as I am personally concerned, I condemn in the most emphatic way every utterance and every publication that tends to weaken our country in this titanic conflict. There is just one thing that the people of this country will not tolerate or forgive; it is the addition of a single unnecessary peril to those already confronting the gallant boys whom we have sent across the sea. No one feels more keenly than do I that phase of the great problem before us, for—although it may be a mere personal matter and probably it is not appropriate for me to speak of it, but as it is on my lips I may give it utterance—every near male relative I have in the world between the ages of 21 and 31 is in this war and each one of them gave his service to his country without any compulsion of the law. To me the thought, the statement, the publication of anything that will add to the danger of these boys, some of whom have gone and all of whom are about to go to foreign shores, is so abhorrent to me that I am utterly unable to give it adequate expression; but I hope that those who feel as I do about it will not destroy their own high object by imposing upon the people of this country so unreasonable a provision as the clause to which I have referred.

Mr. FLETCHER. Mr. President, I shall not take the time of the Senate in giving reasons or offering excuses for getting after people who are throwing obstacles in the way of their own Government and who are directly and indirectly offering aid and comfort to its enemies.

The Senator from Iowa [Mr. CUMMINS] has just said that he has relatives across the ocean, I understand, or who may cross

the ocean. What we want to say to our boys who are in France and to our boys who are going to France is "We are not going to leave you in the lurch; every man and every dollar in this country is behind you and will be behind you to the bitter end of this mighty contest." Yet there are people in this country who are stirring up adverse sentiment, who are publishing stuff which they are distributing throughout the country which shows they are not of that spirit, who are throwing obstacles in the way, who are discouraging that patriotic spirit and patriotic enthusiasm and that loyalty which ought to obtain in this country. That has been made perfectly plain to the conference committee, and I shall not go into details about it.

This amendment, I will say to the Senator from Iowa, was in nowise intended to meet some particular or individual case. I never heard of the case the Senator mentioned until he called attention to it here on the floor. This is a general provision which is intended to meet a situation which the present espionage act does not meet. I have before me here, to which I may refer briefly for the purpose of indicating the need of such legislation, two very notable addresses, one delivered by Mr. Root to the American Bar Association at Saratoga this month. Let me read just an extract from Mr. Root's speech. He said:

I beg you to remember what Europe thought of the condition in America in those long dark years of civil war, when it was believed that the American experiment had failed at last. I beg you to consider, if a true statement were made and communicated by cable to Russia, of all that has been happening in these United States during the last four months, of the riots, of the pacifists' meetings, of the seditious press, of the unblushing effrontery of treason throughout this land, consider what effect that would have upon Russia.

Mr. Root went on further to say:

We need not talk about the whys and wherefores of the war. It is here, and the issue is drawn so clearly that a child could see.

I may mention that there can be no difference between us in regard to the importance of preserving the freedom of the press as properly understood; there can be no question that legitimate, fair, proper publications and discussion and argument ought to be permitted and ought to continue; but, as Mr. Root has said, the issue here is so plain that a child can see it. It is perfectly plain what is seditious and what is not seditious in these circumstances and under the conditions as they obtain. I quote further from Mr. Root:

It is for the American people to determine whether they have the manhood to maintain the liberty that their fathers gained for them through sacrifice, the manhood to maintain the justice upon which we have prided ourselves, the manhood to defend those institutions of liberty and justice which we would hand down to our children, or whether we shall submit and abandon them all.

The issue is clear and distinct between the maintenance of the American Republic, free and independent, American justice to the rich and poor alike, American opportunity for the boy and the girl—whether we are so craven that we will leave our children to be subjected to the power of evil that ravished Belgium and Serbia; whether falsehood and faithlessness and cynical contempt for morals, and cold-blooded disregard of humanity, and utter absence of mercy and compassion, and denial of human right shall be the portion of our children, or whether the liberty which our fathers won shall be handed down to them by the manhood of our fathers' sons and the love of our children's fathers.

And it is a fortunate thing, when we have to deal with people who have the record that our enemies have in Belgium and in France, that we are able to make that battle line 3,000 miles away from our home. We must maintain our boys there and let them know that we are going to stand behind them.

I desire now to read a brief extract from an address delivered by Hon. William J. Bryan at Fort Benjamin Harrison on August 3, 1917, in which he said:

We live in the best country on earth, under the best form of government that man's mind ever conceived—a government which rests upon great fundamental principles, principles which are essential to a government like ours. One of these principles is freedom of speech; but every man should know that discussion ends when the country renders its decision and the people announce their will. "Acquiescence in the will of the people," as Jefferson declared, "is the vital principle of a Republic, from which there is no appeal except to force."

So, to-day, our Nation is one. If there is a discordant voice in this Nation to-day it must come from one who either does not understand the genius of our institutions or whose heart is not with his country. I think I know the American people; I believe I am as well acquainted with them as any other citizen. I have been among them now for a generation and I know that the American people will stand back of the President and Congress and furnish the Government whatever it needs, in men and money, to win this war.

People ask me every day how long this war will last. My answer is that I do not know; and I do not know anybody who does know. When anybody tells me he thinks he knows I lose confidence in his judgment. I know of nothing upon which any human being is able to predicate a guess that is of any value as to the length of this war. But I can state a fact that is worth more than any guess, prediction, or prophecy, and that is that no matter whether the war be long or short, the shortest road to peace is the road straight ahead, with no division among our people. We can not afford to allow anybody in this world to think for one minute that there is any division among the American people when once our Nation has decided to enter a war. The more earnestly one desires peace, the more loyalty he should support the Government as the only way to hasten peace.



It is to meet conditions like these, to accomplish what is indicated here as important to accomplish that this legislation is proposed.

Mr. LEWIS obtained the floor.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Florida a question.

Mr. LEWIS. I yield to the Senator for the purpose of interrogating the Senator from Florida.

Mr. CUMMINS. I think I can illustrate the question by reference to history. Of course, I agree entirely with all that has been said by the distinguished citizen of New York, Mr. Root, as well as his great fellow citizen, Mr. Bryan, of Nebraska, in their generalizations; but now I ask the Senator this question: Suppose this statute had been in force in 1864, would the platform of a great political party that met that year and issued its declaration have been a violation of the espionage act?

Mr. FLETCHER. I think, Mr. President, in all fairness and candor, it should be said that if a person is charged with a violation of this proposed law as it has been framed in this conference report—an express company, if you please, or any other agency—that person would have his day in court under this law, and the question would be presented upon his arrest for punishment whether or not as a matter of fact—or, it may be said, as a matter of mixed law and fact, if you like—the material which he was transporting or distributing was in violation of the espionage act or in violation of the provisions of this bill. That question would be determined at a regular trial legally, properly, and regularly conducted, and to be decided by the jury upon proper instructions from the court. So we need not theorize as to what would or would not be a violation of the espionage act. It would be a question which the defendant charged with the violation of it would have a right to have determined by the tribunal before which his trial takes place.

That is all we can accomplish in any statute, it seem to me. There is nothing arbitrary, nothing to be settled by any individual in connection with this proposed statute. The whole of the proposition is that any defendant charged with a violation of the law has his trial in court, precisely as an individual charged with a violation of any other statute of the United States.

Mr. LEWIS. Mr. President, as I have been informed that there is a desire on the part of certain Senators who oppose the provisions of the conference report that there shall be no vote until 4 o'clock, in order that some Senators who are now absent may be present, I will take the liberty to suggest at this time some views which I might have added earlier or would have added subsequently.

Mr. President, in the first place, I should like to express for myself my understanding of this proposed law. The Senator from Iowa [Mr. CUMMINS] apprehends that it would permit the conviction of a person without any hearing beforehand; the Senator from Nebraska [Mr. NORRIS] apprehends that it would take his property and render it useless without a hearing. The junior Senator from Washington [Mr. POINDEXTER] propounded a query that I thought met the situation, and that was, "Is there not some one to determine when there is a violation?" The Senators, from my viewpoint, take the position that you must convict a man before you arrest him; that you shall have a judgment affirming as a judicial act the facts before you shall ever act upon them. In that event I am clearly of the opinion we could never arrest anybody; the one sought would fly before he was arrested. There would be no way in the world that a justice of the peace could ever decide whether a warrant should ever be issued upon the mere complaint of a complainant. I do think, however, that if there is an absence in this proposed law—and the junior Senator from California [Mr. JOHNSON] has attracted my attention to that feature of the provision—of any method by which a person may have a hearing upon his demand, that should be promptly remedied. Senators, however, may find great relief in all their observations on this law if they will find it convenient to read the case of *School of Magnetic Healing v. McAnnulty*, in One hundred and eighty-seventh United States, beginning at page 106. Nearly everything presented by distinguished Senators seems to have been answered by counsel in that cause, and the court makes such reply as, I think, would be very interesting to Senators, if not convincing, that it is within the power of the Government to do the very thing which is now contemplated by the pending measure.

Mr. President, the Senator from Florida [Mr. FLETCHER] tells me that he thinks we could have a vote now on the conference report. I should not like, however, to lose the floor. If it can be arranged that the vote may be had and that at its conclusion I may still hold the floor, I will be very glad to accommodate the Senator.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The present occupant of the chair will state to the Senator from Illinois that he will be glad to recognize the Senator immediately after the vote is taken, if he still occupies the chair.

Mr. NORRIS entered the Chamber.

Mr. LEWIS. I will say to the Senator from Nebraska that the Senator from Florida is of the opinion that if I should yield at this time we could have a vote at once on the conference report, and when that is out of the way, then I could continue.

Mr. NORRIS. I am willing to vote, I will say to the Senator, but I desire a roll call on the adoption of the conference report.

Mr. LEWIS. But the Senator does not wish to debate it further?

Mr. NORRIS. No; I am ready to vote.

Mr. LEWIS. Then, with the understanding that the Senator desires a roll call, and that I may continue the floor immediately following the roll call, I am willing to yield the floor, with the understanding that I will not be taken from my feet.

The PRESIDING OFFICER. The Chair will state that he can not give the Senator any assurance that he will be recognized, except that the present occupant of the chair will be glad to recognize the Senator if he still occupies the chair after the vote is taken.

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

Mr. LEWIS. I yield for the purpose of enabling the Senator from Florida to suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida 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	Johnson, Cal.	Page	Shields
Brandeggee	Jones, N. Mex.	Penrose	Smith, Ariz.
Calder	Kellogg	Phelan	Smoot
Cummins	Kendrick	Pittman	Underwood
Curtis	Kenyon	Poin Dexter	Vardaman
Fall	King	Pomerene	Wadsworth
Fletcher	Lewis	Ransdell	Watson
France	McKellar	Reed	Williams
Frelinghuysen	McNary	Robinson	Wolcott
Gerry	New	Saulsbury	
Hale	Norris	Shafroth	
Husting	Overman	Sheppard	

Mr. McNARY. I desire to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained on official business.

Mr. CURTIS. I desire to announce the necessary absence of the junior Senator from Idaho [Mr. BRADY] on account of illness in his family. I desire also to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement stand for the present.

Mr. FRELINGHUYSEN. I wish to announce the absence of my colleague [Mr. HUGHES] on account of illness.

Mr. CURTIS. I desire to announce the absence of the junior Senator from West Virginia [Mr. SUTHERLAND] on account of illness in his family. I will let this announcement stand for the present.

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness, and to state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER]. I will let this announcement stand for the day.

The PRESIDING OFFICER. The Chair has been requested to announce the unavoidable absence of the senior Senator from Kansas [Mr. THOMPSON] on official business.

Mr. LEWIS. In this connection, I desire to announce the absence of the senior Senator from South Carolina [Mr. TILLMAN] on account of illness. He is paired with the senior Senator from West Virginia [Mr. GOFF]. I will let this announcement stand for the day.

Mr. CURTIS. I desire to announce the unavoidable absence of the junior Senator from Michigan [Mr. TOWNSEND] on account of illness in his family. I will let this announcement stand for the day.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. LEWIS. I ask that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. KIRBY, Mr. MARTIN, and Mr. SWANSON answered to their names when called.



Mr. LODGE, Mr. STONE, Mr. SIMMONS, Mr. MYERS, and Mr. SMITH of South Carolina entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, there is a quorum present.

Mr. FLETCHER. I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. As I understand that he would vote as I am about to vote, I vote "yea."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. McLEAN], who is necessarily absent on account of illness. I transfer that pair to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from Oklahoma [Mr. OWEN] and vote "yea."

The roll call was concluded.

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

Mr. FRELINGHUYSEN (after having voted in the affirmative). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I see that he is not in the Chamber. I transfer that pair to the senior Senator from New Hampshire [Mr. GALLINGER] and will allow my vote to stand.

Mr. McNARY. I desire to announce the necessary absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. OVERMAN (after having voted in the affirmative). I inquire if the senior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I have a general pair with that Senator. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and will let my vote stand.

Mr. SAULSBURY (after having voted in the affirmative). I neglected to announce that my pair with the senior Senator from Rhode Island [Mr. COLT] does not apply to this vote. It does not apply to any votes on war measures during the war. This announcement may stand for the session.

Mr. CURTIS. I desire to announce the unavoidable absence of the senior Senator from Vermont [Mr. DILLINGHAM]. I will let this announcement stand for the afternoon. He is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. FLETCHER (after having voted in the affirmative). I voted without announcing my pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I have a general pair with that Senator; but I am advised that he would vote as I do, and therefore I will allow my vote to stand.

Mr. VARDAMAN (after having voted in the affirmative). I voted inadvertently. I am paired with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will let my vote stand.

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

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

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

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from Minnesota [Mr. NELSON] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kansas [Mr. THOMPSON]; and

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM].

The result was announced—yeas 48, nays 6, as follows:

## YEAS—48.

Ashurst	Colt	Fletcher	Hale
Brandeggee	Curtis	Frelinghuysen	Harding
Calder	Fall	Gerry	Husting

Jones, N. Mex.  
Kellogg  
Kendrick  
Kenyon  
King  
Lewis  
Lodge  
McKellar  
McNary

Martin  
Myers  
New  
Overman  
Page  
Phelan  
Pittman  
Poindexter  
Pomerene

Ransdell  
Reed  
Robinson  
Saulsbury  
Shafroth  
Sheppard  
Shields  
Simmons  
Smith, S. C.

Smoot  
Sterling  
Stone  
Swanson  
Underwood  
Vardaman  
Wadsworth  
Williams  
Wolcott

Cummins  
France

Johnson, Cal.  
Kirby

NAYS—6.

Norris

Watson

## NOT VOTING—42.

Bankhead  
Beckham  
Borah  
Brady  
Broussard  
Chamberlain  
Culberson  
Dillingham  
Fernald  
Gallinger  
Goff

Gore  
Gronna  
Hardwick  
Hitchcock  
Hollis  
Hughes  
James  
Johnson, S. Dak.  
Jones, Wash.  
Knox  
La Follette,

McCumber  
McLean  
Nelson  
Newlands  
Owen  
Penrose  
Sherman  
Smith, Ariz.  
Smith, Ga.  
Smith, Md.  
Smith, Mich.

Sutherland  
Thomas  
Thompson  
Tillman  
Townsend  
Trammell  
Walsh  
Warren  
Weeks

So the report was agreed to.

## URGENT DEFICIENCY APPROPRIATIONS.

Mr. LEWIS obtained the floor.

Mr. MARTIN. Mr. President, I ask the Senator from Illinois to yield to me to make a report.

Mr. LEWIS. I yield to the senior Senator from Virginia.

Mr. MARTIN. Mr. President, I desire to report from the Committee on Appropriations the bill (H. R. 5949) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses and other purposes, and I submit a report (No. 134) thereon. I desire to give notice that to-morrow morning, after the morning business, I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. CURTIS. Mr. President, I did not understand the announcement made by the Senator from Virginia in reference to taking up this bill. Do I understand that he desires to take it up to-morrow?

Mr. MARTIN. Yes; I shall ask that the deficiency bill be taken up to-morrow.

Mr. CURTIS. The first thing after the morning hour?

Mr. MARTIN. The first thing after the morning business.

Mr. SWANSON. Mr. President—

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

Mr. LEWIS. I yield to the junior Senator from Virginia, with the understanding that he has a matter which will occupy only a moment, and that if it calls forth any debate or discussion he will withdraw it, so as not to take me from the floor.

## TREASURY DEPARTMENT BUILDING.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2477) to authorize the construction of a building for the use of the Treasury Department, which was, on page 2, to strike out lines 1 and 2.

Mr. SWANSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## PROMOTION OF EXPORT TRADE.

Mr. POMERENE. Mr. President, will the Senator from Illinois yield to me for just a moment?

Mr. LEWIS. I yield.

Mr. POMERENE. I ask that the unfinished business be laid before the Senate. It was temporarily laid aside.

The PRESIDING OFFICER. The Senator from Ohio asks to have the unfinished business laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

## PRUSSIAN PEACE HYPOCRISY.

Mr. LEWIS. Mr. President, I have yielded to different Senators to bring forth their measures, because some things that I purpose saying are a little extraneous to either of the bills under discussion, and I did not desire to obstruct the vote on the one or interfere with the program with regard to the other. I desire to continue my observations as they were begun under the report of the trading-with-the-enemy act.

At this point I wish to present some views to the Senate under the subject matter of "Prussian peace hypocrisy." I present, sir, for the consideration of the Senate that does me the compliment to hear this discussion what I deem to be the affront



to our President and the insult to the United States of America in the announcements from the Emperor of all the Germans in what purports to be his response to the petition for peace of His Holiness the Pope of Rome. I refer to that particular petition addressed to all the warring nations concerning the availability of peace terms and asking for a cooperation to this noble object of peace on earth.

Mr. President, I invite the attention of the Senate to the fact that the proposition that came from the Pope was a suggestion to the warring nations, first, that they should state upon what terms peace could be had; second, in what way those terms could be enforced; and, third, to suggest a basis upon which a peace with justice might be permanent. Upon this the Pope asked a full and frank response. The President of the United States, in behalf of America, made reply pointing out the way, setting forth in detail how this commendable result could be achieved, and in what manner and upon what conditions the United States of America would cooperate to that end. Notable in the presentation by the President of the United States was the statement that past experiences of the United States with the Imperial Princes of Germany had clearly established to America that it could not accept the assurances of the ruling powers of Prussia. The United States had been deceived and trapped by indulging in the belief that these Prussian agencies could be truthful or intended to be fair. The President of the United States, for America, stated, however, that when the German people found it agreeable, through any arrangement they cared to make, to take up the subject by themselves, for themselves, their assurances would be received, their promises confided in. The President expressed his wish that this hope could be consummated.

Mr. OVERMAN. Mr. President, did the President of the United States speak for America or for the United States of America?

Mr. LEWIS. Mr. President, the eminent Senator from North Carolina invites my attention to the difference in the terms America and the United States of America. I say to the Senator that literally the President of the United States, of course, speaks only for the United States of America; but it has been the custom for a long time now to designate the United States as America and the other half of our continent as South America. Such is why I indulged that technical, syntactical error. Nevertheless, my eminent friend from North Carolina is ever welcome to call to my attention even an error such as that, because at this particular time it is well to be accurate in the least of things.

Mr. President, after the reply of the United States, everyone who hoped for peace and would have avoided this necessary war was literally upon the tiptoe of expectancy as to what would be the reply of the principal actor in the drama, Prussia. It was believed that Prussia, which had previously by expressions indicated to the world a desire for peace, would avail itself of such opportunity as was tendered. That Prussia would embrace the chance to set forth clearly and frankly the terms upon which this peace could be had, and would cooperate with whatever Government agencies had been set afoot to bring about this result. Sir, by all just people it was dreamed that Prussia's reply would disclose a spirit that would express some willingness for immediate just peace and would suggest terms as to herself concerning which the nations involved could at least negotiate. For myself, sir, I was one of those who harbored the belief that there was a real sincerity on the part of the Prussian princes when they pretended for peace. I was one of those anxious that we should have peace if it could be secured consistently with the high purposes for which we entered this war. I had indulged the hope that the dream of the German people for peace and quiet, their needs for food and comfort, their distresses in their dead and dying might appeal to the Prussian Emperor—the Emperor of the Germans—and through such influence some expressions might come that would show a sincere desire to cooperate in this Godly enterprise—the peace of nations. But, sir, we are compelled now to note, if we do justice to the record, that notwithstanding the pretenses which had come to us from official sources in Germany but a few weeks past professing of a desire for peace; that when the opportunity came for Prussia to express definitely the terms upon which peace might be had, Prussia was the only nation involved—the German Emperor, for Prussia, the only official addressed, who declined to make a statement of any terms upon which any peace, under any circumstances of the present war, could be had. I call the attention of the Senate to the revelation with the object that the hypocrisy of past pretensions should be now unclonked; the mask should be torn aside, and the real character of things should be betrayed as they stand in official Prussia. I demand that the real falsity and established per-

fidy be exposed. I do this that no Senator occupying a seat on this floor hereafter, however well disposed his heart, however noble his nature, who in the past having felt that the Prussians were fair according to their own ideas, sought to give them a just hearing and presumptions of honesty; will not now see that the contribution of friendship he made has been abused, that the encouragement to Prussian contentions he gave has been abused, and all friendship he extended betrayed. The time has now come when, from this response of the Prussian Caesar—as I shall unfold it—every Senator, without regard to any former position he had taken; every American, without reference to any past declaration—indeed every citizen of the United States of every station must behold that this reply had for its deliberate object, first, ignoring the United States as though it had no existence; second, an affront to the President for his presumption, as they would term it, in assuming that the German people were an entity at variance from the German princes. Lastly, a deliberate declination to suggest a single concrete thing upon which any peace whatever would be accepted and a flouting of all propositions of President Wilson for the United States and a contemptuous ignoring of all conditions laid down by the Pope.

Mr. President, there has gone through the press the idea that the Emperor of the Germans has told the world that peace could be accepted upon a plan of disarmament, and that open seas would also at once be afforded as a basis of peace. Sir, I am compelled to bring to your attention that never was that concession even intimated as a concrete yield as a basis for peace. To the contrary, no terms were accepted, none stated. All were avoided with trickery of words. Sir, I prefer to read. Says the Emperor of Germany, replying to the Pope:

Appreciating the importance of his holiness's declaration, the Imperial Government has not failed to submit the suggestion contained therein to earnest and scrupulous examination. Special measures, which the Government has taken in closest contact with representatives of the German people for discussing and answering the questions raised prove how earnestly it desires, in accordance with his holiness's desires and the peace resolution of the Reichstag on July 19, to find a practical basis for a just and lasting peace.

We now, sir, would expect a statement of something as the basis for that "just and lasting peace."

Then proceeds the Emperor, saying:

We share his holiness's view that definite rules and a certain safeguard for a simultaneous and reciprocal limitation of armaments on land, on sea, and in the air, as well as for the true freedom of the community and high seas, are the things in treating which—the new spirit that in the future should prevail in international relations—should find first hopeful expression. \* \* \*

The Imperial Government will in this respect support every proposal compatible with the vital interest of the German Empire and people.

Noticeable indeed; a more skillful paper has seldom gone out from the hands of a literary alienist. The suggestion of disarmament, made by the Pope—open seas, suggested by the Pope—these the Emperor of Germany only exclaims should find a "hopeful expression in the future period of international relations." But how carefully do we see avoided any expression that it should find any spirit now in the present conflict, no promise for now or the future offered by the Emperor for open seas or disarmament now as a condition of peace. No guaranty of any kind whatever made to any issue now involved. No suggestion to the world that Prussia is ready with any present tender to enter into any understanding upon any of the propositions presented by the Pope or suggested by the President or named by the allies. It suffices for the Emperor of Germany to dismiss the Pope with coquettish diplomacy, saying that these things are to be "considered in the international relations of the future, measured by the spirit suggested." Indeed—how bewilderingly abstract, how delusively indefinite. How bowing to the future—it laughs its intangible, nebulous, and deceiving mixture of confusing phraseology—yet under no circumstances a promise to yield open seas, disarmament of army and navy, aerial warfare, or on the land, or cease one assault upon human rights. Nor, Mr. President, is there in any respect whatever any promise suggested for the future as a stated thing, even upon a condition.

Mr. President, I bring to the attention of the United States of America in my humble place this deception practiced upon the American heart, this delusion of the mind. We all recall that time and time again Prussia gave to the world her assurance that she was ready for disarmament at present and for the freeing of the high seas at present. But Senators will now note that when the opportunity was given to do these, nowhere is there stated any such promise, any such suggestion, or any such hope.

Mr. McCUMBER. Mr. President—

Mr. LEWIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. I will ask the Senator what nation on the face of the earth has ever denied the freedom of the seas or ever assumed to control any part of the seas except during a period of war in defense of itself or in asserting its rights to



keep goods out of an enemy's hands? Is there anything in the proposition of the freedom of the seas except some nebulous idea that casts a doubt upon whether the seas heretofore have been free?

Mr. LEWIS. I answer the Senator, where would there be any freedom of the seas if it is to be conceded that whenever it is to the advantage of any one contestant they can close the seas? Must freedom of the seas mean freedom only up to the time when it becomes to the interest of any one of the parties to shut that freedom off from its enjoyment? I answer the Senator that when Prussia threw its zone around the sea and said to the United States of America, "Thus far and no farther shall you go," and made it impossible that we should enjoy the seas, there was no freedom. I say to the able Senator that even though there be war between nations in Europe it does not license those nations to say to us, "You shall not enter here and enjoy the freedom which previously was yours, even though you are not in the war." We were not at war at that hour when we were barred out on penalty of death. Therefore, it is perfectly plain in this assurance of statement made by the Emperor of Germany that no intent is disclosed that during the war any form of freedom of the seas is to be permitted contrary to the barrier that has been created against the United States of America, and from this document of defiance we may expect the sea to be barred by submarines against us after the war—

Mr. McCUMBER. Mr. President—

Mr. LEWIS. I again yield to the Senator.

Mr. McCUMBER. In other words, the only time the freedom of the seas has been denied has been when a death zone was fixed by our enemy and a declaration that any ship with any kind of goods going to any section of the world traveling through that zone would be sunk without notice. Has there been any other time when any nation in the world has assumed to so control the seas?

Mr. LEWIS. The Senator well states the proposition, and I am content in that to accept his definition, that such is the only condition of that kind which our present civilization has confronted.

Therefore, I ask you, sir, and ask the Senate to note what this reply had for its real object. First, Mr. President, the real purpose of the reply was to flout the United States. Its main object was to cast an affront upon the President of the United States. It was to ignore his every suggestion touching needed freedom of the German people and respect to their cry for peace—made to the world. It was to ignore, sir, the demand for the freedom of the seas in so far as our rights to such were established, but more, sir, it was for the purpose of certifying to the world that it did not recognize the distinction set forth by the President of the United States to his holiness the Pope, stating the rights of the German people as against the assumptions of the German princes. In the reply sent from the Emperor we behold two principal objects: First, it was to inform the contesting forces in the conflict, as well as the whole earth, that Germany felt no reason for yielding to anything upon the demands of any nation. Second, it would not concede that the German people had any right which the President of the United States had any privilege to speak for. Nor would it admit the right to the German people as a people to enjoy liberties apart from that granted as a privilege or favor by the Prussian princes. On this reply the Kaiser says he will submit himself to history. The Germans have a saying, "Die Weltgeschichte ist das Weltgericht." So say we now to the Kaiser, "World history is the world tribunal."

Therefore, Mr. President, it was the complete ignoring of anything the United States had said of any nature whatsoever upon any basis stated by the United States as condition of world peace. The Kaiser boldly asserts that only such propositions would be considered as basis for peace as were consistent with the interests of the German Empire. Sir, behold that no interest of the world for peace, no interest of the rights of the Republic of America for justice, if you please, no interest whatever of humanity, no interest of civilization was to be considered. Only, sir, "the interests of the German Empire" as seen by the Kaiser. Only that would he suggest to His Holiness as worthy of any consideration as a basis of peace to the world. What mockery, what confession of falseness to professions of world welfare.

Here, sir, we have the spectacle of a statement broadly and brazenly made that the terms whether suggested by the Pope of Rome, from the President of the United States, from the allies, or from any other source in the world must be wholly consistent with the object of the German Empire. That only such would be the ones that would be received, or, if you please, even to be the basis of consideration for a convention of world peace by this imperial Czar of the Germans. "My will

or his life" was the declaration of the first William as to his political opponent. Prussia to dictate or civilization to die, is the edict of the successor of William, the now Kaiser of the Germans.

Clearly it must be, Senators and Mr. President, that the real object of that reply, as is apparent to many of us who, being lawyers, can analyze the actions of men and the declarations of papers, and clear to all of us, being public men, is that if here had been the object on the part of the Kaiser to aid peace for humanity it would have found expression when the time came and opportunity was offered. These expressions would have been in terms that all men could read. There would not have been the brazen defiance, the audacious ignoring and confusing qualification in this reply to the proposals of the Pope. All said, all expressed, is but to convey the final bold demand that only terms that would serve the interests of the German Empire would be basis upon which peace could be had. Let there be no further delusion.

Mr. President, I am strongly moved to call the attention of the Senate to this disclosure of truth from the record, because I fear that up to this time many of us have indulged a dream that these master murderers in warfare were sincere in their plea for intervention for peace. Many of us believed that we could have cooperation from them in an undertaking that was honorable and laudable to this end. Many of us gave voice on this floor and in other places seeking such a cooperation as we felt would not be inconsistent with the welfare of the United States. Yet, sir, when the President of the United States gave his expression pointing a way to success in response to the plea of the Christian Pontiff, sceptered in the authority of his holy church; let the world understand the reply of the German Kaiser was that which denied to mankind consideration, refused to civilization a hearing, and flouted with contempt the pleas of state and church, while it announced to the world that, so far as it is concerned, it will not consider even from the head of a church of God a proposition that is not wholly consistent with the objects of the German Empire.

Surely hereafter American citizens need not be blind to the peril of their land. They need never let the dream of peace dull their ardor for conflict. It is only conflict that is now left them, or ignominious surrender to the interests of the German Empire. Then, Senators, we will not be indifferent to the fact that for four weeks this reply of the Kaiser has been in preparation. We who are accustomed to public documents of this kind recognize a composite hand of many contributors in this proclamation. It was not sudden nor single in its creation. It is the voice of the Prussian military dynasty. Mr. President, we pause then to ask ourselves what does this document mean in its final effect. Sir, it means that a new element has seized Prussia; that is, the element of merciless power. It is that element that proposes to ignore the German people and defeat the cause of humanity in Germany as well as in America. It is that new element that demands that the power of Prussia shall oppress and overcome the world.

Mr. President, I stood on this floor after the speech of Michaelis, the chancellor, was addressed to the German Parliament and assumed to translate that German address and gave it an interpretation, pointing out that from it was seen a bid for peace. I said it was an expression of anxiety and one of hope that the United States would take up the issue, and upon such fundamental basis as it deemed just, tender measures upon which peace could be had consistent with our doctrine of humanity and liberty. Eminent Senators around me—I see now the Senator from North Dakota [Mr. McCUMBER] and the Senator from Utah [Mr. KING], Mr. LODGE, of Massachusetts, Mr. BORAH, of Idaho—called attention to its specious language. They could not even agree that its words were sincere. I differed from these Senators. I felt, sir, that an opportunity should be had to try the sincerity.

I had two objects. One was, I would not have my Government charged before the world with carrying on a war that would mean the decimation of her children, the destruction of families, and the desolation of the land as long as there was an opportunity to avoid it by any honorable peace and just arbitration. Nor should any other civilization have justification ever to indict this body by having disclosed our denial of an honorable peace consistent with the purpose for which we entered the war where such could have been secured.

It was because of that that I would allow no opportunity to pass without calling the plea for peace to the attention and consideration of the eminent men who occupy the floor. But, sir, I find now that I must concede that, however Michaelis, the chancellor, was sincere and anxious in his desire for immediate peace, he has been overcome by Prussian war mania. All the peace spirit he represented is beaten down. That other power of Prus-



sia, which holds as the only policy of state, blood and iron, has again attempted to subjugate the world against which it has drawn its sword. Mr. President, Herodotus, the ancient historian, tells us that the Scythians worshiped as their god the naked sword. It now seems as though that is now to be the deity to be installed in the temples of Prussia.

Mr. President, the imperial house of Germany took its origin from the first William and from his creed of conquer by power. From that on until the time that Bismarck laid down the doctrine as one of statecraft for its rulers, such creed ruled Prussia, and now is to dominate the world if Prussia can conquer mankind. This policy is described in Germany as the *traufschlagen*—the beating down. If opposition arises, beat it down; let no time be lost with reasoning. Mr. President, when this movement for peace came to the German rulers from their people, and the demand arose calling to reconcile differences of nations by concessions; there appeared from the voice of German rulers the expressed desire for peace and the purpose to yield to those things which were just, whether to America or any other element in the world. But, sirs, new happenings occurred in Europe, and upon these there promptly arose in the Prussian mind a new possibility. It was the feeling that if they yielded to the demand of peace from their people or from the Pope it would be taken by the world as a concession to the German people as against the military power. That such would be construed as a surrender to the German people and a yielding to their desire for peace. It was feared that this would lead to further demands from the German people for justice as opposed to the military oppression of the military rulers in civil as well as in martial government. This might mean an abdication by the Kaiser, or a civil revolution for reform of German government.

The Prussian princes then proceeded at once to carry out to the fullest extent of their power the doctrine of beating down that opposition, and with such power at their hands they proceeded to first intimidate their own people, then suppress their press and jail any editors who sought by expression even-handed justice for the German people. This was ever done under the imperial charge of sedition or treason against German masters.

Now, sir, I must arouse the attention of the Senate to the true spirit that was behind the proposals of peace. I must awaken the Senate to the falsity of the pious pretense. Senators, when these proposals of peace came to us we had a right to assume they spoke for peace and humanity, but, sirs, now let the civilization of man know that if the valorous people of the United States can not see the virtue in the professed cry of peace coming from well-known Prussian powers it is because that on the very day when President Wilson was beseeching the contending nations to state the terms in detail for which they were fighting, that it may be possible for the United States to serve as mediator to obtain peace on a just compromise, Prussia deliberately resumed her submarine assaults on American commerce and the murder of American citizens.

Let it be remembered that even after this diabolical ingratitude was condoned by us, and the President again came to his people with the proposal of "peace without victory," that Germany might not be a vanquished nation and her people suffer the degradation of defeat, these mad Prussian murderers, in the very week while our efforts in her behalf were pending with the allies, turned in ferocity upon three American ships, each bearing the Stars and Stripes, blazoning to the world that they were not enemies but friends, and these harmless American vessels were splintered by the submarine shot in the night, stolen upon as the midnight assassin steals upon his unguarded victim, and without word of hailing, that reply might show their innocence in all things of enmity; without warning to the humble lives on board, that they might take to their lifeboats, these American ships were shot to pieces, their freight of lives sent to the death as the submarine murderers scurried off in the darkness, leaving their victims dying in the blood-reddeened seas.

Yes; how can we who would love to trust, forget that again, when Michaelis, the German chancellor—but a short while past delivered his speech of proposed peace to the Berlin Parliament—and following it, when the Senator from Illinois—myself—had brought its professed purpose to the attention of the United States Senate for its judgment, in order that no man could say we ignored any just opportunity for a just peace, these Prussian marauders of murder and sea assassins, as reward for our generosity, turned upon a helpless little American bark then in Mediterranean waters, shot it to shatters, and with its poor, helpless sailors sinking to the sea, seized the lifeboats and broke them into splinters, that the floating American seamen should be helpless for life and die the saddest of slow deaths, where wife and children, helpless and homeless, would haunt their

dying eyes. Was there ever such invention of cruelty in civilization's annals? Who asks that such as these America shall trust again? And, sirs, this all when Michaelis was confessing to the world that his speech was meant as a bid for peace; when the Austrian foreign minister was telling the world that he aided in the speech, and that it was meant for peace, and Copenhagen, Denmark; and Amsterdam, Holland, told us they had the assurances that peace was the purpose.

And now we call to Europe, to Asia, to the earth, to behold the latest proof of the refusal of Prussia to withhold the hand of murder upon America. But a few weeks since there came from the heart of the Christian director of the world's Roman Catholic Church the proposal to all the warring nations to consider what terms of peace could be entered upon. In response to this benign source, America, as a Christian people, through her Commander, the President of the United States, responded, pointing out where there was a way. Prussia saw—Prussia understood. These Prussian military masters read, re-read, and then from them came the response in misrepresentation of our aims and slander of our purposes. Men, who are Christians of America, I appeal to you now that you hear, and to you who are for a just peace, and you who are for your country, I call upon you to mark that though this pontiff came to the world with his efforts sceptered in the authority of his holy church these Prussian military masters have never to this day commissioned this agency of peace, this Pope of Rome, to assure the United States that Prussia was willing even to cease her submarine warfare on American commerce or would end her murder of American men and women. Prussia refuses now, even through this head of a church of God, promise as condition of peace the end of her attacks on America or the rights of her children. No word of promise to restore to us our rights on the sea and ending the attacks on our people in the ocean. To the contrary, not only no promise through the Prussians, nor any assurance of ceasing their efforts for our destruction, but while the President of the United States and the Pope of Rome and the Governments of the allies and the true people of Germany were taking heed of the prospect of peace on some honorable basis, the Prussian military murderers, to show their defiance of the President of the United States, and to the Pope of Rome and of the heads of the allied Governments, set their engines of death upon the American ships carrying our American soldiers to France that they might be shot to death in the waters of the sea, hoping that they may die, all with each other, "without leaving a trace." And this while the world was pausing to present some possible relief from the continuance of this necessary war. Was there ever such brutal disregard and barbarous treatment of a Christlike proposal as the Prussian princes have given to the Pope of Rome for Europe and to the President of the United States for America? In the face of this history of degrading insult to America, to the President, to a Christian church, what man calling himself an American will now confess himself a Prussian puppet to persuade his people to endure further ignominy without resentment? Surely judgment has not flown to brutish beasts and men have not lost their reason.

Then, Senators, it is not difficult for you now to understand that this paper has now come forth as the deliberate result of the study, of results and consequences, that it might flout the United States and show disdain to our undertaking, while it now betrays the real character it represents of one who desires warfare carried to every point of murder and destruction until the object of the German Empire shall be attained and its interests to the full extent of its oppressive policies be entrenched.

What are these interests? Clearly, now, we see that they are those opposed to all interests of peace, those against all interests of civilization and in violation to all interests of humanity. This exhibition of indifference to the needs of mankind and to the cry of misery in this hour must startle the soul of America. If there are those in the United States who have heretofore felt it was their duty to stand against the United States and to lend by their voice encouragement to oppose their country's action, let them behold this document and ask whether they can now continue their opposition lest they bring themselves to be considered as deliberate cooperators with this conspiracy of the Prussian master not only against America, but against civilization of the world and the Christianity of earth.

Mr. President, what do you think, sir, is the real motive of this change of heart of Prussia from beseeching peace to defiant war? Sir, it is that some form of victory lately had in Russia, combined with the discordances as are seen in the United States have encouraged the Prussian Emperor to believe that at last the hour is really upon them when they may realize the dream long cherished—a world conquest. Sir, may I call to your attention that in the record of Admiral Dewey we find a statement of startling information. We find that Admiral von Goetzen, in 1898, during



the Spanish-American War, at a time when we were not without certain difficulties with a certain element of the German Navy, and while Officer von Goetzen was a guest of the United States as a military observer for Germany of our war with Spain in Cuba—he boldly proclaimed to the officers of our Government, saying:

About 15 years from now my country will start her great war. She will be in Paris about two months after the commencement of hostilities. Her move on Paris will be but a step to her real object—the crushing of England. \* \* \* Some months after we finish our work in Europe we will take New York, and probably Washington, and hold them for some time. We will put your country in its place, with reference to Germany. We do not propose to take any of your territory (?), but we do intend to take a billion or so of your dollars from New York and other places. The Monroe doctrine will be taken charge of by us, as we will then have to put you in your place, and we will take charge of South America, as far as we wish to. \* \* \* Don't forget this, and about 15 years from now remember it, and it will interest you. (Naval and Military Record, No. 33, Vol. LII, p. 578.)

This is a part of the communication which Admiral Dewey thought so ominous as to have it submitted to this country. It is to be found in the Naval and Military Records, No. 33, volume 52, page 578. I am at loss to understand why my Government has never allowed this to be published. I now marvel why it was never sent broadcast to our countrymen, that they who heretofore had been in doubt as to their duty might now know the certainty of their sure future course.

Let us not misunderstand the real object of this Prussian war. It was begun to subjugate the world powers wherever possible. In the seas we were found ever in the path of this Behemoth. Then it was that the shock of murder and death was put upon us. These assaults on our lives, our property, and our Nation were on the assumption that we were not prepared to oppose them. Many of us recognized the deplorable condition we were in for national defense. This state of ease was because we were a land of peace; we had not been educated as a people to war. Then there was the other assumption indulged by Prussia, which was that if we were prepared to resent the assault they were powerful enough to overcome our opposition and subjugate us to the full extent of this threat, now produced from their military representative.

Mr. President, therefore it is because Prussia has become of late renewed in its audacity that we have this reply of the Kaiser in the specious and brazen words uttered to one who is an apostle of peace and a spokesman of Christ. This reply, be it remembered, is from one who ever speaks in the name of God when he speaks for his country and for his crown. Yet when he responded to the one who as a preacher represented the peace on earth and good will to men; this that I bring to you is the manner in which the Kaiser flouts the object, and this reply is the method by which he tricks the purpose.

Sir, after this I want to see the face of an American who, now confronting this confession, whether he is here in the Senate or elsewhere, who will hereafter lend himself, directly or indirectly, to the purposes which the Kaiser has set forth to serve only the interests of the German Emperor and crush the noble objects of America. I know that to the contrary will be the resolve of any Senator. It will ring with the cry—

No parleying now—in America is one breath;  
We are all with you now, from shore to shore;  
Ye men of the Republic, 'tis victory or death.

Then, sirs, let us revive to mind the cause of this war—this just resentment of the United States against nameless wrongs. Hear it, sirs. It is that your America, while in peace with all the world, wronging no nation, injuring no man, has been set upon by Prussia and by Prussian military murderers, your ships shattered in mid-ocean, their commerce drowned, your innocent men blown to fragments, your helpless women shot to death, and your little children cast into the sea, to be crunched and eaten by the animals of the deep.

And all this for no cause but that your United States dared to be a part of the world and in fulfillment of Heaven's law to enjoy the earth and the sea and the fruits thereof, as ordained of God. What other reason is offered anywhere from anyone as justification for the drowning of our property, the pillage of our ships, and the butchery of our people? What wrong is charged to America as done to any man or nation as an excuse for the heinous conspiracy of Prussia to dismember our Republic—to give Nevada, New Mexico, and Arizona to Old Mexico and California to Japan?

What offense has ever been charged to America as the excuse for setting our people against each other in conspiracy to burn their business houses, tear down their homes, and murder in darkness their families? What act of wrong has ever been charged against us, committed against any people on earth, as justification for the world conspiracy set afoot against us in Argentina and Brazil of South America; Sweden, Norway, Holland, and Denmark in Europe? What wrong have we ever

done Prussia? What kindness have we ever withheld from her? We have taken Prussia's children to our arms, educated her little ones, welcomed her men to our gates, received her saddened women to our souls. We have given liberty to her oppressed, homes and happiness to their people, nor asked aught in return. We made their people our people, their children our children; where they lived, we lived; where their children were buried, there, too, were ours buried and mourned also. And for all this we are rewarded by the vow to kill our people and destroy our Nation.

Where is the American who will not answer this ingratitude and barbarity with his vow to the world that so long as breath shall be his, love shall be his, and life be his, Prussia shall not prevail? Yes; where is he that shall not swear by the spirit of loved ones gone by, by the hope he has for the boy on his way to duty, by the religion of his Christ and by his faith in Heaven, will he not swear that never, never until Prussia surrenders American rights, makes just restitution for her cruel wrongs, and gives inviolable guaranties of peace and justice for all the future will America ever lay down her arms? Prussia forced America to draw her sword against Germany. America shall now force Prussia to sheathe her sword that is drawn against the world.

And now again I turn to this ancient Senate—yea, to its noble Members—and I say to that Senator who occupies a seat on this floor, wherever he is, that so long as that reply of the Kaiser remains, as it is now, with that daring to America and the audacity to civilization, the man who now raises his voice in America in any assemblage of any kind condemning any measure of his own country, criticizing the undertaking of the United States in its own defense, lends himself deliberately to the interest of the German Empire. Nor can he hide, sir, behind the privileges of prated free speech. Let there be no misunderstanding. This country guarantees free speech. Its patriots inscribed with their very blood the guaranty of that bulwark of liberty. Yet, sir, who are they in America that demand the right to argue against this war of America? Who are those who ask to debate the righteousness of their own country; to dispute the honor of their own men and question the virtue of their own women? Who are those who demand to denounce their country's cause while they praise the purpose of her destroyers? Who are these who cry for constitutional free speech to befool their own land, betray their own citizens, and surrender their own country?

Let us now reply to all these, saying, "Yes; your country guarantees free speech to every American, but that man who uses free speech against America is not the American to whom free speech is guaranteed. In this land there can be no free speech to any man to destroy the freedom of his fellow man. There can never be liberty of speech to an American citizen to destroy the liberty of the American Nation. Let this meaning of our Constitution be now proclaimed as fixed to all mankind." Any other meaning would be—

The scorn of every patriot's name,  
Thy country's ruin, and her council's shame.

Mr. President, while the fact that the German Emperor and his advisers exaggerated the differences in the United States and fancied them so great in their chasm and so broad in their widening as to justify the belief that there were elements in the United States that encouraged the war of Germany and discouraged the war of the United States, and while such has done a great deal to revive the belligerent spirit of Prussia since the address for peace of Chancellor Michaelis on the 19th day of July and contributed to the new expression of the Kaiser of bravado and audacity, yet, sir, it is not the only thing that has inspired this new resolve of death to men—destruction to country.

The meek and humble position which Germany took when Michaelis addressed his speech to the Reichstag compared to the insolence and self-glorification that comes from the Kaiser now in the reply to opportunity for peace must have a sinister meaning to every reflective man. We ask what is the other significance than the one disclosing encouragement from divisions and opposition in the United States of certain citizens of the United States? It is, sir, that something had happened in Europe, something transpired in German spheres; it is well for us to consider it now. Prussia assumed, as did the Prussian military princes, that the defeat of the Russians in Riga, along the Rigan Bay and along the Dvina border, meant a success to them and one that strengthened their arms everywhere—one that strengthened their people at home and gave their Prussia a new source of supply to carry them through the conflict. The Prussians dreamed that Russian victories would make up whatever loss might have been suffered by Prussia in any other territory, barricaded by the armies of the allies.



Mr. President, no one more than the Members of the Senate, I am sure, deploras the unhappy situation of Russia, and no one more than ourselves more wholly appreciates what the situation of Russia really means to herself and warns to us. Sir, I fear we in America do not understand what we have to contend with in Russia. There are many distinct Russias in the Russian land of Russia. It fell to my lot upon two occasions, if I may be pardoned a personal reference, in traveling through Russia to spend some time in different portions of that country. There is what is called Bessarabia. That country is an ancient biblical country. It is a land referred to in the Holy Bible. It was afterwards settled by a people called Zamos, and then an ancient people went up of a Latin origin called Bessi. After that there was the converging of those who were part Israelite, part Judean, and part Arabian. They established a country for themselves, which took the name when it was captured by the armies of Russia—or the Cossacks—of Bessarabia, after the words Bessi and Arabia. These people, sir, feel little interest and have felt little interest in what was the general rule of central Russia.

If I may be pardoned, I think I can offer an illustration that will aptly define what I mean. They were as indifferent to central Russia as were the people of Ireland to the welfare of the Crown of England. They felt they were held by the subjugating power of arms from the time of Peter.

Mr. President, there is another part of Russia which we speak of as Crimea, the southern part of Russia, which is as California is to the United States, or, as we may say, as is Italy to Europe; it is the tropical portion of Russia. I recall, which will be of some little interest to Senators who probably have not had time or occasion to consider these distinctions, that in the month of December the lemons, oranges, bananas, pineapples, and other tropical fruits were growing in that land—as beautiful and to the perfection as you find them in California or Florida—in the same month. Those people, therefore, have no interest in central Russia. They feel strangers to the Frigid Zone, along the River Neva, where sits Petrograd, once the St. Petersburg of the Czars. Riga is another border. On that border are Germans, and that we in the Senate may not misunderstand the history of Riga, fancy, if you please, Virginia or Maryland having an opportunity to surrender in a conflict to the District of Columbia as against a yielding to Ohio and Pennsylvania, if you please. You can readily understand that the spirit of those who came from Virginia and Maryland who live here in the District of Columbia in thousands would readily yield more quickly and gladly to the call of Virginia and Maryland than to that of Ohio, Pennsylvania, Minnesota, or Illinois. So this part of Riga was inhabited by the Germans. When it fell to my lot to have to write something upon this subject matter, this much I was compelled to record, that I saw both at St. Petersburg and afterwards at Moscow that people of that section of Riga were in constant internal conflict, and that conflict was to retake the business from the Germans. Their complaint was that Germany had come into their land and had practically monopolized and appropriated all their business opportunities. So strongly intrenched were the Germans in Riga that through that whole territory there were elected at every election, such as they had, in their municipalities—their zemstvos—only German officials, while the business houses and banking establishments of Riga were all officered by German officers. When the Duma was created one could go as a member from Riga to the Duma only when he was a German by birth or offspring, though professing Russian interests, as an amalgamated Russian. Riga was a German city, Riga Bay a German water, and it was Germany surrendering to Germany, with no Russia to oppose Prussia in all Riga.

So let it be understood that when Riga was captured it was not Russia that was conquered; it was a country that made no fight against the German advance. It was a land that had no interest in Petrograd. It had no hope of welfare from Moscow. It had neither sympathy for the Russian in his fight for liberty nor the hope for a new Russia in the coming Republic. These, sir, were, after all, but the Germans who had gone from Germany yielding to their own Prussia.

Sir, I think you see, as do we all, this new inflated Prussia, however it cried for peace when in distress and when Michaelis sent out his declaration for peace now fancied because of this victory in Riga that it had become strengthened for complete power to crush. Then the once cry of humanity faded upon its lips. The interest of civilization melted as the vapors before the sun. New power having been drawn to it by which it could subjugate humanity and subvert the principles of justice, all the prayers to God which had been sent up before in the voice of the Kaiser were now as an echo that is dead. All the past professions of peace, love, and justice were now shown to be hypocrisy, pretense, and

falsehood before the world—all this new presumption of daring and destruction on the assumption of having gathered new strength and reinforcements, giving full power. Then the cry arises, shouting to the world, "Beat down." This was their text in the beginning. It is to slay. It was their purpose at the outset, and to murder opposing mankind. Hear their call to their army. It is a command that Prussian soldiery ravage mankind and decimate civilization. Therefore, sir, I do beseech my comrades in this body that they hereafter shall look to this record, and from this record behold the real truth.

Sir, I have no desolation as to the future of Russia; I have no pessimism as to it. Once a people become fired with the desire of freedom, once they become inspired with the dream of liberty, once they become conscious of these blessings, while they may have many setbacks and repulses, they are never defeated. Time and time again they will return to the conflict, till victory be theirs. They are as those who have touched Paradise; they will never remain in the darker sphere.

Russia may meet obstacles in attaining the acme of mankind—liberty—but freedom will soon be hers. I feel, sir, that the advance on Riga and the capture of that locality was one of the most advantageous circumstances that have transpired in the Prussian war. Do you ask me how I can so reason? Germany had always professed up to that time that she was but beating back Russian armies of the Czar. That she, under no circumstances, sought to take any territory. She moved upon Riga in violation of her pledges; she seized Riga and announced, through the imperial master of the house, "Riga eternally ours." Russia awakened, and then recognized that the enemy's foot was upon her soil and that out of his lips there came flaming a threat to appropriate her land, and thereafter that which was Russian Russia, was to be Prussian Russia, perhaps forever.

To my thinking, sir, there is not a moujik upon his humble little farm, living upon black bread and sleeping upon a bed of straw, but what will be aroused now to a new meaning of that which before no teaching could impart to him and no education inspire. This example of invasion and scene of desolation of the land where his children were born and where his fathers are sleeping, all before his eyes, tell him that the invaders have come for his hearthstone, for his home, for his children, for his sacred places where are buried his dead. I feel, sir, that this will mean a rejuvenation of spirit, the infusing of courage. Sir, it will give life to Russia and bring new Russia before the world conscious of the peril that confronts her. It will bring her armies together, every woman in oath to protect her children, the men in common vow to rescue their land, and the new Republic to march in common step to the music of unity with the Republic of the United States, all in a glorious and victorious fight for liberty of man and freedom of country. Therefore, sir, that which appeared in the beginning a darkness to some men to my reasoning, sir, means the brightness of the future. Sir, such experience was our own. The advance upon us toward Trenton of the forces of the King brought our people in their dark day to a realization of what it all meant, and then came Washington with the new spirit of America, and the result was victory and the surrender of Cornwallis at Yorktown.

Sir, there is France. When she came to her birth as a republic she severed in parts on her doorway; she sundered herself on prejudice and in distraction despaired; but as Austria moved upon her border and she realized that Austria was really advancing upon her soil to possess France, differences were laid down, disputes forgotten, France came together, the true Republic was reborn, and the tricolor floated against heaven as her standard. There it is to-day, waving over her new-born free land, the ensign of a won liberty. I contemplate these scenes, sir, not in despair; I behold them with encouragement. Yet I am not blind to the fact that it is this evidence which Prussia has taken to herself as a new license of power, a new encouragement of authority and despotism.

Sir, the effect in Russia, I feel, will be continued for the good of that nation, as the new developments which have been brought to the attention of our people must redound to the good of the United States. This revelation at Riga will act on new Russia as the Zeppelins sent by Germany to England acted on England, as the revealed corruption of Bernstorff in the United States and the Prussian conspiracy against the United States in Scandinavia and South America has acted upon the citizens of the United States—to awaken every man to the presence of the foe, unite every man against the enemy, and call up in Russia what Prussia has now called up in America—union and unity.

Sir, I have adverted to the attempts by Prussia to corrupt the avenues of truth in America to serve Prussian vengeance on us. Sir, I do not understand this. You scholars of the classics



recall that Cato of the Roman Senate was wont every morning to behold the stars as he saw them glittering in the early morn after the night, and watch the sun to rise, then exclaim: "The gods are with us," and then proclaim his curse on Carthage, crying out that Carthage, for its sins against the stranger within its gates—Carthage must go—*Delenda est Carthago*. But, sir, I do not know what we have done for which Prussia should register her vow in hell that America must be destroyed! Surely, Mr. President, I need not dwell longer to point out that never again need there be any fear of any citizen of America failing now to see what all this means, nor, sir, failing to understand this reply and appreciate its defiance to us. Each American will stand amazed as he sees it in its breathing of destruction to all we love and all we have lived for.

Mr. President, the Senator from Iowa [Mr. CUMMINS] in his address proclaimed that our soldiers had gone forth to France to fight. Truly, sir, such is the sublime event. Our children from all our land moved out but yesterday to the command of their country. Many are now and more to be in foreign lands. Our boys stand in thousands upon the battle ridge of murdering Prussia. From their souls stretch invisible the threads woven from the hearts of American mothers. From every fireside and field of our dear land these chords throb with the love of man and the prayers of women. From these cometh the voice crying unto Heaven, "Oh, God, they are ours; give victory to their arms and give them back to the arms of their country."

Who is there among us that pleads for destruction of our children and would have death to our sons and dishonor to our land? If such craven can be, may his head never be seen to blacken the light or his guilty face be known to American civilization. For it is of such as he that it is written:

They shall be cast into outer darkness, where there shall be weeping and gnashing of teeth.

Mr. President, Chatham, standing in the English Parliament, contemplating the persecution of America by the Hanoverian King of England, cried out, "If I were an American, I never would lay down my arms—never, never." So, sir, in the spirit of the soul of freedom, crying to us for justice—for humanity—we this day send our greeting to the world, and unto it proclaim that when lying and deceit of kings and emperors has ceased, and when through the efforts of a liberty-loving German people justice shall again be restored to America, American rights on land and sea secured before all the world, and the holy cause for which America has entered this war has been established, peace—God's peace with righteousness—shall be welcomed by America, welcomed for herself and for the earth. But until these guaranties for the future justice and right to America are established, the sons and daughters of this sacred land, recalling the sacrifices of their patriotic dead to found here on this continent a land of freedom, a country of justice, a people of righteousness, and remembering their children who this night rest on arms, awaiting the call of the to-morrow, these, our Americans in all America and all over America, have but one course, one purpose, one cry—our country, our whole country, and nothing but our country!

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). House bill 2316 is before the Senate as in Committee of the Whole and open to amendment.

Mr. POMERENE. Mr. President, the Senator from Missouri [Mr. REED] indicated that he would like to be present during the further consideration of this bill. He is not able to be present to-day. If no other Senator cares to address the Senate upon the measure, I ask that the unfinished business be laid aside until to-morrow.

The PRESIDING OFFICER. Without objection, the unfinished business will be laid aside.

#### EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 25, 1917, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate September 24, 1917.*

#### ASSISTANT SECRETARY OF THE TREASURY.

James H. Moyle, of Utah, to be Assistant Secretary of the Treasury, vice Byron R. Newton, resigned.

#### COMMISSIONER OF INTERNAL REVENUE.

Daniel C. Roper, of South Carolina, to be Commissioner of Internal Revenue, in place of William H. Osborn, resigned.

#### COLLECTORS OF CUSTOMS.

Byron R. Newton, of New York, to be collector of customs for customs collection district No. 10, with headquarters at New York, N. Y., in place of Dudley Field Malone, resigned.

John B. Elliott, of Los Angeles, Cal., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Cal. (Reappointment.)

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 24, 1917.*

#### ASSISTANT SECRETARY OF THE TREASURY.

James H. Moyle to be Assistant Secretary of the Treasury.

#### COMMISSIONER OF INTERNAL REVENUE.

Daniel C. Roper to be Commissioner of Internal Revenue.

#### POSTMASTERS.

##### ILLINOIS.

Howard L. Scott, Fox Lake.  
Charles J. Wightman, Grayslake.  
Nellie S. Cowing, Homewood.  
William T. Robinson, Kenilworth.  
Hugh C. Smith, Lake Forest.  
Lillian M. Dilg, Morton Grove.  
Daniel A. Grady, Waukegan.

##### SOUTH DAKOTA.

Harriet Pope, Delmont.

#### HOUSE OF REPRESENTATIVES.

*Monday, September 24, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whose sacred presence we dwell, come now in all the fullness of Thy power and possess our minds and hearts.

Open Thou the crystal fountain  
Whence the living waters flow;  
Let the fiery, cloudy pillar  
Lead us all the journey through;  
Strong Deliverer,  
Be Thou still our strength and shield—

That we may worship Thee in spirit and in truth, by the thoughts that we think, the words that we speak, and the deeds that we do, and thus exalt ourselves and glorify Thy Holy Name in the spirit of the Master. Amen.

The Journal of the proceedings of Friday, September 21, 1917, was read and approved.

#### AMERICAN PATRIOTISM.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for half a minute. Is there objection? There was no objection.

Mr. McKENZIE. Mr. Speaker, those of us who had the pleasure of serving in this House with the Hon. Nathan Kendall, of Iowa, remember well what a forceful and eloquent orator he is. On Labor Day he delivered a patriotic address at Boone, Iowa, and I ask unanimous consent to extend in the RECORD a short extract from that speech.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing an excerpt from a speech made by Mr. Kendall, at one time a prominent Member of the House, at Boone, Iowa, on Labor Day. Is there objection?

There was no objection.

The extract referred to is as follows:

EXTRACT FROM AN ADDRESS ON "AMERICAN PATRIOTISM," DELIVERED BY N. E. KENDALL, AT BOONE, IOWA, ON LABOR DAY, 1917.

What an inheritance for all of us, the patriotism of '76, of '61, of '98! Do we fully and thoroughly appreciate it—all the unmatched sacrifices it has sustained, and all the unbounded blessings it has secured? Are we ready to emulate the unflinching devotion which our predecessors always have evinced for the weal of our own country and to exemplify that wider humanitarianism which shall comprehend the welfare of all the countries of mankind? Have we hearts enkindled by that almost divine benevolence which commiserates the afflictions of all peoples everywhere, and whose unselfish ministry shall



glorify beyond comparison the international philanthropy of 1917? As I speak to you to-day the world is on fire with the fierce flames of war, and the red sparks of ruin are falling in every direction. We prudently avoided all entanglement in the mad debauchery, even while grievance accumulated upon grievance to affront an ingenious but self-respecting people; and we patiently restrained our just intervention until it became obvious to the dullest discernment that every bright prospect of free institutions was in imminent jeopardy. When that overwhelming disaster was threatened we could not continue at the same time unallied and unashamed. We had to be courageous or craven; and since our fathers in their weakness marched erect, breast forward, against a British King, their sons in their strength could not crawl supinely, necks bowed, before a German Kaiser. And so we fight again—fight that the maxims of the Magna Charta may not be relaxed; fight that the Declaration of Independence may not be rescinded; fight that the guaranties of the Constitution may not be repealed; fight that the indefeasible rights of men may not be revoked; fight that the Sermon on the Mount may not be reviled!

"In the beauty of the lilies Christ was born across the sea,  
With a glory in His bosom that transfigures you and me;  
As He died to make men holy, let us die to make men free!"

The cause is worthy of us; God help us to be worthy of the cause. Heretofore we spoke softly but without avail; hereafter we strike sternly and without reserve. And now that we are in the deplorable business, it must be understood in every chancellery under the sun that we will not withhold our heavy hand until the monstrous menace of Prussian militarism is utterly obliterated from the earth. That consummation so devoutly desired will not be easy, but it will not be impossible, for

"Thrice armed is he who hath his quarrel just!"

And our quarrel is just. For atrocities innumerable we arraign the Emperor Wilhelm before the quickened conscience of this Christian age. The ravishment of Belgium! The spoliation of Serbia! The dismemberment of Poland! The devastation of France! The coalition with the unspeakable Turk! The conspiracy with the treacherous Carranza! The brutal murder of Edith Cavell! The relentless massacre of neutral noncombatants on the open ocean! And all for the wicked aggrandizement of one man, with mailed fist uplifted everywhere, intoxicated with ambition for unbridled power. This carnival of outlawry must stop, and we intend to stop it! The undertaking which must engross our unremitting energies is no holiday escapade, but we shall conclude it nobly, because every American at home and abroad and aloft and afield will acquit himself in this urgency as becomes a patriot. Perhaps I ought not to advert to the critical difficulty of our over-seas situation, but I think I may properly say this: For 25 years we have tolerated the visionary enthusiast in his romantic dream of an ideal day when the brotherhood of man shall be as real as the fatherhood of God; when every mortal shall love his fellow mortal better than he loves himself; and when the artillery of modern warfare shall be displayed as curiosities in the antiquity museums of the universe. Fascinated by that agreeable hallucination we have serenely pursued the even tenor of our way, beating our swords into plowshares and our spears into pruning hooks, while the most implacable antagonist of popular government in recorded history has been steadily preparing to subjugate the Caucasian race. And now that the frightful cataclysm is upon us we suddenly recover our sanity to perceive two things: First, that the millennial dawn of our fanciful dreamer has not only not arrived, but is not yet within sensible prophecy; and second, that we forthwith need for our own immunity the best ships and the best guns that can be contrived by the ingenuity of man. We awake at last from the demoralizing delusion which so long enthralled us, and while we still reprobate violence and advocate conciliation, we know now that the temporal salvation of any State of first consequence is contingent upon an ample army supplemented by an adequate navy; never for the prosecution of aggressive or unwarranted war, but always as a prerequisite to uninterrupted and abiding peace. Men, money, munitions—Congress must provide them all abundantly and without delay. And every man of us must help to the uttermost, no matter where he happened to be born, nor how he has hitherto voted. This is no time for internal indecision, much less domestic discord. If we are to make any substantial contribution toward overthrowing the merciless Moloch who is now deluging the elder hemisphere with blood, it is incumbent upon us immediately to interpose an unbroken array of bayonets against his satanic activities. We must rally to the world's rescue at once and unanimously; not as partisans, but as Americans! I apprehend everybody knows, who is familiar with newspaper comment, that in the balloting which occurred in November I was not an adherent of Woodrow Wilson, and that in three States I exerted myself with unwearied diligence to prevent his reelection. If it shall be intimated that my labors were not particularly effective it will likewise be conceded that I cried aloud and spared not infirmities which appeared to me incurable. I think I love my party, and I was against the Democratic leader in the last campaign as candidate for President; but I know I love my country, and I am with the present Executive in the pending emergency as Commander in Chief of the Armies of the United States! American rights have been invaded, American blood has been spilled, American lives have been extinguished, and we are at war—not with the proletariat of Germany, but with the autocracy of Germany. It is the age-old conflict between right and justice and liberty on the one hand, and wrong and oppression and absolutism on the other. To remain isolated and aloof when these fundamental forces are in a death grapple would be too base, too cowardly, too infamous to be contemplated. And so we unfurl again the flag which always symbolizes rectitude, and unsheathe again the sword which always enforces freedom. We battle now, as in the past, for the extirpation of despotisms and the establishment of democracies; for the expulsion of monarchs and the enfranchisement of men. And at this vital juncture I say to you to-day, as Otis said to his Massachusetts neighbors after Bunker Hill: "No man can be passive while right is on the scaffold and wrong is on the throne!" And as Douglass said to his Springfield constituents after Sumter: "Whoever is not for the Government is against it, and whoever is against the Government is a traitor!" Oh, my dear friends, in the great tribulation which is before us may we recall every sacred battle field and every patriot grave, and may that memory keep us true and steadfast to the end.

"Lord God of hosts, be with us yet;  
Lest we forget, lest we forget!"

#### ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 5901. An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments and for other purposes.

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. 5901. An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments and for other purposes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2156) to authorize the exploration for and disposition of potassium.

The message also announced that the Senate had passed without amendment the bill (H. R. 5335) to extend the time for constructing a bridge across the Tug Fork of the Big Sandy River near Warfield, Ky., and Kermit, W. Va., authorized by an act approved January 28, 1916.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 78) to suspend, during the present war with Germany, the requirement that not less than \$100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of \$100 in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States \$100, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ASHURST, Mr. SHAFBOTH, and Mr. POINDEXTER as the conferees on the part of the Senate.

#### QUESTION OF PRIVILEGE.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. NORTON rose.

The SPEAKER. The gentleman from Michigan will suspend for a moment. The Chair will recognize him in a short time. The gentleman from North Dakota [Mr. NORTON] is recognized.

Mr. NORTON. Mr. Speaker, I rise to a question of the highest privilege, upon which I desire to address the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. NORTON. Mr. Speaker, on Friday of last week, September 21, 1917, the gentleman from Alabama [Mr. HEFLIN] addressed the House in reference to a note that had been sent by former Ambassador Bernstorff from this country to his Government in Germany. This note as it is reported is in the following terms:

I request authority to pay up to \$50,000 in order as on former occasions to influence Congress through the organization you know of, which can perhaps prevent war.

I am beginning in the meantime to act accordingly.

In the above circumstances a public official German declaration in favor of Ireland is highly desirable, in order to gain the support of Irish influence here.

The gentleman from Alabama [Mr. HEFLIN] in the course of his remarks said in reference to this, among other things, as appears on pages 7305 and 7306 of the RECORD:

If I were permitted to express my opinion, I could name 13 or 14 men in the two bodies who, in my judgment, have acted in a suspicious manner.

On Saturday morning the Washington Post of this city reported Mr. HEFLIN as making this statement:

The Alabama Member demanded an immediate investigation late yesterday of the Von Bernstorff matter, using the phrase above, and continued:

"I demand that this matter be investigated and that the guilty Members be expelled from Congress in disgrace.

"I believe some of this money has reached some Members of Congress I know. Bernstorff's telegram was an insult to Congress and to the country." He continued:

"I have heard a story that there is a gambling room in Washington where pro-German and peace-at-any-price Members of Congress get their pay by being extraordinarily lucky at cards."

Mr. HEFLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Dakota yield to the gentleman from Alabama?

Mr. NORTON. Just a moment. The gentleman from Alabama, the paper says, continued:

I could name 13 or 14 Members of this House and the Senate who have acted in a very suspicious fashion, and I feel that this matter should be very fully investigated.



The SPEAKER. Does the gentleman yield?

Mr. NORTON. Not now.

The SPEAKER. The gentleman declines to yield.

Mr. NORTON. I desire to say—

Mr. HEFLIN. Mr. Speaker—

The SPEAKER. The gentleman from North Dakota declines to yield.

Mr. HEFLIN. Mr. Speaker, I make the point of order that there is no quorum present, in order that we may have a full House to hear this matter discussed.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-two Members present; not a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question of on the motion of the gentleman from Tennessee that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock 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:

Anderson	Fairchild, G. W.	Kreider	Rouse
Anthony	Fairfield	La Follette	Rowe
Baer	Fitzgerald	La Guardia	Rowland
Bell	Flynn	Lea, Cal.	Sanders, N. Y.
Borland	Frear	Lee, Ga.	Sanford
Brodbeck	Fuller, Mass.	Leibach	Schall
Bruckner	Gallivan	Lenroot	Scott, Pa.
Buchanan	Gandy	McCormick	Sherley
Butler	Gard	McCulloch	Sherwood
Caldwell	Garland	McKinley	Sims
Capstick	Gillett	McLaughlin, Pa.	Slayden
Caraway	Godwin, N. C.	Maher	Sloan
Carew	Good	Martin, Ill.	Smith, Charles B.
Cary	Goodall	Mason	Smith, Thomas F.
Chandler, N. Y.	Graham, Pa.	Miller, Minn.	Snell
Chandler, Okla.	Gray, N. J.	Montague	Steele
Church	Greene, Mass.	Griest	Steenerson
Connelly, Kans.	Griest	Mott	Stiness
Cooper, W. Va.	Griffin	Mudd	Sullivan
Copley	Hamill	Neely	Swift
Costello	Hamilton, N. Y.	Neelson	Switzer
Crago	Harrison, Miss.	Nolan	Tague
Currie, Mich.	Haskell	O'Shaunessy	Templeton
Curry, Cal.	Hastings	Overmyer	Tinkham
Dale, N. Y.	Hayden	Paige	Treadway
Darrow	Hayes	Phelan	Van Dyke
Dempsey	Heaton	Polk	Vare
Dewalt	Hefintz	Powers	Waldow
Dies	Hill	Price	Walton
Dooling	Hollingsworth	Ragsdale	Ward
Doremus	Husted	Randall	Welty
Drukker	James	Reed	Williams
Dunn	Jones, Va.	Riordan	Wilson, Ill.
Dupré	Juhl	Robinson	Winslow
Dyer	Kahn		Young, Tex.
Egan	Kennedy, R. I.		
Edmonds	Kless, Pa.		

The SPEAKER. On this roll call 283 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. Now, this is likely to be a rather exciting day for more reasons than one, and the Chair announces that he is going to keep order here to-day, and if any gentleman disturbs the proceedings he will harness him up by the Sergeant at Arms. [Applause.]

Mr. NORTON. Mr. Speaker, the statement reported in the Record and in the newspapers as having been made by the gentleman from Alabama [Mr. HEFLIN], charging the membership of this House with being corrupt, I maintain involves a question of the highest privilege of the House, and I desire to be recognized.

The SPEAKER. The gentleman is recognized.

Mr. HEFLIN. Mr. Speaker, I desire to have an opportunity to reply.

The SPEAKER. Now, that is this way. The gentleman will wait a minute. The gentleman has a right to raise the question of the privilege of the House and if the gentleman from Alabama has any question of privilege when the gentleman from North Dakota concludes his statement the Chair will recognize him, and if he has not a question of privilege he will not. [Applause.]

Mr. NORTON. Mr. Speaker, this House of Representatives is the greatest legislative body in the world. It is in this country the one legislative branch of the Government that is most representative of all the people. Anything that tends

to destroy the confidence of the American people in the House of Representatives or in its membership tends to break down and destroy our form of government. [Applause.] It is very evident to any student of history that in this country during the past few years there has been a clear purpose and studied attempt by certain selfish interests and by certain newspaper publications to destroy in the minds of the people of this country confidence in the House of Representatives and the membership thereof. [Applause.]

Few, if any, accusations of dishonesty have been made against any individual Member of the House by these interests and these publications, but from one end of the country to the other general incompetency, dishonesty, and corruption has been insinuated against the entire Congress. I have never seen where any Member, or any particular number of Members, have been specifically singled out by any of these publications or any of these interests. The insinuations and charges made have always been indefinite but none the less effective in spreading the poison of distrust. The people throughout this country for several years, due to this sort of propaganda, have had some doubts as to the integrity and honesty of the membership of this body. But now, gentlemen of the House, what will the people henceforth think and what will they say since on last Saturday morning there was heralded all over this country, from the Atlantic to the Pacific, from Canada to the Gulf of Mexico, in every newspaper of importance, the statement that the gentleman from Alabama [Mr. HEFLIN], a Member of this great body, said that he could point out 13 or 14 Members of this Congress who have acted suspiciously and, inferentially, who have received part of this \$50,000 reported to have been asked from the German Imperial Government by Count von Bernstorff.

Mr. BRITTEN. Will the gentleman yield?

Mr. NORTON. No; I can not yield now. Gentlemen, we may talk of disloyalty, we may talk of men who are traitors to this country, and we may talk of pacifists, but I do not know of any greater crime that can be committed against this country and its people; I do not know of any greater injury that can be done our form of representative government than for a Member of this body, of this great legislative body, to charge against his fellow Members falsely that they have been corrupt, and that they have been taking money to influence them in their actions in this House. [Applause.] Gentlemen, if that charge is true—and I can say for myself, having been in this House now for nearly five years, that I do not believe there is a scintilla of truth in it—but if it be true there is no punishment severe enough to deal out to such a man or such men if they can be found. [Applause.]

On the other hand, gentlemen, if it is false, apologies on the part of the Member of this body who made that statement will not undo the evil that has been done. [Applause.] Having willfully made that false statement and having given it out to the press of this country, having caused it to be heralded from ocean to ocean, and having caused it to sink down deep into the minds and the hearts of the people of this country, if he knelt down on his marrowbones in humblest apology before this House, he could not undo the evil he has done. No sentence and no punishment severe enough can be dealt out to that kind of a character. [Applause.]

Gentlemen, the best friend the American people have in this country, the greatest safeguard the American people have in this Nation to-day, is the American House of Representatives. [Applause.] There should not be permitted to exist a condition where even the faintest suspicion of dishonesty can lie against any Member of this House. If I had a suspicion against the honesty or integrity of any man in this House, I would not insinuate it, but I would be man enough to investigate it and find out if it were true, and if it were true, then I would present the facts to this House. [Applause.]

The Washington Post says that the gentleman from Alabama [Mr. HEFLIN] said:

I believe some of this money has reached some Members of Congress I know. I could name 13 or 14 Members of the House and the Senate who have acted in a very suspicious fashion, and I feel that this matter should be very fully investigated.

I, too, now feel that it should be very fully investigated, and that the gentleman from Alabama should be obliged, should be required, to prove his statement to this House and to the country or accept the punishment, in so far as it can be given, that a false statement of that kind richly deserves. [Applause.]

Gentlemen of the House, in fairness to the American people, in fairness to our splendid form of government, this body can not permit such accusations as this to go unchallenged and unpunished.



Further, gentlemen, I wish to call attention to a reported statement in the Washington Post of the gentleman from Georgia [Mr. HOWARD]. This is reported in the Washington Post of Saturday, September 22, 1917. The Post in its write-up of the House of Representatives says:

Representative HOWARD of Georgia, said that "he could point to the men in this House who, he believed, received money. Their actions certainly indicate it, and they are certainly more prosperous now than they ever have been before."

Then, in reported interviews on page 11 of the Washington Post of Saturday, September 22, 1917, the gentleman from Georgia [Mr. HOWARD] is quoted as follows:

Mr. HOWARD. This money was not all used for telegrams. Some was used directly, and I think I can pick out the men who got it. They look a whole lot more prosperous than they ever did before.

Gentlemen, I shall offer a resolution later to-day requiring these two Members to appear before a committee of the House and substantiate the truth of these statements or submit themselves to the punishment that they well deserve for making these statements if they can not substantiate them to be true. [Applause.] I desire to say further, gentlemen, that it clearly devolves on the membership of this body to maintain before the country its self-respect, its honor, its integrity, and its good character. It seriously devolves upon it to maintain its character and reputation for the highest honor and the highest integrity, so that it may have the fullest confidence of every good man and every good citizen of this great Republic.

I have been grievously surprised, I have been deeply shocked, to think that there could be any man in this body so small, so mean, so thoughtless, on account of high ambition or otherwise, as to make the false charges that were made last Friday in the House against the membership of this House. No love or aspiration that any man may have for publicity over this country, no desire that he may have to reach the United States Senate or some other position [applause] would warrant him to make such a false and infamous charge against this House. [Applause.] And no apology that he can make now or from now until his dying day will ever atone for the wrong that he has done the membership of this House and the country. [Loud applause.]

Mr. HEFLIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question.

Mr. HEFLIN. The gentleman from North Dakota has read remarks attributed to me from the Washington Post which I did not make. I desire to discuss that question and to reply to the remarks made against me by the gentleman from North Dakota [Mr. NORRIS].

The SPEAKER. The Chair is rather inclined to think it is a question of privilege. It is a very close shave. Still the gentleman is recognized.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, it is not a pleasant thing to me to have to criticize the men with whom I serve. It is very unpleasant. I regret that things have happened to cause me to have the views that I have expressed on one or two former occasions about the conduct of certain men who sit with me in this body. But, gentlemen, the soldiers are going off to fight; they are going to do unpleasant things—

Mr. CAMPBELL of Kansas. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CAMPBELL of Kansas. A point of order.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL of Kansas. The gentleman is not discussing a question of personal privilege or privilege of the House, nor laying the foundation to do so, nor stating a question of personal privilege or privilege of the House.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] will confine himself entirely to the matter on which he claims he has a question of privilege.

Mr. HEFLIN. I had hoped that the gentleman from Kansas would be willing to permit me, after the charges that have been made against me, to speak fully and freely anything that I feel is pertinent on this occasion.

The SPEAKER. The gentleman will confine himself to his question of privilege.

Mr. HEFLIN. Mr. Speaker, the gentleman from North Dakota [Mr. NORRIS], reading from the Post, attributes to me a statement saying that I had expressed the opinion that this money had reached certain Members of Congress. I made no such statement. I stated in my speech on this floor that I did not know of any Member who had been influenced by the fund that Bernstorff is said to have used in his efforts to influence Congress. I tried to interrupt the gentleman [Mr. NORRIS] when he first started his speech to tell him that, but he would

not permit me to do so. I did not know then why so many Republicans had been assembled on that side so early in the day. It seems now that he wanted to take snap judgment upon me in this matter. And I recall, Mr. Speaker, that I had a controversy with him on one occasion when he referred to the allies as our "so-called allies."

Mr. REAVIS. Mr. Speaker—

The SPEAKER. The gentleman from Alabama will confine himself to the question of privilege.

Mr. HEFLIN. I am trying to do that.

The SPEAKER. Well, the gentleman is digressing.

Mr. HEFLIN. Now, Mr. Speaker, I have not said that any Member has been influenced by German money. I have made no such charge. But I did say that I could mention some Members whose conduct, according to my judgment, had been suspicious.

Mr. CARAWAY. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I will.

Mr. CARAWAY. Will you name them? [Applause and cries of "Name them!"]

The SPEAKER. The gentleman will suspend until I get order. I announced that the first man I caught disturbing these proceedings I will have the Sergeant at Arms get him. I propose to keep order here to-day. [Applause.] The gentleman will proceed.

Mr. HEFLIN. I said, Mr. Speaker, that if I were called upon or permitted I could name some gentlemen whose conduct, according to my way of thinking, had not been loyal to our country since the war with Germany commenced. I remember a former occasion here when remarks of the gentleman from Massachusetts, Mr. Gardner, were up for consideration by the House, and I voted to let his remarks remain in the Record because I thought that they were true. Mr. Speaker, I am trying to bear my part of the burden of this war, and I am willing to do my duty, although it be unpleasant, in order to serve my country in this critical time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I renew my point of order.

The SPEAKER. What point of order?

Mr. CAMPBELL of Kansas. That the gentleman is not proceeding to state a question of personal privilege or the privileges of the House.

The SPEAKER. The Speaker passed on that; that he did have a question of privilege, and that it was a very close shave whether it was or not. If the gentleman rises to the point that the gentleman from Alabama is not sticking to his question of privilege, the Chair will—

Mr. CAMPBELL of Kansas. That is the point I am insisting on.

The SPEAKER. The Chair admonished the gentleman to stick to his question of privilege without these digressions.

Mr. HEFLIN. Mr. Speaker, I am trying to discuss the question of privilege, and I would like to do it in my own way.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield there?

Mr. HEFLIN. Yes.

Mr. GOODWIN of Arkansas. Did you have an interview with the reporter of the Washington Post?

Mr. HEFLIN. I did not know that I was being interviewed by a reporter of the Washington Post.

Mr. GOODWIN of Arkansas. That was last Friday. Did or did you not say what was reported to have been said by you in the issue of the Washington Post last Saturday, wherein you are reported to have stated that there was a gambling house down town where Members of Congress go and earn easy money if they were on the German side of the controversy? Did you or did you not?

Mr. HEFLIN. Oh, I do not yield any further.

Mr. GOODWIN of Arkansas. That was a part of the charges.

Mr. HEFLIN. I did not say anything of the sort. I made no such statement on the floor of the House or elsewhere. I was talking out in the lobby about rumors of spies being here in Washington. They are here now. They are doubtless in the gallery right now. They have been here all the winter.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield again?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Arkansas?

Mr. HEFLIN. Not now.

The SPEAKER. The gentleman declines to yield.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand that the words of the gentleman be taken down, in that he has just stated that there are spies here.

Mr. HEFLIN. Not on the floor. I did not say that.



Mr. MOORE of Pennsylvania. The gentleman denies the statement, and I demand that that part of his remarks be taken down in which he said, "They are here now."

Mr. HEFLIN. I had no reference to the floor of the House.

The SPEAKER. The gentleman from Pennsylvania moves that the words of the gentleman from Alabama be taken down.

Mr. HEFLIN. I did not say that.

Mr. MOORE of Pennsylvania. The gentleman denies it, and denies it openly. I withdraw my demand.

The SPEAKER. The gentleman from Alabama will proceed with his question of personal privilege.

Mr. HEFLIN. Mr. Speaker, I did not mean on the floor of the House. If I thought that there were spies in here, I could not prove it, and I would not make a statement of that sort. But my opinion is that every day there are German spies in the gallery of this House. That is what I had in mind.

Mr. CAMPBELL of Kansas. Mr. Speaker, I make the point of order that the gentleman from Alabama is not addressing himself to the question of personal privilege.

The SPEAKER. The Chair sustains that part of the point of order so far as the last remarks of the gentleman are concerned.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama may be allowed to proceed in order to explain his position.

The SPEAKER. That is exactly what the Chair recognized him to do.

Mr. HEFLIN. I would like to have the opportunity to explain in my own way.

The SPEAKER. But the rules about personal privilege are so stiff that—

Mr. DENT. I ask unanimous consent that he may proceed in his own way.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that his colleague [Mr. HEFLIN] be allowed to proceed in his own way. Is there objection?

Mr. MEEKER. I object.

The SPEAKER. Objection is made.

Mr. COOPER of Wisconsin rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I rise to inquire just what the question of personal privilege is to which the gentleman from Alabama has risen to address himself?

The SPEAKER. The question of personal privilege, as the Chair understood it, is based on statements in the Washington Post as to what the gentleman from Alabama said. That is what he based his request on.

Mr. COOPER of Wisconsin. Mr. Speaker, then does not any legitimate discussion of that question of personal privilege involve this, and this only: Is the statement of the Washington Post, as reported in that paper and which purports to have been made by the gentleman from Alabama to a reporter or somebody else, true or false? The gentleman's question of privilege then can be settled by his rising before this body and denying the statement in the Washington Post. It does not involve his going into the fact that the boys are going into the trenches, or 40 other things calculated to start the tears in a miscellaneous audience.

The SPEAKER. The Chair has ruled on that.

Mr. HEFLIN. Will the gentleman yield to me?

Mr. COOPER of Wisconsin. I have no question of personal privilege with the gentleman from Alabama. I am not called upon to yield.

Mr. HEFLIN. Nobody interrupted the gentleman [Mr. NORRIS] who was speaking against me. He was permitted to say anything that he wished to say. Now, you want to prevent me from replying as I want to reply.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman's statement when he asked me to yield, I will say that the gentleman from North Dakota [Mr. NORRIS] addressed himself to the question of personal privilege, and only to that. He read what the gentleman from Alabama said on the floor of this House.

He read what the gentleman is reported to have said as his statements were printed in the Washington Post of this city. He characterized those statements as unjust to the membership individually and as a whole. He said nothing else, and the gentleman should confine himself to proving whether the statements against him were true or false.

The SPEAKER. The Chair is doing his everlasting best to confine the gentleman from Alabama to his question of privilege and will continue to do so, and every time he strays off the reservation he will call him to order. [Applause.]

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. Will the gentleman yield to me just a moment? I just want to suggest, Mr. Speaker, that this is a matter of very great importance, and I think gentlemen are pursuing the wrong course right now. I wanted to suggest that the gentleman from Alabama be allowed in his own way to make his defense to this charge.

The SPEAKER. The gentleman from Alabama—

Mr. CLARK of Florida. If we shut him off, the American people are going to say we do not want the facts.

The SPEAKER. The gentleman from Alabama [Mr. DENT] not five minutes ago made that same request, and it was objected to.

Mr. MEEKER. Mr. Speaker, I objected.

Mr. MONDELL. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the request of the gentleman from Florida [Mr. CLARK] that the gentleman from Alabama [Mr. HEFLIN] be allowed to proceed in his own way. Is there objection?

Mr. MEEKER. I object.

Mr. MONDELL. The regular order is the question of privilege.

Mr. LANGLEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. LANGLEY. Mr. Speaker, may I be permitted to offer a suggestion. The question seems to be not only what the gentleman said to newspaper men but what he actually said on the floor. If there is a question as to what the gentleman said on the floor, why not read the stenographer's notes and see what he said—the original notes—and that would expedite that part of the controversy.

The SPEAKER. The gentleman from Alabama will proceed in order.

Mr. HEFLIN. Mr. Speaker, it is very evident that some gentlemen on the Republican side do not want me to have my say in response to the speech made against me by the gentleman from North Dakota. They talk of how fair I ought to be in my expressed views of certain Members of this House, but they show their spirit of fair dealing in their unfair treatment of me this morning, in denying me the opportunity to answer the charges and the speech made against me by the gentleman from North Dakota [Mr. NORRIS].

Mr. LITTLE. Mr. Speaker—

The SPEAKER. For what purposes does the gentleman from Kansas rise?

Mr. LITTLE. I rise to ask unanimous consent that the gentleman be allowed to proceed out of order for 10 minutes, providing he answers first the question of the gentleman from Arkansas [Mr. CARAWAY].

The SPEAKER. The gentleman from Kansas [Mr. LITTLE] asks unanimous consent that the gentleman from Alabama be allowed to proceed in his own way for 10 minutes, provided he answers the question of the gentleman from Arkansas [Mr. CARAWAY].

Mr. MEEKER. Reserving the right to object—

The SPEAKER. The gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. I have made, and will make, my objections on the ground that once in a while the gentleman from Alabama should obey the rules of the House.

The SPEAKER. Does the gentleman object?

Mr. HEFLIN. Mr. Speaker, I do not yield to the gentleman from Missouri.

The SPEAKER. The Chair hears no objection.

Mr. HEFLIN. Mr. Speaker, the charge made against me—

Mr. LITTLE. The consent was on condition that he answer Mr. CARAWAY first.

The SPEAKER. He has not answered the question of the gentleman from Arkansas [Mr. CARAWAY].

Mr. HEFLIN. Mr. Speaker, I want to say in reply to that—

Mr. RUCKER. I understood the gentleman over there objected to that request.

The SPEAKER. He did not. Nobody objected. The gentleman from Alabama will proceed in order.

Mr. HEFLIN. Mr. Speaker, I have my opinion as to whether men have been loyal or not, and I will not accept the 10 minutes under those circumstances. Probably gentlemen would move to strike my words from the RECORD if I should name them. I have in my mind Members—a few—who, in my judgment, have not been loyal to our flag.

Mr. CAMPBELL of Kansas. Mr. Speaker, I make the point of order that the gentleman is not proceeding to answer the



question of the gentleman from Arkansas [Mr. CARAWAY], and that he is not confining himself to the question of privilege.

The SPEAKER. The gentleman from Alabama does not have to answer the question of the gentleman from Arkansas unless he wants to.

Mr. CAMPBELL of Kansas. And he is not proceeding to confine himself to the question of privilege.

The SPEAKER. He has the floor on the question of personal privilege.

Mr. CAMPBELL of Kansas. He is not addressing himself to the question of privilege.

The SPEAKER. The Chair has listened very closely, and whenever the gentleman from Alabama has strayed from the question of privilege the Chair has been trying to get him back to it.

Mr. HEFLIN. I repeat, Mr. Speaker, that it appears to me that some gentlemen on the Republican side do not intend to permit me to say what I would like to say on the question of personal privilege. They must have had an understanding that certain ones would rise and continue to make points of order to keep me from saying what I wanted to say.

The SPEAKER. The Chair thinks the gentleman is not addressing himself to the question of personal privilege.

Mr. HEFLIN. Well, Mr. Speaker, as I said in the beginning, I have not said that I thought any Member got money from the Bernstorff fund. I have not made that statement anywhere, in private conversation or upon the floor of this House. I would like to be permitted to proceed as the Chair permitted the gentleman from North Dakota to proceed, without interruption. And again, I said nothing about knowing of a place where gambling was going on in the city, but I will tell you what I did say about that. It has been rumored around here for months that there was a gambling place in Washington run by a German, where pacifists and slackers played cards, and where those favorable to the German Government won money easily.

Mr. GORDON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GORDON. The gentleman is not confining himself to the question of privilege, but to repeating false charges already made.

The SPEAKER. The gentleman from Alabama rose to a question of privilege on what was accredited to him in the Washington Post as being said by him. The gentleman from Alabama raises the question of privilege on what was printed in the Washington Post outside of what he said on the floor of the House. It is the Chair's recollection that a part of the statement in the Washington Post accredited to the gentleman from Alabama was that he said there was a gambling house somewhere in this city frequented by pro-Germans—

A MEMBER. And Members.

The SPEAKER. And Members, may be, where it was easy for them to win money.

Mr. HEFLIN. I did not say Members.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HEFLIN. I decline to yield.

Mr. MOORE of Pennsylvania. I am kindly disposed toward the gentleman.

Mr. HEFLIN. I decline to yield to the gentleman from Pennsylvania. The gentleman has shown a disposition to be unfair to me, and I decline to yield to him.

Mr. Speaker, this is a serious charge made against me by the gentleman from North Dakota, and he was permitted to speak as long as he wanted to and say anything that he desired to say. Nobody interfered with him or interrupted him, but when I ask the opportunity to make reply to the charges against me half a dozen or a dozen Republicans rise and make points of order to interrupt me and keep me from making reply.

But, Mr. Speaker, what I said is printed in the Record; action by the House can not take from me impressions that men make upon my mind by their conduct. Why not say that a Member's conduct is suspicious if it is suspicious? I could recite the things that some have done, but you would not permit me to do it; you would strike it out of the Record. I never said that any of the Members had been corrupted by money. I do not know what influenced them, but I do know that some have not, according to my way of thinking, been loyal to this Government since the war began.

Mr. GORDON. Name them.

Mr. HEFLIN. I do not yield to the gentleman from Ohio for any purpose.

Mr. MADDEN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. HEFLIN. No, sir; I do not.

Mr. GOODWIN of Arkansas. Will the gentleman yield to me?

Mr. HEFLIN. No; I will not. I know what the gentleman is driving at. Mr. Speaker, if this House shall decide that a committee shall be appointed to make some investigation, and if it is the judgment of this House that I express my opinion of the men who have not been loyal, and who are not loyally supporting the Government and standing by the Commander in Chief, I will name them. [Applause.] Of course I can not prove anything. [Applause.] No; I can not prove anything, because the mysterious workings of the Bernstorff organization can not be found out very easily, but the Bible tells us that "the tree is known by its fruits," and I judge these men by what they do and say. That is the way to judge whether they are loyal or disloyal. A man can not be for and against his Government at one and the same time.

If I know my own heart, I am trying to serve my country. I deny the insinuation of the gentleman from North Dakota. I do not want any publicity. I have no ambition that I desire to serve by doing these unpleasant things. I am doing my duty as God gives me the light to see it. It is unpleasant, gentlemen, it is unpleasant for the boys who are fighting, but I promised the Ohio and Alabama troops in a speech in the capital of my State that I would do all that I could to keep anybody from shooting them in the back.

The SPEAKER. The gentleman from Alabama will confine himself to the question of privilege.

Mr. HEFLIN. Mr. Speaker, if I were permitted to continue my remarks as I would like to, and if I could speak to the American people on this subject, I might make some disclosures that would lead to something interesting to every loyal American citizen. But some gentlemen do not want me to speak thus freely and frankly. They want to confine me to a question that they consider is the privileged question and nothing else. They let one man proceed and say all that he wants to say about every phase of the question, but they refuse to allow me to say what I would like to say.

Mr. MONDELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MONDELL. Mr. Speaker, I rise to a point of order that the gentleman is not proceeding in order; that he is not discussing the question of privilege.

The SPEAKER. The Chair does not think that he is sticking very close to it.

Mr. MONDELL. And that he is repeatedly violating the rules.

The SPEAKER. If the gentleman from Alabama grossly offends the rules about privilege the Chair will stop him, but he was not doing it then.

Mr. HEFLIN. No, Mr. Speaker; and I do not want to grossly offend against the rules, nor to offend against them in the slightest way. I owe a duty to this House and I owe a duty to my country, and I am trying to perform those duties as best I can, and I have judged Members here by what they have done and said, and that is what I meant when I said the conduct of some had been suspicious. I did not say that they had received money. I made no such statement. I said in my speech here Friday that I did not know of any Member who had been influenced in that way.

As to the gambling house, that was something that was said outside in the lobby, and in this way: We were talking about women spies who had been in the city and men spies who had been here—

Mr. COOPER of Wisconsin. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I rise for two purposes. The gentleman is talking about women spies in this city, and is not addressing himself to any question of personal privilege.

Mr. HEFLIN. I was stating what occurred in that conversation.

Mr. COOPER of Wisconsin. I call attention to this language in Jefferson's Manual:

The arraignment of the motives of Members is not permitted, and the speakers have intervened to prevent it in the early practice, preventing even the mildest imputations.

The gentleman is arraigning the motives of the membership of 13 or 14 by practically insinuating that they are traitors to their country. He is called upon to name them, and does not do it, but digresses and talks about female spies.

The SPEAKER. If the gentleman from Wisconsin will permit, the Chair is familiar with that rule—that one Member must not reflect upon the motives of another—but frequently it is done so quickly that no one, the Speaker nor anyone else, can intervene and stop it, and sometimes there is a little of it that the Speaker can not stop; but no one, of course, ought to reflect



upon the motives of anyone else, although in the heat of debate it is frequently done. The gentleman from Alabama will proceed in order.

Mr. HEFLIN. Mr. Speaker, I was referring to one of the things that the gentleman from North Dakota [Mr. Norton] read from the Washington Post, a statement attributed to me. I was telling what occurred, and the gentleman from Wisconsin [Mr. Cooper] made a point of order against me. That is a part of the thing that was read. What I said in that conversation was, when this talk about rumors of spies and the activities of German spies in Washington, and so on, was under discussion, that it had been rumored that there was a gambling house run by a German where slackers and pacifists played, and that those who were friendly to Germany won easily at the game. That is all that I said. I do not know where such a gambling house is, if it exists. I was talking about what the rumor was, and so on.

Mr. GOODWIN of Arkansas. Did the gentleman also say in that connection that there was a gambling house in Washington—

where pro-German and peace-at-any-price Members of Congress get their pay by being extraordinarily lucky at cards?

Mr. HEFLIN. I did not. I said nothing of the kind—where peace-at-any-price Members got their pay. I used no such expression.

Mr. GOODWIN of Arkansas. That is the way the Washington Post has it.

Mr. HEFLIN. I stated what I said, and I do not know that I have committed any crime by stating that. There may be such a place, and I may believe that there is such a place, and if I knew where it was I would say so. If this House requires that I name the men who have, according to my judgment, done disloyal acts I will name them. Gentlemen, I am willing to take the test in any way that you want to put it. I have consecrated myself to my country and its cause and so help me God I am going to serve her as faithfully as I know how. I am going to stand by the Commander in Chief. I am going to be faithful to the boys who are going off to fight and to die for our rights and liberties, and I do not propose that any Member shall carry on a propaganda which appears to me to be against my country without denouncing it and branding it as I think it ought to be denounced and branded. I am going to do that, gentlemen. I think that the House ought to encourage me in doing that. I owe it to the House and I owe it to the country to do that. Let us stand together, gentlemen, in this trying hour, and if there are 13 or 14 men who are acting in a suspicious manner let the light of publicity fall upon them. They have already been talked about in the newspapers. I have referred to some of them in a speech on the floor of this House. They know who they are. Let us be fair and honest with one another and faithful to the country; let us have the courage to do our duty.

I did say in my speech that there were 13 or 14 in Congress whose conduct, according to my judgment, had been suspicious. It has, gentlemen of the House, and you can not take that impression out of my mind. They made that impression upon me by their own conduct and I am not going to get up here and tell you now that I have no such opinion on this matter, because I have it. They have not been loyal according to my way of thinking. You can not take that impression out of my mind. They know who I am talking about. But if this House wants me to name them I will do so. That is all that I can say. Mr. Speaker, I wish that you had given me an opportunity to discuss this matter fully and fairly. I never thought that the time would come when a Member of this House could not speak fully and freely under a charge like this, but that opportunity has been denied me to-day.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to speak for 10 minutes on a business matter. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, I have been greatly honored, as you have been honored, by the good people of this country in representing an intelligent Christian people on the floor of this House. The people of the eighth congressional district of Michigan have honored me now for nearly 20 years in that manner; but after reading in the Record and after obtaining a copy at my request of the original notes taken down by the stenographer of the gentleman's speech on last Friday, if I am one of the 13 or 14 men that he mentions I am entirely unfit to represent an honorable people on the floor of this House.

Mr. HEFLIN. Mr. Speaker, I raise the question of order.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. The gentleman from Michigan, whom I am very fond of, is undertaking to discuss this matter, when I understood that he got the 10 minutes to discuss a business proposition.

The SPEAKER. Maybe the Chair was mistaken in putting that in.

Mr. HEFLIN. Mr. Speaker, I will not permit anybody here or there to speak if I can help when I can not get the opportunity to speak myself against the charge.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to speak on the question of personal privilege and will confine my remarks to the question of personal privilege, if I am in order.

The SPEAKER. If the gentleman has a question of personal privilege, he will state it.

Mr. FORDNEY. Mr. Speaker, I feel that the gentleman's remarks on Friday reflect upon my honor as a Member of this House.

The SPEAKER. How?

Mr. COOPER of Wisconsin. Mr. Speaker—

The SPEAKER. What is the gentleman's basis of whether or not it is a question of privilege?

Mr. COOPER of Wisconsin. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. As I understood it, the original question of privilege raised by the gentleman from North Dakota reflects on the whole membership of the House.

The SPEAKER. The gentleman from North Dakota rose to the question of the highest privilege, not a question of personal privilege.

Mr. COOPER of Wisconsin. Exactly.

Mr. HEFLIN. If I can aid the gentleman from Michigan any I will tell him he is not one.

Mr. FORDNEY. Mr. Speaker, I raise the question of the privilege of the House.

The SPEAKER. The gentleman will please state it.

Mr. FORDNEY. Will the gentleman permit me to read from the gentleman's remarks?

The SPEAKER. That is just exactly what the Chair wants the gentleman to do.

Mr. FORDNEY. I read from the remarks of the gentleman from Alabama as furnished me by the stenographer at my request. He said:

If I were permitted to express my opinion, I could name 13 or 14 in the two bodies who, in my judgment, have acted in a suspicious manner.

Further on the gentleman said:

It seems to me, Mr. Speaker, that the German Government carries out that part of his suggestion. Now, then, Count von Bernstorff said he was proceeding—to do what?—to use that \$50,000. For what purpose? To influence the Congress of the United States. Now, then, has that been done? Where was that money spent? Whose pocket did it reach? I must admit that the conduct of some that I know has been suspicious.

Am I one of those whom the gentleman says have acted suspiciously? That is a direct reflection upon every Member of this House, Mr. Speaker.

Mr. LONGWORTH. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Ohio [Mr. Longworth].

Mr. FORDNEY. I will.

Mr. LONGWORTH. Those words do not appear in the reported speech in the Record.

Mr. FORDNEY. No; but there are many remarks in the original that do not appear in the CONGRESSIONAL RECORD.

Mr. HEFLIN. The phraseology is just straightened out; that is all. The subject matter is the same.

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. FORDNEY. I do, for that. Let me give one point of that phraseology. At the conclusion of the remarks the stenographer's record shows "Applause." As it appears in the Record, "Loud applause." Now, that is—

Mr. HEFLIN. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HEFLIN. It did not show enough. There was applause in the galleries.

The SPEAKER. The gentleman from Alabama, and everybody else, when they want to interrupt the man who has the floor must first address the Chair.

Mr. HEFLIN. I ask him if he would yield.

Mr. FORDNEY. I will.

The SPEAKER. The Chair knows, but he is not the Chair.

Mr. FORDNEY. I will yield, Mr. Speaker.

Mr. HEFLIN. The stenographer's notes did not contain the applause in the gallery, which were all around in the gallery, so that the people indorsed what I said. [Laughter.]



The SPEAKER. Gentlemen standing will take their seats, and everybody will refrain from laughter.

Mr. FORDNEY. Then, Mr. Speaker and gentlemen of the House, I take it that the gentleman from Alabama did not address the House, but the galleries, as he usually does. [Laughter.]

I hold the gentleman in high esteem. He has been my friend. I regret exceedingly that in a great burst of eloquence he should impugn the motives of Members of both Houses of Congress. It is an exceedingly serious matter. It is very easy for any man to impugn the motives of another, but it is another question when you come to prove your assertions. I will, before I conclude, offer and have the Clerk read from the desk a resolution that I have prepared, calling upon those gentlemen who made those scathing remarks about those Members of Congress to prove the correctness of their assertions. [Applause.] I do not want the people of this country to believe that the Members of Congress are a pack of gamblers. The statements published in the newspapers, that have been heralded from one end of this country to the other, and as shown in the CONGRESSIONAL RECORD, would lead the good people of this country to believe that Members of Congress are dealing with German spies. The gentleman from Alabama speaks of lady spies—women spies. I never saw a woman spy. [Laughter.] I hope I never will. I never have, knowingly, met a German spy, man or woman. I hope to God there are none in this country, although much is being said about them. I have both my eyes open and one ear, being a little deaf in the other, but I am listening all the time for what I hear in the papers to come true, that there are spies on every corner. We are engaged in a great world war. I would not impugn the motives of a single man, a Member of Congress, to say that he is not loyal to the Stars and Stripes when this country is at war with any nation in the world, no matter what his nationality may be. [Applause.] The gentleman, in copying or correcting in the RECORD his speech—

Mr. HEFLIN. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. HEFLIN. After the Congress has declared war and the President has issued his proclamation and a Member of Congress goes out speaking against the act of Congress and the proclamation of the President and saying that it is unconstitutional and that we had no business in the war, and things like that—would you say that was loyal conduct?

Mr. FORDNEY. Oh, my friend, your interpretation of a situation you gave a moment ago, as between the House and the gallery, so bedimmed me that I can not correctly answer this question as to just what your purpose was and what your purpose is. [Laughter.] I think now you regret exceedingly making those remarks, and I am heartily sorry for you, my friend. But I do believe that this thing should be investigated from beginning to end, so that if there are 13 or 14 men of the House of Representatives and the Senate of the United States that are disloyal and who have been gambling and accepting German money and dealing with the blood of the boys of this Nation—oh, I tell you you can not deal out too severe justice to men of that kind.

Mr. HEFLIN. The gentleman from Michigan should bear in mind that I did not make such a statement.

The SPEAKER. The gentleman from Alabama must not interrupt.

Mr. FORDNEY. You said in the RECORD that there are 13 or 14 men that you could point out that acted suspiciously to you, in your judgment.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. REAVIS. The statement that 13 or 14 were acting suspiciously was in connection with the slush fund of \$50,000, was it not?

Mr. FORDNEY. Yes, sir; and if 435 Members of the lower House of Congress can be purchased with \$50,000 to sell out our Government to a foreign foe, I want to know it right now. [Applause.]

We are fighting Germany. We have many German-born citizens in this country, and there are no better citizens in any country in the world—those that are loyal, and I believe most of them are, if not all, and just as good citizens as any other nationality—and it is a slur upon them to say that this country is full of German spies who are trying to overthrow our Government. We are at war with them, and it is customary at all times that nations at war have spies in the enemy's camp, if they can land them there, and get valuable information by which to take advantage of the enemy, but if we have them on the floor of this House or on the floor of the Senate, I want you,

my good friend, to name them. And I now introduce this resolution and ask the Clerk to read it. [Applause.]

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HOWARD. Before the resolution of the gentleman from Michigan has been read I desire to rise to a question of personal privilege, if I may.

The SPEAKER. With the distinct understanding that the resolution is assumed to be privileged.

Mr. HOWARD. All right.

Mr. GARRETT of Tennessee. Of course, Mr. Speaker, we do not know whether the resolution that the gentleman wishes to offer is privileged. We do not want to waive any point of order on its being privileged.

The SPEAKER. No. You do not want to waive any point of order. We assume simply that it is privileged, and the gentleman from Michigan [Mr. FORDNEY] agrees to postpone its reading until the gentleman from Georgia [Mr. HOWARD] has been heard. The gentleman from Georgia will state his question of personal privilege to begin with, if he has any.

Mr. HOWARD. Mr. Speaker, I think I understand the rule of personal privilege, and I think that I can and will stay within it. So far as the article read from the desk by the gentleman from North Dakota [Mr. NORTON] is concerned, as having been printed in the Washington Post, that was the first time that the matter in its entirety had been called to my attention. On Saturday last the House was not in session, and I was sick in my home the major portion of the day.

Mr. FORDNEY. Will the gentleman yield to me?

Mr. HOWARD. Certainly.

Mr. FORDNEY. Is it proper for me to ask the Speaker to have something printed in connection with my resolution?

Mr. HOWARD. That will be all right. That interruption will not disturb me at all.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to have printed in connection with the resolution that I offer a copy of the exact words of the gentleman from Alabama as taken down by the stenographer and given to me.

The SPEAKER. The gentleman from Michigan asks leave to print, in connection with the resolution which he offered but which has not been considered, a copy of the notes of the stenographer of the speech of the gentleman from Alabama as the stenographer delivered it to him. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. HEFLIN. Mr. Speaker, I am heartily in favor of the bill reported by the gentleman from Oklahoma [Mr. FERRIS], but I want to speak to the House just a few minutes about a telegram sent by Count von Bernstorff on the 23d of January of this year to the German Government, asking for permission to spend \$50,000 more to influence Congress. He wanted to use this money as money had been used on former occasions.

Gentlemen of the House, I was forced to the conclusion that Germany thought that we were a cowardly people and afraid to fight, but I did not know that they had reached the conclusion that we were a corrupt people and would betray our own country for German money. The President in his message upon the war mentioned alien influences, sinister influences, at work in our Government, and the telegram sent by Count von Bernstorff is an admission of the fact that Germany had a corrupt fund in the United States for the purpose of carrying on the German propaganda. The telegram that he sent is a reflection upon and an insult to the Congress of the United States and the country. The representative of the German Government admits that he has used of a fund prior to this time to influence Congress. I do not know what he refers to, Mr. Speaker, but I know that this is a serious charge made against the Congress. I know that it is a serious reflection upon the Congress.

We gentlemen are honored with places in the greatest lawmaking body in the world, and the Constitution confers upon us the power to act when war threatens or when war is forced upon the country. We have exercised that power, and before we were called upon by the President to exercise that power, to do what was best for this country in that hour, the representative of the German Government, sitting here in the Capital, was carrying on a corrupt propaganda to influence the lawmaking body of this Nation against the best interest of this Nation and in the interest of the German Government.

I do not know what Members of Congress have been influenced. If I were permitted to express my opinion I could name thirteen or fourteen in the two bodies who in my judgment have acted in suspicious fashion. But I would not do that. I think, however, that this much ought not to go unnoticed. I believe that it ought to be investigated by this Congress. If Members have acted in suspicious fashion by the introduction of resolutions or bills or by speeches in the Congress or out of Congress that lead to the conviction that they are not loyal to this Government at this time, they ought to be investigated, and, if found guilty, they ought to be expelled from the floor of this House and from the floor of the Senate of the United States. If there is a man in either body who is not giving whole-hearted support to the Commander in Chief of our Army and Navy, he is not entitled to a seat in either branch.

Gentlemen, we are at war with the most desperate brute that ever appeared upon the earth and we must act like we are in war. We must not permit Members of Congress to do things that are not in keeping with the highest and best interests of our country when we are in war. Count von Bernstorff suggested that they express friendship for Ireland.



He said it would aid them in getting certain influences over here. I do not know to what he refers. But the paper says shortly after that telegram was sent Germany did express friendship for Ireland, for home rule, and for home rule in India. So it seems the German Government carried out—

The SPEAKER. The time of the gentleman has expired.

Mr. HEFLIN. Give me two more minutes, Mr. Speaker.

The SPEAKER. The gentleman from Alabama asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. HEFLIN. It seems to me, Mr. Speaker, that the German Government carried out that part of his suggestion. Now, then, Count von Bernstorff said he was proceeding—to do what? To use that \$50,000. For what purpose? To influence the Congress of the United States.

Now, then, has that been done? Where was that money spent? Whose pocket did it reach? I must admit that the conduct of some that I know has been suspicious. And I want to say in conclusion, as a Member of this Congress I repudiate the insult against the great body of clean, honest, loyal Americans who compose the two bodies of Congress. The few who have acted suspiciously, in my mind, I have no word for. They have my supreme contempt and deserve the contempt of the American people. And in the name of the Congress and the honor of my country, I ask for an investigation of the charges of Bernstorff to see who is corrupt in this matter. [Applause.]

Mr. HOWARD. On Saturday evening about 8 o'clock a young gentleman, a member of the press gallery, called me at my home and made a general statement, practically the crux of what was read by the gentleman from North Dakota [Mr. NORRIS], and asked me if I had anything to say in reference to it. I told him then that I was utterly astounded that such a statement should have been published as emanating from me. I made no such statement, I want to state to this membership, with whom I have very pleasantly associated for seven and three-quarter years. Our relations, I think, in their entirety have been most cordial. The only gentleman who interviewed me was a splendid young gentleman for whom I have the very highest personal regard, Mr. Plummer, of the New York World. Mr. Plummer came to me when I was on my way to the restaurant for lunch and asked me about the Von Bernstorff exposure.

I said to Mr. Plummer that I did not know what the exposure was, and asked him to state what the contents were. He said that the State Department had disclosed some evidence that Von Bernstorff had been authorized, or had asked for authorization from the Imperial German Government, to spend \$50,000 for a corruption fund or some other fund to be used among Members of Congress, or to influence Congress. I told him that I had not heard anything about it, which I had not up to that time. He said, "What do you think about it?" I said, "Well, if that is all he is going to spend in corrupting Members of Congress the Kaiser is a cheap skate"; that I did not think that would get him very far. He laughed, as I said it in a jocular way. Then he asked me whether or not I was in favor of an investigation of it. I have not seen his published report of that interview. I said, "Yes; if it is authoritatively and officially stated from the State Department that this is true, and if it will not turn out to be another 'leak investigation,' I will most heartily support a resolution calling for a sifting and searching investigation."

That is practically verbatim what I said to him. Now, since the gentleman from North Dakota [Mr. NORRIS] has made his statement here, I have racked my brains to remember everything I said, because I do not think I am a "shot dodger." I believe I am courageous enough to assume the responsibility for any statement that I make anywhere on this earth. I have got no political ambition to further by trying to reflect upon the membership of a body who have been universally courteous and considerate of me, and I do not propose to start any reflections upon them now without more to base those reflections on than I have had in the years gone by.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To ask the gentleman if he will yield to me for a question.

Mr. HOWARD. I do.

Mr. MOORE of Pennsylvania. The gentleman made no speech upon the floor of the House?

Mr. HOWARD. I did not make any, and did not know that anybody else made one until I saw it in the Record.

Mr. MOORE of Pennsylvania. May I read to the gentleman what the Washington Post quoted him as saying?

Mr. HOWARD. I have just stated that my good friend from North Dakota [Mr. NORRIS] read it here this morning, and it was the first time that I had ever heard the statement. I never saw the Post on Saturday morning, and I never saw that statement in print, but I heard him read it, and I know what he said. I have got a pretty good recollection of it all.

Mr. MOORE of Pennsylvania. I will say to the gentleman that it goes a little further—I say this for the gentleman's own benefit—

Mr. HOWARD. I should like to have the gentleman read it. Mr. MOORE of Pennsylvania. It goes a little further than statements attributed to other gentlemen, and I want to ask the gentleman if he said it or did not say it. What he says as to the fact would have a great deal to do with any vote that I may cast hereafter.

Mr. HOWARD. I would be very glad if the gentleman would read it.

Mr. MOORE of Pennsylvania. It says:

Representative HOWARD, of Georgia, said he could point—

The SPEAKER. What is the gentleman reading from?

Mr. MOORE of Pennsylvania. The Washington Post of Saturday, September 22.

Representative HOWARD, of Georgia, said he could point to the men in this House—

This is quoted—

"to the men in this House who, I believe, received money. Their actions certainly indicate it, and they certainly are more prosperous now than they have ever been."

If the gentleman said that, he can not wonder that all of the gentlemen of the House should resent it.

Mr. HOWARD. I want to say to the gentleman from Pennsylvania that I never said that or anything like that. [Applause.]

Mr. MOORE of Pennsylvania. That is a fair statement.

Mr. HOWARD. Now, in conclusion—because I do not want to trespass upon the time of this House any further—I am not at all excited about this thing. I am just as cool as the proverbial cucumber. As I started to say a moment ago, I have racked my brain from the time the gentleman from North Dakota [Mr. NORRIS] took the floor until he sat down, in trying to remember everything I said on that day; and I remember that out in the Speaker's lobby some of the Members were discussing this Von Bernstorff matter. I have forgotten who were in the crowd, but I think there were probably two or three of my Republican friends sitting there, and I said the exact opposite of what is in the paper—that I knew a good many of my friends on the floor of the House who did not look as prosperous now as they did when they came here, and I am one of them. [Laughter.]

Now, I want to say this, in conclusion: I know that the world is suspicious of public officials, and you know it. I know that there are thousands of people on this earth that if they had the choice to make out of themselves anything on the face of the earth they would choose to make of themselves a bird—they would by choice convert themselves into a buzzard rather than a hummingbird. I know that public officials are under very great suspicions by many people. I know that there are some gentlemen in public life at both ends of the Capitol, the Senate and the House, who differ materially with me about public questions for the conduct of the war. They have a right to do it; that is for them, their God, their conscience, and their constituents to settle. I have no criticism to make of it, except that I might say that, as a loyal American citizen, I think it would be indiscreet to say or do anything that would give room for doubt that we are a solidly united people. I would go that far. I have no charge or innuendo to make against any Member of this House for his conduct at any place except upon this floor. And I do not believe from what I know now after my service of seven and three-quarters years in this body that there is one man out of any five thousand that ever finds his way to a seat in this body who is not absolutely incorruptible. [Applause.] Now, that is all that I have had to do with this thing, as far as human recollection can state it, and I have made a plain, frank statement to the House. That is all I want to say. [Applause.]

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 148.

Whereas the CONGRESSIONAL RECORD of September 21, 1917, pages 7305 and 7306, contained a statement by the Hon. THOMAS J. HEFLIN, Member of Congress from Alabama, commenting upon the contents of a telegram sent from Washington to Germany by Count von Bernstorff, the representative of the German Government, in which he (Von Bernstorff) asked permission "to pay out \$50,000, as on former occasions to influence Congress," Mr. HEFLIN used the following language:

"I do not know what Members of Congress, if any, have been influenced by this mysterious German organization. If I were permitted to express my opinion, I could name 13 or 14 men in the two bodies who, in my judgment, have acted in a suspicious manner. If Members have acted in a suspicious manner by the introduction of resolutions or bills or by speeches in the Congress or out of it that leads to the conviction that they are not loyal to this Government in the hour of its peril, they ought to be investigated and, if found guilty, they ought to be expelled from the House and from the Senate of the United States."

And



Whereas the Washington Post and other newspapers of September 22, 1917, reported the following interview with or statement furnished by Congressman HEFLIN concerning the said telegram of Count von Bernstorff, to wit:

"I have heard a story that there is a gambling room in Washington where pro-German and peace-at-any-price Members of Congress get their pay by being extraordinarily lucky at cards. \* \* \* I demand that this matter be investigated and that the guilty Members be expelled from Congress in disgrace. I believe some of this money has reached some Members of Congress. I know I could name 13 or 14 Members of the House and the Senate who have acted in a very suspicious fashion."

And

Whereas in the Washington Post of September 22, 1917, Hon. WILLIAM SCHLEY HOWARD, a Member of Congress from Georgia, is reported to have said upon the subject of said telegram that he could point to men in this House who, "I believe, received money. Their actions certainly indicate it and they are certainly more prosperous now than they have ever been."

Therefore be it

Resolved, That the Speaker of the House of Representatives appoint a select committee of seven Members of the House, with instructions to inquire into the charges made in the statement of the said Hon. THOMAS J. HEFLIN, Member of Congress from Alabama, as inserted by him in the CONGRESSIONAL RECORD of September 21, 1917, pages 7305 and 7306, respecting the said telegram of Count von Bernstorff, and also to inquire into the statement of said HEFLIN which appears in the Washington Post of September 22, 1917, and also the statement of said HOWARD in said paper and of said date, and all other statements, matters, or things pertaining to such telegram of said Von Bernstorff and comments of Members of Congress thereon. Said committee shall have the power to enforce attendance of persons in Washington or elsewhere, to administer oaths to such persons, and to require the production of such books and papers as may be pertinent to the inquiry. Said committee shall report to the House within 20 days the results of its inquiry and its recommendations, if any, as to appropriate action to be taken by the House against any person or persons involved in this inquiry. To pay the expenses of said committee the sum of \$10,000, or so much thereof as may be necessary, is hereby ordered to be paid out of the contingent fund of the House, on vouchers approved by the Committee on Accounts.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the resolution is not privileged.

The SPEAKER. The Chair thinks the resolution is not privileged and ought to go to the Committee on Rules. The Chair makes that ruling because the resolution ought to be carefully and elaborately drawn, so that the whole question, from top to bottom, can be investigated. [Applause.]

Mr. STAFFORD. Has the Chair decided the question without giving Members an opportunity to be heard?

The SPEAKER. The Chair will hear any gentleman.

Mr. STAFFORD. When a similar resolution was presented to the House relating to the Lawson charges on January 3 last, the Speaker, if I recollect aright, held that resolution privileged.

The SPEAKER. The Speaker held that the person who rose to the question of privilege had a question of the highest privilege.

Mr. STAFFORD. The charges here are of a similar character.

The SPEAKER. The Chair held that the gentleman from North Dakota [Mr. NORTON] had a right to raise the question of the highest privilege.

Mr. STAFFORD. The gentleman from North Dakota rose to a question of the highest privilege, as the gentleman from Michigan did. The latter presented this resolution, involving the privileges of the House, the highest privileges, and that resolution does involve, in my judgment, a question of the highest privileges of the House. I want to ask the Speaker wherein it does not involve the question of the highest privilege, because it reflects on the membership of the House, as did the Lawson resolution?

The SPEAKER. The Chair recognized the gentleman from North Dakota to rise to a question of the highest privilege and ruled that he had a question of the highest privilege. He was heard on it, the gentleman from Alabama was heard upon it, and the gentleman from Michigan was heard upon it, and also the gentleman from Georgia.

Mr. STAFFORD. If the Chair will permit me to correct the statement of the Chair, when the gentleman from Michigan rose for recognition he asked for recognition on the ground of personal privilege. If he was to be recognized on the ground of personal privilege he would have been then and there obliged to set forth those grounds. Then he said he rose to a question of the highest privilege, and that is the privileges of the House, and he based his ground for rising to a question of the privileges of the House on the grounds that have been charged. He has a right now, under the precedents of the House, to present a resolution, because the precedents of the House make it necessary for him to present a formal resolution. The gentleman from Michigan has presented the formal resolution.

The SPEAKER. The Chair will ask the gentleman from Wisconsin a question. Is every question of privilege followed by a resolution?

Mr. STAFFORD. Every question of the highest privilege to gain recognition must be predicated on a formal resolution.

The SPEAKER. No; the formal resolution is predicated on the question of the highest privilege.

Mr. STAFFORD. I can cite the Chair to a ruling by Speaker Carlisle that sustains my position.

Mr. COOPER of Wisconsin. If the Chair will pardon me, it seems to me, with all respect to the Chair, that the whole controversy can be settled by answering this question. The privilege of the House is a question of the highest privilege: Is it possible that a resolution to investigate a question of the highest privilege is not a privileged resolution?

Mr. GARRETT of Tennessee. Mr. Speaker, has the gentleman from Wisconsin yielded the floor?

Mr. STAFFORD. No; I shall be glad to yield temporarily, but I desire to call the attention of the Speaker to a ruling by Mr. Speaker Carlisle. First, Rule IX provides—

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

In the Manual, at page 285, subsection 660, we find the following:

In presenting a question of personal privilege, a Member is not required in the first instance to offer a motion, but he must take this preliminary step in raising a question of general privilege.

And there is cited Hinds' Precedents, volume 3, section 2546. I read now from Hinds' Precedents, volume 3, section 2546:

In presenting a question of personal privilege the Member is not required in the first instance to make a motion or offer a resolution; but such is not the rule in presenting a case involving the privileges of the House.

A paper offered as involving a question of privilege should be read to the House rather than privately by the Speaker before a decision is made regarding its privilege.

A mere proposition to investigate, even though impeachment may be a possible consequence, does not involve a question of privilege.

On February 1, 1886, Mr. Lewis Hanback, of Kansas, rising to a question of personal privilege, asked that a paper which he sent to the desk be read. The reading having proceeded for a time, Mr. Clifton R. Breckinridge, of Arkansas, made the point of order that no question of privilege was raised.

The Speaker said:

"The Chair thinks the practice has been for a gentleman who rises to a question of privilege and asks to have a paper read to at least state that there is something in the paper which involves a question of that character. The Chair does not yet know what is contained in the paper which the gentleman from Kansas [Mr. Hanback] has sent to the desk. \* \* \* The Chair desires the gentleman from Kansas to state whether or not there is anything in this paper which in his judgment involves a question of personal privilege on the part of that gentleman. Unless that were the rule, any gentleman might rise to a question of privilege and have anything that he might choose read at the Clerk's desk."

I pass now to paragraph 2547, a more recent ruling by Mr. Speaker CANNON, in which Mr. Liverdash, of California, claimed the floor for a question of privilege and proceeded to discuss a question as to whether or not the President of the United States, in his dealing with the revolution on the Isthmus of Panama, had invaded a constitutional prerogative of the House and to comment on the length of time which had elapsed since the House had called on the Executive for information thereto. I read now from Hinds' Precedents:

Mr. Sereno E. Payne, of New York, having raised a question of order, the Speaker said:

"The Clerk will read a passage from the manual bearing upon this question."

The Clerk read as follows:

"In presenting a question of personal privilege a Member is not required in the first instance to make a motion or offer a resolution, but such is not the rule in presenting a case involving the privileges of the House."

The Speaker then said:

"If the gentleman will offer his resolution in writing under the rules, he will then conform to the rules; and then, for the first time, the Chair can make a ruling as to whether the gentleman is in order. The point of order being made, the rule is perfectly plain."

"If the gentleman is so unfortunate as not to be able to embody in a resolution in writing for the information of the House, his question of privilege he is unable to conform to the rules of the House, as the Chair understands the matter."

What is before the House? There is no question but what there has been presented to the House, subject to the point of order of the gentleman from Tennessee [Mr. GARRETT], a resolution demanding an investigation of these omnibus charges that have been made by the gentleman from Alabama and which have not been withdrawn. The previous question has been moved upon the adoption of that resolution, and the gentleman from Tennessee makes the point of order that it is not privileged. I call attention to the fact that the charges made by the gentleman from Alabama have not been withdrawn. In fact, his statement upon the floor this morning reaffirms the charges as contained in the preamble of the resolution. That makes the matter privileged, and of the highest privilege. It is of the highest privilege of the House, because, as the Speaker held



when a like question of order was raised on the omnibus charges of the notorious Thomas W. Lawson, it involved not a personal privilege, but the invasion of the dignity and privileges of the House, and therefore it is privileged.

The SPEAKER. The Chair rules exactly in this question as he did on the Lawson resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, does the Chair desire to hear further upon the point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. I do not care to be heard unless the Chair desires to hear me. I think the Speaker has ruled correctly. There are three elements in this resolution that would destroy its privileged character. One of the very simple elements is the matter of carrying an appropriation, but I do not care to place it upon that ground. That destroys its privileged character absolutely. Further, it contains on the first page of the resolution as drawn language in which the gentleman from Alabama expressed a certain opinion. Perhaps the gentleman from Alabama was unfortunate in expressing an opinion, but nevertheless it is an opinion, and there is a provision of the Constitution, as I recall it, that provides that a Member shall not be held to account for words spoken on the floor of the House.

Mr. GORDON. And elsewhere.

Mr. GARRETT of Tennessee. Or elsewhere. The matter is not privileged. The Speaker's ruling is correct; but, passing from that for a moment, I wish to express my regret that gentlemen should be so insistent now upon a hurried consideration of this particular resolution. How far-reaching this proposition is we do not know. How much is involved in it we do not know. Certainly gentlemen ought to be willing that this matter should go to a committee, to be there considered and to be put in proper form before considering it seriously. The gentleman from Wisconsin [Mr. STAFFORD] has referred to the resolution presented in regard to the Lawson charges. Does the gentleman from Wisconsin recall how many times the Committee on Rules had to come back to the House before it finally got the resolution on the Lawson proposition in form to be considered and reach results?

Why is it gentlemen are so insistent upon a resolution hurriedly drawn at the desk touching a vital matter to our international relations being immediately considered without its even being printed where Members can reach it? I think gentlemen are making a mistake in doing that. Even if the resolution were privileged, it certainly ought to be referred in order that it might be considered. Gentlemen will approach the consideration of it in a fair and proper spirit, but, Mr. Speaker, the resolution is not privileged and the Speaker has ruled correctly. Two elements in it destroy its privileged character and the resolution ought to be referred.

Now, Mr. Speaker—

Mr. NORTON rose.

Mr. GARRETT of Tennessee. Mr. Speaker, I took the opportunity of inquiring whether gentlemen had concluded their argument on the point of order before I undertook to argue it. I understood they had.

Mr. NORTON. Mr. Speaker, this resolution, in my judgment, is fraught with the greatest importance to the House and to the country. As I interpret the rules of the House, it seems to me that the resolution is of the highest privilege. It is just possible the fact that it carries an appropriation deprives it of a privileged status, although I do not think that contention can be successfully sustained. I would be inclined to offer the resolution with that part of it stricken out, but I quite agree with the gentleman from Tennessee [Mr. GARRETT] that it may be just as well that the resolution go to the Committee on Rules. I trust, for the honor, integrity, and dignity of this House, that the resolution when it does go to that committee will be promptly reported back to the House in approved form, so that this inquiry may be made and disposed of without delay.

Mr. MONDELL. Mr. Speaker, up to the time the Speaker ruled on this question I was of the opinion that a question of the highest privilege having been stated and the Chair having ruled that such a question was before the House a resolution based on the proposition was in order. That was my opinion before the Chair ruled. The gentleman from Tennessee [Mr. GARRETT] has presented nothing to change that opinion. However, it is important that this resolution be in proper form, and if the gentlemen of the Committee on Rules will see that this resolution is put in proper form and immediately returned to the House for prompt action no one will have any objection, except some of us may regret the precedent established in regard to the matter.

Mr. POUL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The Chair knows; but wait until we get through with this.

Mr. POUL. I thought the Speaker had ruled; I may have been mistaken.

The SPEAKER. The Chair desired to hear these gentlemen if they had any argument to make, one way or the other. Of course this resolution is absolutely nonprivileged for the reason that it has an appropriation in it. There is no question in the world about that. The Chair supposes that has been ruled on a hundred times. The Chair refers this resolution to the Committee on Rules.

#### WOMAN SUFFRAGE.

Mr. POUL. Mr. Speaker, I offer the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 12 (H. Rept. No. 163).

Resolved, That the rules of the House of Representatives be amended as follows: Amend Rule X by adding thereto a new subdivision, to be numbered 51a, to read as follows: "51a. On Woman Suffrage, to consist of 13 members"; and amend Rule XI thereof by adding thereto a new subdivision to be numbered 51a, to read as follows: "51a. All proposed action touching the subject of woman suffrage; to the Committee on Woman Suffrage."

Mr. POUL. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to two hours, one hour to be controlled by those who favor the resolution, and that hour to be equally divided between myself and the gentleman from Kansas [Mr. CAMPBELL], he to control a half hour and the other hour to be controlled by the gentleman from Tennessee [Mr. GARRETT], who opposes the resolution. At the end of that time the previous question to be considered as ordered.

The SPEAKER. The gentleman from North Carolina [Mr. POUL] asks unanimous consent that the time on this resolution be limited to two hours, one-half of the time to be controlled by those favoring the rule and the other hour by the gentlemen opposed to it, and that the gentleman from North Carolina is to have 30 minutes of one hour and the gentleman from Kansas 30 minutes, and the gentleman from Tennessee [Mr. GARRETT], a member of the Committee on Rules, control the other hour, and at the end of the two hours the previous question shall be considered as ordered.

Mr. MOON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOON. I want to ask the gentleman from North Carolina if he will not yield for half a minute to make a request that will not take more than a second.

The SPEAKER. Let us get through with this request first. Is there objection?

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, I hope the gentleman from North Carolina will include in his request for unanimous consent that the debate shall be confined to the resolution.

Mr. POUL. Well, I include that.

The SPEAKER. The gentleman includes in his request that the two hours' debate shall be confined to the resolution. Is there objection to either one of these requests, or both?

Mr. STAFFORD. Mr. Speaker, reserving the right to object—

The SPEAKER. Object to what?

Mr. STAFFORD. To the request of the gentleman from North Carolina. The control of the hour in favor of the resolution is to be controlled jointly, one-half by the gentleman from North Carolina and one-half by the gentleman from Kansas [Mr. CAMPBELL]. I think there ought to be some understanding as far as the hour in opposition is concerned as to whether one-half of the time will be parceled out to Members on this side.

Mr. POUL. I think I can assure the gentleman, though it remains with the gentleman from Tennessee [Mr. GARRETT].

Mr. STAFFORD. I think some of the time for the opposition should be controlled on this side.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Wisconsin [Mr. STAFFORD] of course is asking an entirely superfluous question. He knows very well that whenever I control time I divide it absolutely in a fair and equitable manner between the two sides of the House—

Mr. STAFFORD. I do not recall in my service in the House when the gentleman has had control of the time in a similar situation.

Mr. GARRETT of Tennessee (continuing). And I shall do so at this time. If the gentleman desires to object, I have no objection.

Mr. STAFFORD. I do not desire to object, but I wish to have some understanding, because the minority is deserving of time and recognition.



Mr. GARRETT of Tennessee. Less time will suit me, I will say.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. Pou]? [After a pause.] The Chair hears none. The gentleman from North Carolina [Mr. Pou] is recognized for 30 minutes.

#### MINORITY VIEWS—MOTOR-TRUCK DELIVERY.

Mr. MOON. Will the gentleman yield to me to present some minority views?

Mr. POU. I can not do so without losing some of the time.

The SPEAKER. The Chair will protect the gentleman in regard to that.

Mr. MOON. Mr. Speaker, the gentleman from Minnesota [Mr. STEENERSON] is absent, but he has requested me to present his views to the House and ask that they be printed on the bill (S. 2718) to authorize experiments in motor-truck delivery, on which the Committee on the Post Office and Post Roads have filed a report.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to file for the gentleman from Minnesota [Mr. STEENERSON] minority views on the bill S. 2718. Is there objection? [After a pause.] The Chair hears none.

The following are the minority views:

[Dissenting views of Mr. STEENERSON on the bill S. 2718, 65th Cong., 1st sess.]

This is a Senate bill appropriating \$100,000 for a proposed experimental motor vehicle truck service in the Post Office Department for the fiscal year 1918.

Section 7 of Article I of the Constitution of the United States provides as follows:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills."

Whether the term "bills for raising revenue" includes appropriation bills has been the subject of debate between the two Houses ever since the foundation of the Government, and it can not be as yet regarded as definitely settled. It is the subject of a very exhaustive report by the House Judiciary Committee in the third session of the Forty-sixth Congress (Rept. No. 147). So far as general appropriation bills are concerned, it has been the unbroken practice that they should originate in the House of Representatives. A very able argument in support of this uniform practice was made by Senator William H. Seward, of New York, in the first session of the Thirty-fourth Congress (printed in the Congressional Globe, pp. 160, 161, 162, 375, and 376).

Aside from the merits of the proposition contained in the bill, I think the House should refuse to consider it, because it is a violation of the uniform practice and an infringement of the prerogatives of the House. (Hinds' Precedents, vol. 2, secs. 1483-1501, pp. 942-974.)

Hearings were held, and the Fourth Assistant Postmaster General made statements in support of the original bill, part of which have been printed. It is difficult to see how the original bill can be considered as a war measure which it was necessary to take up at the extra session. As amended the department proposed to expend \$300,000 in putting motor trucks upon rural routes and in the larger cities for the transportation of farm products to city customers. The Senate bill was accompanied by a report, in which it was stated that for every parcel transported from the country to the city eight parcels were now carried from the city to the country. The Fourth Assistant was asked the question: "If it be true that eight parcels move from city to farm to one from the farm to the city, how will this be remedied by putting on more vehicles?" His answer was: "If the number of vehicles be increased, the number of parcels will increase; and whether the ratio be eight to one or some other, the patron will benefit and the revenues of the Postal Service increase in proportion."

It is difficult to understand how this can be true. If a railroad company should ascertain that for every eight cars moving from the city to the country loaded only one car had a return load, would it propose to remedy this by putting on extra cars? Putting on extra cars might possibly increase the movement from the city to the country; but seeing that the accommodations are already eight times more than required, it is difficult to see how the traffic will be greatly increased by increasing the facilities not required. The estimated cost for each route is \$2,940 and the appropriation asked is \$300,000, so that it will probably mean the establishment of 100 new routes. When asked how many new employees would be required, the answer was, "One per vehicle per route." And when asked whether they would be under civil service, the answer was, "Probably not during the period of the experiment."

When asked what was the plan for disposing of the supplies, the answer was:

"The additional direct supervision of a rural agent—employee of the post office or the postmaster—who will be expected to encourage direct commercial relations between producer and consumer; to increase the quantity of mailable matter carried," etc.

This would necessitate the appointment of 100 additional employees, also, it is to be presumed, outside of the civil service.

There does not appear to be any difficulty in carrying the traffic on any of the rural routes with present employees and equipment, and to spend this large sum of money at a time when the country has to meet such heavy war burdens seems unwise. The claim that this effort would lower the cost of living is chimerical. If the extraordinary advance in the cost of living can not be dealt with through the extraordinary war measures already adopted, it is futile to expect that the expenditure of this appropriation of \$300,000 will accomplish it. Before this experiment could be fairly tried out it is certain that hundreds of useless offices would be created, which it would be difficult to abolish, and that the Postal Service would not be materially benefited.

If this bill were otherwise unobjectionable, I would favor the aeroplane provision, but certainly there is no emergency that requires us at this extra session of Congress to provide for the disposal of aeroplanes or motor trucks that have been so worn as to be unsuitable for further use by the War Department. Actual military operations have

not yet been begun, and are not likely to be begun until after the regular session convenes in December, and we can provide for this matter in the annual Post Office appropriation bill.

H. STEENERSON.

#### A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2477) to authorize the construction of a building for the use of the Treasury Department.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

#### WOMAN SUFFRAGE.

Mr. POU. Mr. Speaker, the question before the House should not be confused with the larger question of national woman suffrage. The proposition before the House is simply the creation of a committee. In times past various new committees have been created by the House. Within the last few years the Committee on Good Roads has been created and also the Committee on Flood Control. The Committee on Rules decided that the question of woman suffrage was of such importance as to justify the creation of a committee charged with the duty of considering that particular question.

In my own mind there is but one argument that can be advanced against the creation of this committee and that is the trifling expense involved. It is very true that at this time the Judiciary Committee has jurisdiction of this question. It is very true that the Judiciary Committee can consider it again as it has been considered in the past. If that point is to be fatal to the resolution offered by the Committee on Rules, then no new committee could ever be created, now or hereafter. And it is no reflection upon any committee of the House, above all the Committee on the Judiciary, made up of able lawyers as it is and presided over by the distinguished gentleman from my State [Mr. WEBB].

Now, Mr. Speaker, the request for this is Nation wide. I have here a petition signed by more than 80 Members of the House of Representatives, gentlemen of both political parties, men from various States of the Union, men from the East, men from the West, and men from the Mississippi Valley, asking that this committee be created. I shall read a short extract from the communications of two very distinguished women. I pause here to say, Mr. Speaker, it seems to me it would be a most gracious thing to do in this hour, when the life of this Republic is at stake and when American women are responding to the call to duty equally with the men, to say to the women of America, "You are at least of importance enough to entitle you to have a committee created in the House of Representatives to consider your claims." [Applause.]

Mrs. Carrie Chapman Catt, president of the Woman's Association of America, addressed to the Speaker of this House a letter in which these words were used:

May I remind you that the national Governments of Great Britain, France, and Russia have promised woman suffrage in the near future, and that the greater part of Canada has already established it within a few months. The leaders of these Governments have announced that the vote has been or will be given to their women in recognition of the devotion, sacrifice, skill, and endurance of women in their varied service to their country under the strain of war. Our Republic stands upon the threshold of what may prove the severest test of loyalty and endurance our country has ever had. It needs its women; and they are ready—as fearless, as willing, as able, as loyal as any women of the world.

I supplement this by an extract from a letter addressed to the Committee on Rules by another very distinguished woman, Dr. Anna Howard Shaw, as follows:

It is not much that we ask of you. Surely the women of America—half of the population—have the right to one committee whose duty shall be to hear with patient care, sift with skill and real interest the place, the requests, the needs of the women of the Nation.

We are not arguing here, Mr. Chairman, the question of our right to the suffrage. We are merely asking you to give us a committee, as you have given the Indians, as you have given the people of our insular possessions, which committee shall look after, investigate, and report back to the House on the claims which we make, as well as upon the claims which are made against us.

Mr. Speaker, I read this extract from a letter of President Wilson, dated May 14, 1917, addressed to myself. Speaking of the resolution now under consideration the President wrote:

On the chance that I may be of some slight service in this matter, which seems to me of very considerable consequence, I am writing this line to say I would most heartily approve. I think it would be a very wise act of public policy and also an act of fairness to the best women who are engaged in the cause of woman suffrage.

I would be willing to rest the case upon the statement of these distinguished women, supported by the recommendation



of the President. A word to the wise is sufficient. This is a question, Mr. Speaker, which will not down. We have as a Member of this body the first woman Representative in the American Congress. [Applause.] She will not be the last, Mr. Speaker. There will be others who will be elected to this body, and it seems to me the time has come and is here now when the House of Representatives ought to respond to this Nation-wide demand and to give to these women the committee to which they appear to be entitled, and I say this as one who has never voted for a suffrage amendment to the Constitution.

I want to say in conclusion, Mr. Speaker, that this is no proposition to pack the committee for a particular purpose. The friends of this resolution have distinctly stated time and again that they do not expect action at this session of Congress. The appointment of a committee only is asked; but after this committee is appointed, in the next Congress, they expect to go before the people of America, and, if the returns justify, then in the Sixty-sixth Congress they will ask for congressional action.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. POUL. How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore (Mr. MOON). The gentleman has consumed 10 minutes.

Mr. POUL. I would be glad to yield to my friend, but I have used all of my time. I hope the gentleman from Tennessee [Mr. GARRETT] will use some of his.

Mr. GARRETT of Tennessee. I yield four minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Speaker, the chairman of the Rules Committee, who has just preceded me and who presents this resolution (H. Res. 12) for consideration at this time, among other things, says that we now have a Congress woman and are going to have more. I do not feel disposed to take issue with him on this subject. It may be that there will be many women in the next Congress, and unless the present House settles down to business and follows the well-settled rules of procedure that govern or ought to govern this body, it might not be surprising if we had a lot of children elected to the next Congress. [Laughter.]

The question now before the House is a resolution creating an additional committee of the House to be known as the suffrage committee, the evident purpose of which is to create a committee that will report a resolution proposing woman suffrage.

This resolution is brought forward notwithstanding the fact that when this Congress was called into extraordinary session to consider the greatest problems that any Congress may ever be called upon again to consider it was agreed in caucus that there should be no legislation on any subject other than war measures. This was wise and proper. I take it, Mr. Speaker, that the country at large is far more interested in seeing legislation enacted that will tend to a speedy termination of this war rather than to see the House throwing away its time creating a committee that will insure the reporting of a resolution providing for woman suffrage. If the House is to adopt the resolution to-day brought in by the Rules Committee, caucus action hereafter is a farce unless the personnel of the Rules Committee is ascertained and their views sought rather than the views of a majority of the Members of the House.

For myself, I feel bound by the action of the caucus, notwithstanding the fact that the chairman of the committee reporting the resolution says that woman suffrage is coming and we might as well get ready for it. I take issue with his statement that in order to have the cooperation of the good women in this great war that it is essential that the House suspend consideration of important legislation and take up such a resolution as this.

What is the necessity for this committee? Are we prepared to say that the great Judiciary Committee of the House is unable to deal with this question? There is not a Member of the House that can not draw a resolution proposing a constitutional amendment. Who of you can not do that? What Member of this House is there that can not draw a resolution proposing a constitutional amendment?

You say it is necessary now to create a woman-suffrage committee. Should you do so, and they should report a resolution proposing an amendment to the Constitution, then the services of such a committee is ended forever. It is not contemplated that there will be further legislation to come before this committee. It is proposed to create it for the sole and only purpose of reporting a resolution for one purpose only. The Judiciary Committee of the House has since the organization of this Government been intrusted with all legislation that affects or seeks to change the organic law of this country. The only criticism that the proponents of this resolution have of the Judiciary Com-

mittee is that they have had resolutions before proposing constitutional amendments on this subject, but have failed to act. If this be a proper reason for passing this resolution, then every Member of Congress, when he introduces a bill or a resolution and it goes to a committee and that committee fails to report it—then it would be proper for such a Member to create him a committee that would report his bills or resolutions. For myself, I would regret to see such a state of affairs. It is hard enough for a Member to inform himself and prepare to vote on the great questions that are presented even after full consideration by committees composed of the most valuable Members of this body.

Mr. Speaker, the amending of the Federal Constitution is a matter always of the gravest importance to the people, and to argue that the Constitution of the United States should be amended because it would be pleasing to the advocates of woman suffrage, and to say that it is necessary to do this to have their loyalty in this great world war to my mind is unsound. The Judiciary Committee of the House was created at the beginning of the American Congress and has handled a number of perplexing problems that have been presented to it, and in most instances, I am convinced, have handled them well.

There is now pending before the Judiciary Committee several resolutions proposing amendments to the Constitution, and the Judiciary Committee has held hearings on them, or some of them, and have gone to great expense to report these hearings.

Women favoring suffrage in great numbers have appeared before the committee and given testimony. An equal number of women have also appeared opposing woman suffrage and given testimony, and we might reasonably expect action on some one of these resolutions early in December. Why, then, should this proposed new committee be created? Its advocates all say that they do not expect legislation at this time, but want to have the committee so that a woman-suffrage amendment may be considered at the December session and reported to the House for action.

The question of woman suffrage was submitted to the people of Maine a few days ago, and the people of the State of Maine voting at this election overwhelmingly defeated the effort to authorize woman suffrage in that State. The Constitution of the United States now leaves the qualifications for suffrage to the respective States, and in this as in many other instances the wisdom of the framers of the Constitution is clearly demonstrated.

Mr. Speaker, I am firmly convinced that any cause too weak to stand the test of the judgment of a majority of the people of a State is not worthy of serious consideration. When the people of my State shall have determined that the right of suffrage shall be extended to the women of Alabama I shall acquiesce, but I do protest against the people of Vermont and Massachusetts and other States of this Union saying who shall or who shall not participate in our elections in the State of Alabama. The people of my State have struggled with the suffrage question for years and years, and I am proud to say that they have solved the question and have done so in such way as to reflect credit upon the great men of our State who gave a portion of the best part of their lives to its solution. There may be those, and no doubt there are, who, in order to have the approval of a limited number, are willing to advocate and support universal suffrage, but I am not one of them. I am and have always been earnest in my desire to please, but when I see a question presented fraught with so many dangers for the people of my State, I must stand for what I conceive to be best for their present and future welfare.

Mr. Speaker, there is not a home in this country to-day where there are not heartaches and sadness, and this is not occasioned by failure on the part of this Government to enfranchise the women. Then is it not of more importance that this body should proceed with legislation that may be instrumental in successfully bringing this country out of war and thereby restore peace, happiness, and contentment in the homes of our people? After this is done, if the Congress of the United States chooses to take up its time in idle ceremonies such as creating committees for the specific purpose of considering woman-suffrage legislation and similar questions, then it may be well; but until then let us go forward with the work of this Congress that is so essential to a restoration of peace and contentment, and in the meantime the States of this Union who want woman suffrage can proceed under the law as did the people in the State of Maine.

Mr. CANTRILL. Mr. Speaker, will the gentleman permit a question right there?

Mr. BLACKMON. Yes.

Mr. CANTRILL. I would like to ask the gentleman if he is willing to permit the voters of Maine to settle a question for him?



Mr. BLACKMON. No. I am willing for the voters of every State in the Union to pass upon this question as they may see proper. This can be done without amending the Constitution of the United States and thereby bring on a thousand more issues than we are forced to contend with at this time. I want to ask the Democrats if caucus action means anything, and if so, is it binding on Members who take part therein?

Mr. POUL. Mr. Speaker, will the gentleman yield?

Mr. BLACKMON. Yes.

Mr. POUL. As I said before, this is simply a change in the rules of the House. The Democratic caucus did not pass a resolution providing that the rules of the House should not be changed.

Mr. BLACKMON. No; but it said very plainly that we would take up no legislation except war measures, and while this is not legislation in the strict sense of the word, still our considering this resolution at this time shows us to be a lot of babies. That is all there is to it. [Laughter.] It is an admission on our part that the great Judiciary Committee of this House can not intelligently pass upon a resolution proposing an amendment to the Constitution.

The merits or demerits of woman suffrage I am not going to discuss, but I believe that the women of this country who want suffrage—and I do not mean the crowd, gentlemen, that have been picketing the White House, for they are not entitled to anything—but as to those women who honestly believe in and want suffrage, ought to be willing to risk their own States, and if they are not, then I do not think we ought to go through the farce of creating an extra committee of the House to deal with the subject.

I am not willing to go on record as saying that the great Judiciary Committee of this House is not capable of considering this and all similar resolutions. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. GARRETT of Tennessee. Does the gentleman from Missouri [Mr. MEEKER] desire time?

Mr. MEEKER. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield six minutes to the gentleman from Missouri [Mr. MEEKER].

The SPEAKER pro tempore. The gentleman from Missouri is recognized for six minutes.

Mr. MEEKER. Mr. Speaker, as to the talk of the chairman of the committee, that the desire for this resolution is Nation-wide, I want to say that the opposition is just as wide as the desire to have this rule adopted. Women in all parts of this Nation—and they are probably as intelligent as some who are insisting upon this rule—are opposed to it, although they do not make the same kind of a noise. Whenever we insist that because people coming from certain sections of the country demand a thing that it is a Nation-wide movement, we make a mistake. The Nation is just as broad for those who do not want this as it is for those who do.

So far as the establishment of this committee is concerned, the only reason for the request is the fact that up to date those who have been in favor of it have not been able to prove their case before the Committee on the Judiciary. They have been in court a number of times; they have had hearings. We have had them on our hands around here ever since I have been in Congress, and the Committee on the Judiciary has heard their claims time and time again. A number of States have heard them.

Now, so far as the amendment itself is concerned, the people who are advocating this national amendment, the amendment to our Constitution, are in this very peculiar position: In a number of their States they have already obtained the vote. Some of them have used it and some have not. But the courts of the United States have never said that when a State granted them the vote they were not entitled to it. It has never been declared unconstitutional where any State has granted them the franchise, and their coming in for a constitutional amendment on a proposition that has never been declared unconstitutional and that always has been recognized when it was brought here by a State—that is the habit of some women, of asking for what they already have and insisting that they get it. [Laughter.]

Here is a law that is on the statute books of a score of States, and it has never been carried to a court to decide its constitutionality, but still those folks come here and want a constitutional amendment as to whether it is constitutional as coming from the different States. I think it is a reflection on the constitutional judgment of the people who are advocating this amendment. It is about the way men would keep house. [Laughter.] That is the way they are coming into these governmental affairs. I think we have had up to the present time

about all the feminist movement that we can stand—not all from those who wear dresses, either. [Laughter.]

Now, gentlemen, there is a deeper question than this, and I am going to state briefly and frankly my views about it. I am talking to the men on this side of the House that had a suffrage proposition put on them that nearly destroyed their governments locally. This Nation is so big and so broad that there are some things that people in their communities can decide for themselves better than the folks who live 2,000 miles on the other side of the continent can decide for them. The queer thing about it is that the advocates of democracy, of local self-government, are in the saddle in this House, and local self-government is only a thing of the past.

There is absolutely no safeguard for a free people except to preserve for them those matters for local decision to which they are entitled; and when you reduce the proposition to its lowest terms the only reason this is being asked for is to assist the propaganda for woman suffrage. I should imagine that the wife of the honorable Secretary of State probably stands as high in the confidence of the people of America as the ladies mentioned in that letter. I fancy that the good wife of an honorable Senator, who is the president of the organization to oppose woman suffrage, has the confidence of the American housewives and homes as much as either of the ladies mentioned in that letter. And when we come onto the floor of this House trying to give the impression that because women who are opposed to this are not willing to get into some sort of gear and walk up and down the street and make nuisances of themselves, the demand is only on one side, we are not representing the facts in the case by any manner of means, and it is not fair either to the country or to ourselves to try to persuade ourselves that this is a one-sided question so far as the women of the country are concerned. I think that in my own district I put up a perfectly fair proposition to the women who are advocating this resolution. They got something over 3,600 petitioners out of something over 150,000 women. They wanted me to promise to vote for them. I said, "I will tell you what I am willing to do. Suppose we let the women of the district vote on the proposition." They would not consent to that. There is a vast difference between a woman on the street with a tin horn and a woman in her home looking after home affairs.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MEEKER. Yes.

Mr. RAKER. Just what does that have to do with the question whether or not this House will amend its rules so as to give both sides—those in favor and those against woman suffrage—an opportunity to be heard?

Mr. MEEKER. I will answer that. Both sides have been heard before the Judiciary Committee time after time, and, as was suggested by the chairman, it is nothing more nor less than this Congress yielding to the nagging of a certain group. We are nagged here and at home and everywhere else. He says it is coming, and that you had just as well surrender. If the American Congress has come to the time when a proposition which belongs absolutely to the Committee on the Judiciary, a proposition that has been submitted to them and discussed, shall be turned over to a new committee to give these propagandists a hearing on either side, then we might as well discharge the Judiciary Committee. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the lady from Montana [Miss RANKIN]. [Applause.]

Miss RANKIN. Mr. Speaker, I believe we should have a woman-suffrage committee in the House, as we have one in the Senate. Everyone admits that the question of woman suffrage is a vital question before the American people to-day; that all of the women are divided, either for or against woman suffrage; and that the great body of women who were undecided are now vitally interested in this question. So we believe this is a question that should take all of the time of one committee. There is no other question concerning a certain group of people that is receiving the attention that the woman-suffrage question is receiving from the American people. The Judiciary Committee has all it can do in attending to the regular business that comes before that committee, and we would like to have a committee that would discuss the merits of the question and would report either favorably or unfavorably on the woman-suffrage question.

Some have told us to go to the States. Of course we have always known that woman suffrage was constitutional according to the Federal Constitution, but some of the State constitutions disfranchise the women. Perhaps it is news to you to know that some of the women of the United States can never



be enfranchised except by a Federal amendment, for the constitutions of some of the States are such that it is practically impossible to amend them. Take, for instance, the constitution of New Mexico, a State where the men would give the women a chance to vote on the question of woman suffrage at the earliest opportunity if they could; but according to their State constitution it is necessary to have a three-fourths majority of all the votes cast at the election and to have a two-thirds majority in every county. Now, no matter how great the sentiment for woman suffrage would be in a State with that kind of a constitution or how great the sentiment in favor of any question, it would be impossible to amend that constitution. The constitution in New Mexico will remain in that form for 25 years.

Then there will be a little change, but it will still be practically impossible to amend it.

Take the constitution of the State of Indiana, where it is still a question whether or not it is necessary to have a majority of all the electors or of all those casting votes at the election.

Some of our State constitutions make it very difficult to get a proposition through the legislature. For instance, take the State of Alabama, where the legislature meets only once in four years.

Some of the States require the ratification of two legislatures. Such are the States of New York, Pennsylvania, and New Jersey. Some require the ratification before it goes to the people and again after it goes to the people. Some States require a majority of all the votes cast at the election, and that is very difficult to obtain. We are simply asking that you give the sanction of your opinion on this question of whether or not woman suffrage is a question of vital enough concern for the House of Representatives to consider seriously and bring before the House a report that will make the people of the United States realize that this body has come to the conclusion that the women must either ask the men in their own States or whether it can be done in the dignified way of making it unconstitutional for the States to disfranchise women. I believe we should have this woman suffrage committee, in order that this question may be discussed in an intelligent and dignified manner.

Of course we are not asking for anything unusual, since they have had a Committee on Woman Suffrage in the Senate for many years.

Mr. HARDY. Will the lady permit an interruption?

Miss RANKIN. I shall be glad to yield.

Mr. HARDY. I should like, for my own satisfaction, to ask about the constitution of New Mexico. The conditions that the lady spoke of were embodied in that constitution as it was first submitted, but the Committee on the Territories modified the provision relating to amendments to the constitution of that State, and I think the lady will find that she is mistaken about the difficulty of amendment.

Miss RANKIN. It is still very difficult.

Mr. RAKER. I think my distinguished friend [Mr. HARDY] is mistaken, because there is no constitution of any State so difficult or almost impossible to amend as that of New Mexico, and investigation will determine that fact.

The SPEAKER pro tempore. The time of the lady from Montana has expired.

Mr. POUL. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, when the Raker resolution for the formation of a committee on suffrage in the House of Representatives was considered by the Committee on Rules, it was my pleasure to move a favorable report. That the motion received a majority vote of the Committee on Rules is, of course, evident, else the matter would not be up for consideration to-day. It will be my pleasure to vote for a committee on suffrage in the House. I can find no real argument against the establishment of such a committee.

The question before the House to-day is confined to the one question of establishing a committee on suffrage. The broad question of woman suffrage by constitutional amendment is not considered in the resolution before the House. I can not understand why even the most active opponents of woman suffrage would oppose the establishment of a standing committee to consider the question. I hope that we all desire to be fair and we should welcome a committee in this House which would gather information and facts on the great question of suffrage. To-day 20 States of the Union have presidential suffrage for women and 36 States of the Union permit women to vote on various questions. Surely a question which has been recognized as just in 36 States is worthy of a committee in the House of Representatives to consider that question. [Applause.] I am in favor of a committee on suffrage, which committee should be elected by the House to make a full and complete study of

suffrage questions and present their views to the House for its consideration. Heretofore I have not favored an amendment to the Federal Constitution for woman suffrage, but I am not afraid of information on the subject, and if a study of conditions in the Nation in the great crisis which now confronts us as a people leads me to believe that woman suffrage is a good thing for the United States, I would not hesitate to favor it. [Applause.]

This is not a partisan question, but it is not out of place to say to the Democratic side of the House that of the 12 States having woman suffrage in the last presidential election, 10 of them voted for President Wilson. [Applause.] There can certainly be no valid objection from the Democratic side of this House for the consideration of a great public question, which gave us control in a political way of this House and of the affairs of the Nation. The Democratic side of the House can not afford to consider this question from the local standpoint of the political welfare of a few of its Members. We have been busy passing legislation which denies many of our citizens their individual rights and liberties. It is high time that we were enacting some legislation that would give at least consideration to granting rights and liberties to half of our population. [Applause.] I have heard but one argument advanced against the resolution before the House, and, in my opinion, that is not an argument in reality. I have heard some Members of this House say that they did not favor the establishment of a committee on suffrage because of pickets at the White House gates. I do not favor "picketing" either, but I would not insult my intelligence by voting against this resolution because some few women held banners on the streets of Washington. It would be just as consistent to say that men should be denied the ballot because some few men on soap boxes in some of our large cities have been criticizing the President and the entire administration, which is working so nobly to bring victory to American armies. Millions of Christian women in the Nation should not be denied the right of having a committee in this House to study the problems of suffrage because of the mistakes of some few of their sisters. [Applause.] One had as well say that there should be no police force in Washington because the police force of this city permitted daily thousands of people to obstruct the streets and impede traffic and permitted almost the mobbing of women without arresting the offenders. There was a lawful and peaceful way in which the police of this city could have taken charge of the banners of the pickets without permitting the women carrying them to be the objects of mob violence. To see women roughly handled by rough men on the streets of the Capital of the Nation is not a pleasing sight to Kentuckians and to red-blooded Americans, and let us hope that the like will never again be seen here. [Applause.]

Everyone of average intelligence knows that one of the greatest questions before the country to-day is that of woman suffrage. This being true, why not establish a committee in this House, as the Senate has done, to carefully study the question and report its findings to the House? I will note with much interest the votes of some of the Members of the House, who have always been so insistent on prohibition legislation. It is generally believed that woman suffrage means prohibition legislation. In my opinion, no real and earnest advocate of prohibition could vote against such a simple proposition as forming a committee in this House to study the problems of suffrage, and I sincerely hope that my prohibition friends in the House will join with me in supporting the Raker resolution. [Applause.]

Mr. Speaker, millions of noble American women are doing just as much as the men of the Nation to-day to bring victory to our armies. They are meeting with hearty patriotic response every demand that is being made by Congress and by our great President. When victory comes, as it surely will, to that flag which has never known defeat, it will be the victory of American women as much as of American men. These same millions of Christian and patriotic American women are to-day asking this House to grant them a committee on suffrage. In my opinion, they have the right to ask that, and I deem it the duty of the House to grant the request. I sincerely hope the House will adopt the report from the Committee on Rules, so that a committee on suffrage can be established in the House.

Mr. WOODYARD. Mr. Speaker, will the gentleman yield. In reference to prohibition, my State of West Virginia voted 92,000 in favor of prohibition and during the last election something over 100,000 against woman suffrage. How does the gentleman reconcile that?

Mr. CANTRILL. What I said was that the general impression was that the two went together.

Mr. WOODYARD. But we had a vote of 92,000 for prohibition and a vote of 100,000 against woman suffrage.



Mr. FIELDS. Does not the gentleman from West Virginia think the women of West Virginia would have voted for prohibition the same as the men did?

Mr. WOODYARD. Yes; but the gentleman said that the prohibition vote reflected the views of the State on woman suffrage.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, I am one prohibitionist who does not favor the creation of a committee on woman suffrage. I want to say to my friend from Kentucky that we had prohibition in the South when the woman-suffrage question was in its swaddling clothes; and, so far as I am able to gather, woman suffrage has never distinctly aided prohibition in any fight that I know anything about.

When this war Congress began, we held a Democratic caucus and passed a resolution which by common consent the Republican side has agreed to—that we would take up nothing except war emergency measures during this session. I, as one chairman, have tried to represent what I thought the House wanted. I have held in my hand for a long time a number of "hot poker," so to speak, because I have had a lot of legislation pending before the committee, some of which has passed the Senate, and which the advocates of this legislation were urging me to report out the bills and resolutions and let them pass this House. Instead of doing that I have obeyed the dictates of this House on both sides. I obeyed your orders and did my best to carry out what you wanted done—to report and pass nothing in the House except war-emergency measures. I say it is unfair to the Members of the House who have acted in good faith on this understanding in the House so long at the end of the session now to practically deify the woman-suffrage proposition, put it on a pedestal, and shove it through the House to the exclusion of all other important matters.

I do not have to defend the Judiciary Committee. I know it needs no defense in the eyes of this House on either side. But in the Sixty-third Congress we gave the ladies a vote, and they not only did not carry the amendment but it lost by 30 majority. In the Sixty-fourth Congress, last December, we voted to report it out of the committee and bring it on the floor of the House, put it on the calendar, and I offered to go to the Committee on Rules and ask them for a rule to take up the resolution for a vote in the House; but no, the suffragists did not want it and did not ask it. Your Judiciary Committee now is ready to report the resolution out on the first meeting in December, and I am authorized by the members of the committee to say so, and you can have a vote. As far as having it carefully considered, the Judiciary Committee has sat over there in the committee room days, weeks, and months, letting everybody who was for woman suffrage come in and express themselves fully, and printed every word that was said; and not only that, but we have trebled the number of copies of their arguments and sent them out to everybody who wanted a copy. It can not be asserted and ought not to be assumed that that committee has not carefully considered the woman-suffrage proposition—not only last year but every year. No man can say that we have been unfair to them. And, as I say, we are ready to report in December.

Mr. MONDELL. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MONDELL. Did I understand the gentleman to say that his committee is ready to report favorably on the constitutional amendment in December?

Mr. WEBB. No, I did not say favorably; I mean to say that the majority of the Judiciary Committee is opposed to woman suffrage, as is also a majority of the House against it.

Mr. MONDELL. We want to take the jurisdiction away from them.

Mr. WEBB. Yes; you want to pack the new committee; that is your object. You are not satisfied to have a committee represent the sentiment of this House on woman suffrage. The last vote taken shows 30 majority against it. This whole movement is an effort to get a committee which will make a report contrary to the wishes of the majority of this House, and that is the bottom of this whole business, and it ought not to be allowed. True, you will create a new chairman and a new secretary and a new assistant clerk and a new janitor and all those perquisites, but you will not get any more results, except that you may get a favorable report from the committee if you pack it, and it is just as bad to pack a committee in this House for a good cause as it is for a bad cause.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. WEBB. No; I can not now. If you create this committee and do not pack it with a majority of woman suffragists, they will be just as mad with you as if you had not created the committee at all, and if you do pack it with a majority of

woman suffragists, then you are violating the spirit of American government, and I contend it is just as wrong to pack it on behalf of a good cause as it is on behalf of a bad cause.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Not now.

Mr. ADAMSON. But I want to ask the gentleman a good question. [Laughter.]

Mr. WEBB. I yield for a question.

Mr. ADAMSON. There is no committee in this House on male suffrage?

Mr. WEBB. No.

Mr. ADAMSON. Why should there be one on female suffrage?

Mr. WEBB. There should not. The Committee on the Judiciary takes care of both.

Mr. ADAMSON. If Congress is to take up the question of suffrage, why not have a committee on the question of suffrage?

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I have only 10 minutes; I can not yield.

Mr. BLANTON. I would like only to state that the reason we have not a committee on male suffrage is because males have suffrage.

Mr. ADAMSON. They did not get it from Congress.

Mr. WEBB. No. If you propose to create this committee, everyone knows the object of it. The object is to get a committee on woman suffrage that is in favor of woman suffrage, although a majority of this House is against it and three-fourths of the voters of the United States are against it; and it is baldly proposed to create a committee here that will deliver a report in keeping with what the minority of the country and the House want. We went through all of that packing-committee matter when they charged our distinguished friend, Mr. CANNON, with packing committees.

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. POU. I am sure my friend is not going to assume that the Ways and Means Committee, made up of Democrats and Republicans, will do anything that is wrong?

Mr. WEBB. No; but I will say this, that you are going to get in more hot water than you are in now unless you do pack that committee. [Laughter.] If you do pack it, then you are going back to the days of Cannonism, when it was charged that he used to pack committees. No "packed" juries for me. If you are not going to "pack" the new committee, why create it?

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Not now. I would like to if I had the time. I say again that we are going to give these suffragette ladies a vote on their resolution in December, and we have printed all the literature that they have been able to scrape together. We will not give them a favorable report, but we will report out the Susan Anthony resolution and give them a vote; but they do not ask for a vote in December. They want a committee; and if you do not pack that committee they will abuse you and criticize you all over the country. [Laughter.]

Besides that, Mr. Speaker, the creation of this committee is contrary to the spirit of the platforms of both parties, on which every man in this House was elected except Mr. LONDON, the Socialist.

The Republican platform declaration in 1916 upon this question of woman suffrage was that it was a question for the States, and the Democratic platform of the same year declared the same thing. I deny that the President of the United States is in favor at this time of creating a committee on woman suffrage. He has never said so, so far as I know.

Mr. POU. He said that he would be glad to see a committee created.

Mr. WEBB. I would like to see the letter in which he said that and have it put into the Record. He stated over and over again that he was bound by and standing by the Democratic platform, and that it was a State matter, and I have never heard him vary an inch from that platform declaration. If every Republican and Democrat wants to strike these two planks out of their platforms and say that their national conventions did not know what they were talking about, and that they are going to make this a national matter now and create a committee, why, they can go ahead and do it. The Democratic platform says:

We recommend the extension of the franchise to the women of the country by the States upon the same terms as the men.

The Republican platform had this plank:

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half of the adult people of this country, favors the extension of the suffrage to women, but recognizing the right of each State to settle this question for itself.

If these platform planks mean anything, why should you have a national committee to set those planks aside? If woman suf-



frage is a State matter, as the two great party national platforms say it is, then what has Congress got to do with it?

The country is against woman suffrage by national amendment. In the last 20 years a big majority of the population of the country have voted in the States and have overwhelmingly defeated it, and but a fraction of our population is in favor of it. Yet this Congress is called upon to go in the teeth of the public sentiment of the voters of the country and make this a national matter. South Dakota defeated it the first time by 3,286 and the second time by 11,914. Ohio defeated it the first time by 87,455 and the next time by 182,905. Michigan defeated it the first time by 760 and the next time by 96,144. Wisconsin defeated it by 91,478, Nebraska by 10,104, Missouri by 140,206, North Dakota by 9,139, New Jersey by 51,108, New York by 194,984, Pennsylvania by 55,686, Massachusetts by 133,447, Iowa by 10,341, West Virginia by 50,000, South Dakota by 4,934, and Maine by 2 to 1.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. WEBB. I will ask the gentleman to yield me one minute more.

Mr. GARRETT of Tennessee. I yield the gentleman one minute more.

Mr. WEBB. In other words, 14 of the great States of this Union have killed this proposition overwhelmingly at the polls, and 19 States have killed it in their legislatures, and yet with all that, 33 of the great States killing this proposition, not only in Congress as a national measure, but killing it in the States, here an effort is made to force it upon the country in order to get a little political advantage. I hope this House will not play politics in that fashion. I hope you will stand up for the caucus's solemn agreement in reference to this matter; I hope you will stand up for the Democratic and Republican platforms; I hope you will obey the sentiment of this country, that is democracy. The country does not want woman suffrage or a new committee, and I hope this House will not give it to them. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I will yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, it will be noticed that while gentlemen opposing the creation of the committee may begin their remarks by urging against the creation of the committee as being unwise or unnecessary in itself, they always close by strongly presenting their arguments against suffrage. In other words, those who are opposed to the creation of this committee are opposed to it apparently not because it is not proper to create a committee to consider the subject, but because they are opposed to woman suffrage, and they have a notion in some way or other the creation of the committee will help the cause.

Mr. MEEKER. Will the gentleman yield?

Mr. MONDELL. Just briefly.

Mr. MEEKER. Is the gentleman in favor to-day of creating a committee to do useless work when he does not believe in it?

Mr. MONDELL. Well, I am not in favor of having useless work done, and if I thought a certain thing was useless I would be opposed to the creation of a committee to do it. The peculiar thing about it is that none of the gentlemen have discussed the question of the creation of the committee from the viewpoint from which we should consider such a question. They are discussing the merits of suffrage.

Mr. GORDON. Will the gentleman yield?

Mr. MONDELL. I will yield to the gentleman.

Mr. GORDON. The point I want to ask the question about is what legislative question will this committee have to consider if you create it?

Mr. MONDELL. The very important question presented in various ways, as to whether the better half of mankind in these United States is going to have something to say about the laws and the Government of the land. [Applause.]

Mr. GORDON. If the gentleman will yield once more, I will show the sophistry of that—

Mr. MONDELL. Now, the only question before the House is, Should there be a committee on woman suffrage? Is the question important enough to justify the formation of a committee to consider the subject? Well, we have a Committee on the Disposition of Useless Papers, created possibly in a prophetic hour by some one who wanted to get a place to put the printed arguments of those who are against suffrage. We have committees on some fifty-odd different subjects, no one of which can in the nature of things be more important than the question of whether or not one-half of the race, and the better half, are to have anything to do with the affairs of government. That is a reasonably important question, in my opinion.

Mr. HARDY. Will the gentleman yield for a question?

Mr. MONDELL. And that is the only question you are called upon to decide here. Yes; I yield.

Mr. HARDY. Since the Committee on the Judiciary have stated they are going to report this matter out for a vote in the House the very first of next session, is not that all that such a committee as the gentleman is seeking to have appointed could do?

Mr. MONDELL. So far as I am concerned, I am not favoring the formation of this committee primarily because I believe such a committee would hurry the decision on the question of the constitutional amendment, but because the question is so important, so many people have asked for the creation of the committee that the Congress should meet their demand and expectation in that regard.

Mr. OLIVER of Alabama. Will the gentleman yield for a question?

Mr. MONDELL. Whenever any large number of people have asked for the creation of a committee for the examination of any tremendously important and controlling matter, it has been granted, and that is all we ask in this case. Yes; I yield.

Mr. OLIVER of Alabama. Does the gentleman feel that the request or demand from a large number for the creation of the committee has been due to the fact that many have felt that there was an effort made to suppress a vote on it, and does it not now appear from the statement of the chairman of the Committee on the Judiciary that that committee is ready to report it for action early in December?

Mr. MONDELL. Well, it would seem from what some gentlemen have said that some gentlemen of the Committee on the Judiciary in order to retain jurisdiction over this highly important subject are at last beginning to see the light, and that they are willing to do in the future what they should have done in the past. If gentlemen of the Judiciary Committee believe that it is proper to present this matter to the Congress, they should have presented it months ago, but they have not done so; they have failed and failed utterly, and it is not extraordinary that under that condition of affairs a very considerable number of people should have asked for the formation of a new committee to consider the subject. The Committee on the Judiciary need not be disturbed over creating new committees.

Other honored and honorable committees have been deprived of a part of their jurisdiction in the past without injury to them, and, judging from the way some members of the Committee on the Judiciary seem to have been piqued and peeved over this question in the past, I should think they would be very glad to be relieved from the consideration of it and pass it on to some other committee. The gentleman from Georgia, who, since he acquired high honors elsewhere, seems to have taken a curious view of things, suggests we should not have a committee on woman suffrage because we have not a committee on male suffrage. We have no committee on the formation of a Constitution for the United States of America. We have no committee on the promulgation and adoption of a bill of rights. There are a great many other important things heretofore accomplished for the consideration of which we have not been foolish enough to appoint and establish committees after the thing was done. We have no committee having to do with things done, accomplished, and established. We may not need a committee on woman suffrage after women are enfranchised; probably we shall not. We do have committees for the consideration of those splendid purposes which we seek to accomplish in the future, of which this is one.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HUDDLESTON. I would like to vote for this committee out of deference to the wishes of the women who want it. But I oppose Federal intermeddling with the suffrage question. Does the gentleman think I could consistently vote for this committee?

Mr. MONDELL. I think the gentleman ought to do so, whatever his opinion may be on the question of woman suffrage. I think when a very large number of the good women of America ask for a committee to consider the question of woman suffrage, whether or not it shall be provided for by Federal amendment, that so chivalric a gentleman as my friend would certainly not live up to his splendid record if he did not vote them the opportunity to present their case to such a committee; not a committee having a thousand other important matters to consider, but a committee established for the express purpose of considering this one vital and important question. Of course, my friend will vote for such a committee, because my friend is a chivalrous man and he believes in giving consideration to any widespread and general demand of the people of the Nation, particularly the better half of the people of the Nation.

Mr. ROGERS. Will the gentleman yield?

Mr. MONDELL. I will.



Mr. ROGERS. I represent what may be called the converse of the position of the gentleman from Alabama. I am favorable to suffrage by constitutional amendment. On the other hand, I do not like to vote for the establishment of a useless committee. The gentleman from North Carolina [Mr. WEBB], as I understand it, has stated that his committee was ready to report out the work that will be the only big thing which the new committee would have to do. I want to ask the gentleman from Wyoming if there is any other bill which would come before this committee?

Mr. MONDELL. That was a very clever dodge on the part of the gentleman, the chairman of the Judiciary Committee, to avoid, if possible, the judgment of the House about to be pronounced on this subject. We are no longer concerned with what the Judiciary Committee may propose to do some time in the future in regard to this matter. We shall, without any reflection on the Judiciary Committee, relieve them of further consideration of the suffrage question.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. It is too late for that appeal to save the Judiciary Committee.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, the merits or demerits of the resolution to create this committee are not to be determined by its cost or the fact that 12 States have established woman suffrage or any other number of States. Neither is it to be determined by the attitude of any Member upon the advisability or merit of woman suffrage. There are higher grounds than that upon which to consider this resolution. The resolution is unnecessary, it is inappropriate, it is an impairment of the dignity of this House. [Applause.]

The gentleman from Ohio [Mr. GORDON] asked a very pertinent question a moment ago, as to what legislation the committee would have to consider. Absolutely no legislation, because Congress has not the power to legislate. The only possible question which could come before this committee, if created, is the resolution to amend the Constitution of the United States. If there is any committee in this House entitled to consider and to give the most careful, deliberate consideration to an amendment to our organic law, it is the Committee on the Judiciary.

Mr. Speaker—

Mr. RAKER. Will the gentleman yield?

Mr. SMALL. Just for a question.

Mr. RAKER. Is it not a fact that neither one of the last two constitutional amendments went to the Committee on the Judiciary?

Mr. SMALL. Well, this Committee on the Judiciary has jurisdiction of this proposed amendment. It is appropriate it should have it and it ought to continue to keep it.

Mr. RAKER. Let me call the gentleman's attention to this—

Mr. SMALL. I can not yield. That is only an incident in the case.

This resolution purports to create a committee to consider an amendment to the Constitution of the United States. The Committee on the Judiciary have already had jurisdiction, have reported it once, reported it twice, and are ready to report it again at the next session of Congress. What does such an amendment imply? It implies taking away from the State the right of local self-government. From the beginning of this Government the States have exercised the right to fix the qualifications of suffrage, and that right has only been questioned one time, namely, by the adoption of the fifteenth amendment. And if a vote were taken in every State in this Union to-day upon that question I verily believe that the seal of disapproval of the American people would be against the wisdom of that amendment. [Applause.]

Yet I am not discussing that, because I realize it was the aftermath of a great civil war. But here now, in a time of war, when we ought to be considering questions affecting the protection of our dignity and our national rights, we are called upon to create a committee to consider a resolution to amend the Constitution of the United States whose only purpose is to violate a fundamental principle of government and take away from the States that ancient right to regulate the qualifications for suffrage which they have always enjoyed.

Mr. Speaker, we have gone too far and we are considering too lightly this matter of amendments to the Constitution in violation of the fundamental right of local self-government. The prohibitionists have come forward and they are seeking to amend. Shall we have a committee on prohibition? There are some who believe that the Federal Government by constitutional amendment should be given jurisdiction over insurance.

Shall we have a committee on that? There are others who believe that Congress should be given the jurisdiction of marriage and divorce. Shall we have a committee and propose a resolution to amend the Constitution in that respect?

No one for a moment would favor such a suggestion, and no one should favor a suggestion for a committee to consider an amendment to our Constitution upon the question of woman suffrage. I am opposed to Congress, upon any of these questions involving the right of local government, surrendering its functions, our legislative integrity, our capacity, and our right to consider the merits and demerits of proposed amendments to the Constitution, and upon the specious plea that we shall act simply as the spokesman of some propagandists here and there who favor this reform or that reform.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Speaker, may I have two minutes more?

Mr. POU. I yield two minutes more to the gentleman.

Mr. SMALL. And because, forsooth, they encountered the obstacle of delay, because the right rests with the State to determine this question, they come to Congress and tell us that we should surrender our functions and our dignity and propose any amendment to the Constitution of the United States which any set of men and women throughout the country may desire. The jurisdiction of a resolution to amend the Constitution for woman suffrage ought to remain where it is, with that committee, carefully selected, of eminent lawyers on both sides of the House, who, appreciating their oath to defend the Constitution and the fundamental rights of the States, will give that consideration to all these vital questions which their importance deserves. [Applause.]

Mr. POU. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER pro tempore. The gentleman from Texas is recognized for three minutes.

Mr. BLANTON. Mr. Speaker, the distinguished gentleman from Georgia has given the strongest reason of any yet that I have heard why this resolution should not be passed, and that is, forsooth, because there is no committee on male suffrage there should not be one on female suffrage. That reason has no strength whatever, because we men have suffrage already.

The distinguished gentleman from North Carolina says that it is beneath the dignity of this House to have a committee on suffrage. I submit, Mr. Speaker, that a question that gives to women any rights is not beneath the dignity of this House. [Applause.] The distinguished gentleman from North Carolina [Mr. WEBB], the chairman of the Committee on the Judiciary, says that it is against our caucus agreement that there should be any legislation during this extra session upon this question. This is not legislation which is proposed at this time. The creation of a committee is not legislation. The legislation, as I understand it, will come afterwards. It will come at the next session.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GORDON. Just what legislation now will this committee consider?

Mr. BLANTON. Well, the legislation has to be considered by some committee at some time, and why can not a committee be at work now upon the question? Why can there not be a committee at this time, carefully considering the thousands of petitions which are coming into this Nation's capital every day upon the subject? [Applause.] Is there not plenty of work for the committee to do? Some committee should be at work upon it at this time, and I say that the time is ripe when a committee should be considering this question.

In the great Lone Star State, 58 counties of which it is my honor to represent, a State which is the largest in this Union, every person over 21 years of age may vote except a convict, a lunatic, and a woman. [Applause.] I am not willing that woman shall be placed in the same class and category in the Lone Star State with a convict and a lunatic. [Applause.]

We are grossly inconsistent in being willing to permit our good women of the United States to faithfully toil in Red Cross service during war times, to nurse our maimed and wounded, to lovingly provide clothes and bandages for their wounds, to materially assist in conserving the food supply of the Nation, to run the public elevators of the country, to drive trucks and automobiles in service on the front, to enter daringly the aircrafts upon which now we so largely depend; in short, to do every kind of service and bear every kind of sacrifice—we are willing to permit them to do all of these things for the good of their country, but when they ask us to graciously confer upon them a God-given, inherent right it is beneath our dignity to give such request any serious consideration. I intend to sup-



port the resolution. We owe it to the womankind of America. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LONDON].

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. LONDON. Mr. Speaker, I would like to get rid of the woman-suffrage business if for no other reason than to get rid of the silly arguments that are used on both sides of the question. [Laughter.]

The proposition is so elementary: A woman is either a human being or she is not. She is either a member of the community or she is not. If she is a member of the community, she has a right to vote, as to vote means to participate in the making of those rules which are binding upon the community.

As to this suggestion of a committee, I am going to vote for it, but not with any particular enthusiasm, because it looks to me like a miserable sop which politicians give to would-be politicians. [Laughter.]

Mr. GORDON. That is all it is. [Laughter.]

Mr. LONDON. That is all it is. But, on the other hand, it is a concession to the existence of a demand for woman suffrage. It is a cowardly, timid concession that the right of suffrage should be extended gradually, unwillingly, reluctantly, politicianlike, not statesmanlike; but because of the value of that concession I shall have to vote for the creation of a committee. Of course the committee can not do any more than the Committee on the Judiciary has done up to now.

What I dislike about it is the avoidance of the big issue—the question of an amendment to the National Constitution. Nothing seems to be more absurd, more grotesque, more indefensible than the appeal by Democrats to the States' rights idea to-day. In time of war they dare talk of States' rights! How would you like to permit every State to organize a little army of its own? How would you like every State to vote on the question of appropriations for the Army and Navy? States' rights!

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. LONDON. Yes.

Mr. HARDY. Does the gentleman think that war blots out the States?

Mr. LONDON. I think that the States have been blotted out long ago. A million men died on the battle field to destroy artificial State lines. There is an American people, one people, one and indivisible, and the States are mere geographical conveniences. If they are not conveniences, they are nothing else. [Applause.]

Mr. HARDY. The gentleman does not believe in any local self-government at all?

Mr. LONDON. I believe in local self-government so far as it is limited by geographical needs. But when you come to consider the rights of human beings, these can not be limited by geographical considerations. [Applause.] When the gentleman from Texas talks of local self-government he uses a geographical term. What does "local" mean? It relates to space, to place, to the ground.

Mr. HARDY. Mr. Speaker, will the gentleman yield again?

Mr. LONDON. Yes.

Mr. HARDY. Is not the gentleman just carried away by his enthusiasm when he says the State lines are all blotted out?

Mr. LONDON. Oh, I manage to combine enthusiasm with good sense. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. LONDON. Will the gentleman from North Carolina kindly give me five minutes?

Mr. POUL. I regret I have no time left.

Mr. LONDON. Will the gentleman from Kansas [Mr. CAMPBELL] give me three minutes? I want to rap the Democrats. [Laughter.]

Mr. HARDY. Mr. Speaker, I ask unanimous consent that the gentleman be given one minute in which to answer seriously the question whether he believes that the States should be wiped out.

Mr. CAMPBELL of Kansas. If my friend from New York can use the time I give him for the purpose named, I will yield to him two minutes more. [Laughter.]

Mr. LONDON. Very well. Nothing is more absurd than the claim of State rights to-day by a party which has federalized the State militia, and so has done away with the last refuge of the States. The State militia was supposed to be an army organized by the State and existing for the purpose of protecting the State against the encroachments of the Federal Gov-

ernment. Now they have federalized the State militia. They talk about national insurance, about national road commissions, and national road appropriations; but when it comes to the rights of the human being, to the rights of the individual, then they raise the question of State rights. Many of them will vote for national prohibition, or in favor of submitting an amendment which will allow the farmers of Texas to vote on the question of prohibiting a man in New York from drinking a glass of beer. They would allow people in one end of this country to regulate the personal habits of people in the other end of this country; they see no objection to that, but when it comes to a question involving an extension of human liberty they raise the question of State rights. It is untenable. I wish they could face the real issue, and now is the time; and if the women would be energetic enough and brave enough, and not try to play a political game, and not imitate the vices of the men in politics, and compromise and practice the art of political trimmers they would get an amendment to the Constitution. Those who do not ask surely will not receive. [Applause.]

I submit that the country is ready for an amendment to the National Constitution conferring the franchise upon woman.

The right of woman to shape national legislation is a national concern. The Federal Government is ever extending its sphere of activity into fields of legislation heretofore held as exclusively belonging to the States.

Industry, commerce, trade, finance, the principal activities of modern society have overcome all artificial State barriers.

Of course, there is a great deal of frivolous argument used on both sides of the woman-suffrage question.

There is the exaggerated pretension of the suffrage partisan that with the political enfranchisement of woman there will immediately come a regeneration of the human race; that poverty will disappear; vice will be here no more; temperance will become the rule; the child will be taken out of the factory and mine and restored to its mother; in short, that all that is necessary to bring about a complete change of society is to grant woman the vote.

The opponent of the extension of the franchise, notwithstanding the fact that the vote has already been obtained by woman in 12 States of the Union and in some European countries occupying the foremost position among the civilized nations of the world, still continues to repeat the old, worn-out contention that the enfranchisement of woman will destroy the home, pollute political life, degrade woman, and that neither as a matter of right nor expediency is it desirable or advisable to confer upon her political equality.

The great difficulty with both the defenders and opponents of the extension of the franchise is that they lack a social philosophy.

What does the franchise mean? What does the right to vote signify? Is it a privilege or a right? Is it a favor to be granted by the State, or is it an inalienable right of every human being? Is it not more than a right? Is it not a duty?

The study of the struggle for the franchise and its gradual extension from the upper classes to the lower classes of society will furnish the answer to the question.

Democracy means the right to participate in the making of laws.

We have long ago rid ourselves of the doctrine that government is a divine institution, imposed upon society from above, and that the governing power has the special sanction of God.

We have long ago abandoned the theological idea of government and the theological State.

To us government is not an institution by itself, independent and outside of the people whom it governs, but a mere agency giving expression to the collective will and the collective conscience of the community.

As we study the struggle of democracy and for democracy we find the assertion of the right to limit the power of kings declared in the Magna Charta by the barons of England who refused to concede to the Crown the exclusive right to govern the land and to control the imposition of burdens upon property.

Property and liberty were then considered almost synonymous.

The landlords or the owners of land were the only ones who claimed the right to participate in governing and in the making of laws.

The law was primarily designed to protect their rights to own and control the land and to compel observance by the rest of the community of the laws which involved submission to the rules imposed upon the nation by the landowning class.

Law and order then stood for the law and order as made by the owners of property, or by the owners of land; no one else dreamt of asking for participation in the making of those laws.



With the growth of commerce and industry, the commercial and industrial classes increasing in importance and in power, finding themselves in possession of enormous sums of money and capital which was needed by the kings and barons in their numerous wars, asserted their right to participate in the making of laws, their right to have a say on the question of the extent and burden of taxation. Again the right to participate in the making of laws and in the Government meant the right to control the laws regulating the acquisition and protection of property.

It is only when you come down to the beginning of the nineteenth century that the principle of taking part in the making of laws assumes the popular form, and the right to share in the government is no longer made dependent upon the possession of property, but is based upon the right of every individual to legislate those rules of conduct which shall be compulsory for all.

In other words, the right to govern, which meant the right to vote, was based prior to the nineteenth century upon property, and property was recognized only either in land or capital. The principle that every human being owes an allegiance to the law only when he participates in its making began to gain ground only in the last century.

We find that at the time the American Constitution was framed almost every State of the Union required of the voter some property qualification, the old principle still being retained.

It was not that every human being was entitled to participate in the government, but it was only the human being who had property that had a share in the government.

The famous struggle in Rhode Island in 1842, the so-called Dorr rebellion, introduced a substantial change and liberalized the law of Rhode Island. Up to that time the constitution of Rhode Island followed the charter of 1663, according to which only landlords and their first-born sons had a right to vote.

A study of the franchise in European countries, with their classes and their curiae and their plural voting point to property as the source of the franchise.

Until very recently they had in Austria-Hungary a complicated curia system with five classes of electors—the large landowners, the cities, chambers of commerce, rural communes, and the rest of the male population constituting the fifth class. The system was devised so as to give to the great masses the minimum representation. The curia system still prevails in several Austrian Provinces.

In Prussia they have a three-class system based upon the amount of taxes each class pays, calculated to give to the majority of the people the least of representation.

The plural system of voting has survived in England, where the owner of several parcels of property votes in the several counties in proportion to and on the basis of the property he holds.

In the Netherlands the ownership of a fishing boat of a certain size carries with it the right to vote.

The propertyless individual who could only contribute his work to the community was not taken into account. He had nothing to say as to how society should be governed.

Law and order meant the law and order of the propertied classes imposed upon the propertyless.

Analyzing history in the light of the struggle of men for the franchise, we understand the full significance of the woman's struggle for the vote.

It is something more than granting the vote to woman as distinguished from man.

The enfranchisement of woman means the placing of human society upon a higher basis than that which has heretofore formed the foundation of our law; it is no longer a question of property right, but a question of human rights.

The unit of the community is no longer the individual who pays a certain amount of taxes for land or who owns a certain amount of capital, but the human being, the human being who contributes his or her share of work to the welfare of the community, whether it be in factory, mine, counting room, or university; whether it be by the practice of a profession or of a trade, the individual is the unit of society to-day.

The principle of the vote as inseparable from property was recognized to such an extent in the past that many decades ago, irrespective of the broad question of woman's emancipation, widows and spinsters who had property were given the right to vote on questions of taxation.

In other words, there was the same theory—property had the right to vote and not the human being.

If the woman had property, she had the right to vote.

The extension of woman's suffrage means a contribution to genuine democracy. It will mean that for the first time in

history the individual will be recognized as the basis of the community.

We can recognize only one basis for legislation—that which comes from a free expression of the will of all the individuals who compose society.

The unit of civilized life is the individual.

That is why woman suffrage has so much significance for the men who dream of a better society.

We are on the threshold of a nobler civilization.

The past is undergoing merciless scrutiny. We are revising our laws and our codes of morals.

The mere fact that a notion or a theory is old has no special significance for us, but, on the contrary, stimulates us to a more thorough analysis and scrutiny.

There are great evils to be eliminated.

There are many wrongs to be righted.

We can not rest content; and while the world can not be changed by the lawmaking power only, the participation of every human being in the making of a better world can not be denied.

The extension of the franchise to woman means the extension of democracy. It means an opportunity to every human being to contribute his or her share to the building of a better world.

Mr. POUL. I believe I have seven minutes remaining.

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. GARRETT of Tennessee. Mr. Speaker, I think I have 34 minutes remaining.

The SPEAKER pro tempore. The gentleman has 38 minutes remaining.

Mr. GARRETT of Tennessee. Would the gentleman from North Carolina [Mr. POU] like to have me use some time?

Mr. POU. Yes.

Mr. GARRETT of Tennessee. I yield to the gentleman from Oklahoma [Mr. MORGAN] five minutes.

Mr. MORGAN. Mr. Speaker, this is not a question of the rights of men or the rights of women. It is not a question of woman suffrage. It is not a question of the propriety or the wisdom of giving the right of suffrage to the women of the United States. It is not a question whether woman suffrage shall be determined by State laws or by national laws, or whether women shall secure the right to vote from the States or from the Federal Government. It is simply a question whether or not there is any real, substantial, valid reason why a special committee shall be created to consider bills and resolutions relating to woman suffrage. This question must be answered in the negative.

I do not agree with some of the gentlemen who have opposed this rule. For instance, the honorable chairman of the Judiciary Committee, the gentleman from North Carolina [Mr. WEBB], says that a majority of the Judiciary Committee are against woman suffrage. In this I think he is mistaken. He may speak correctly as to how the committee has stood, but I do not think he has authority at the present time to state the attitude of that committee. I do not know, neither do I think he knows, how that committee stands if a vote were taken to-day. I do not think he is correct in asserting that a majority of this House are against woman suffrage to-day. In my opinion, if we should take a vote to-day, a majority of this House would vote for woman suffrage. [Applause.] For myself, even before I became a Member of Congress, I went to the polls as a citizen of Oklahoma and voted to amend our constitution so as to confer the right of suffrage upon the women of our State. At every opportunity that I have had as a member of the Judiciary Committee I have voted to report the woman-suffrage amendment favorably. At every opportunity, in the committee room or in the House of Representatives, or as a citizen of my State, I have stood for woman suffrage. But that is not the question we have here to-day. You propose by this resolution to create a new committee. To create that committee means that you are to take jurisdiction away from the Judiciary Committee. That ought not to be done unless there is some good, solid, substantial reason for so doing. I submit no such reason has been given here to-day, and in my judgment can not be given.

Woman suffrage is a disputed question, a question that is in controversy here in this House, in the Senate, and everywhere throughout the Union. You propose here to appoint a special committee. As suggested by the chairman of the Committee on the Judiciary, Mr. WEBB, are you going to appoint a committee that is favorable to woman suffrage? Is that to be the test? Is no man to go on that committee unless he is favorable to woman suffrage? Are you going to line up the Members of the House and ask them to state their position before you select that committee? The probabilities are that the advocates of woman suffrage will try to see that this new committee shall be



in favor of woman suffrage. Otherwise they would not be in favor of creating the new committee. Is that the way the great committees of this House should be appointed? I think not. The members of the Judiciary Committee were appointed not with regard to their views on woman suffrage, prohibition, or any other question. They were appointed impartially, without regard to their views on national questions. They were all supposed to be good men, ready to do what is right. This is the way committees should be appointed. If this new committee shall be created, men will be appointed thereon because they are for or against the proposition. I do not think that is wise.

As to whether or not the creation of this new committee is a reflection upon the Judiciary Committee, I do not think that should have any great weight with any of us in our vote. It is natural for members of the Judiciary Committee to feel that it would be a reflection, but that should not control any man in his vote upon this rule. I hope this motion will be defeated. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I am opposed to this resolution not because I am a member of the Judiciary Committee but because I think the issue is much larger than the transferring of jurisdiction from one committee of this House to another. The question here is whether in the closing days of a special session of Congress we are to take action which will seem to yield to the demands of some iron-jawed angels who have been picketing the gateways to the Executive Mansion and flaunting in the face of the Chief Magistrate of this Nation banners seemingly treasonable and seditious in character and which if used by a poor workman in an attempt to get his rights would speedily have put him behind the bars for treason or sedition; and these poor, bewildered, deluded creatures, after their disgusting exhibition, can thank their stars that because they wear skirts they are now incarcerated for misdemeanors of a minor character. Why should we submit to this demand at this time when you have been told the attitude of the Judiciary Committee? When the hearings closed, even during this special session of Congress, I stated that I was willing to vote to report out the resolution submitting to the people this question at this session, and I am willing to do so now; and if it be submitted before we adjourn I am willing also to report out the other resolution to submit to the people the other question of a national constitutional amendment, namely, that of national constitutional prohibition, because both these measures have been pending before the Judiciary Committee and the demand for the submission of one is just as insistent as for the other.

Now, as has been pointed out, if this special committee is appointed just before we adjourn, no great benefit will inure to the cause of suffrage, because the chairman of the Rules Committee says that he does not intend that this special committee shall report a resolution before we adjourn, but that they will wait until December. The Committee on the Judiciary, that has always had jurisdiction, intends to report out a resolution in December, and has made no attempt to hide such intention.

The gentleman from New York—the lone representative of the Socialist Party in this body—has given his views, and talks of greater democracy. We had a representative of that party before the committee, who coincided practically with the views expressed by some of the principal suffrage proponents who appeared before the committee, to the effect that if they were not given suffrage the American people need not expect that the women of America would do their patriotic duty during this war. Are we by any subsidiary action, even though it means only the transfer of jurisdiction, to take action here which will say to the great American people, and to all the women of America, and to the hundreds of thousands of women who are opposed to having suffrage put upon them, particularly in a time of stress and strife under which this country is now passing—are we to say that we can be driven into this mere incidental action by an exhibition that we have been witnessing in Washington during the past few months, when the Chief Magistrate of the Nation has been wrestling with war problems, and say we supinely yield to your unpatriotic antics to a certain class of women picketing the gates of his official residence—yes, even posing with their short skirts and short hair within the view of this very Capitol and our office building, with banners which would seek to lead the people to believe that because we did not take action during this war session upon suffrage, if you please, and grant them the right of the ballot, that we were traitors to the cause of the American Republic?

It is a matter of congratulation in the great question that confronted this country at the beginning of this session that the majority of this House of Representatives did not hold the views that are held by the gentleman from New York [Mr. LONDON]. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin, Mr. STAFFORD.

Mr. STAFFORD. Mr. Speaker, of all times, this is the most inopportune for the Congress of the United States to pass any such resolution condoning the outlawry that has been going on the past several months here in Washington. The judgment of this House in passing this resolution will be construed by the country at large with one purpose in mind, and that is that it is a premium and sop to those militants who have been disgracing themselves, disgracing Washington, disgracing the President by hovering around the White House carrying banners inscribed, in some instances, with insulting phrase. What other purpose have the supporters of this resolution except to bolster up their waning cause when they were defeated, and righteously defeated, in Maine, where the electorate of that great State, although a large number were sympathetic to the suffrage cause, repudiated such practices? But, after that defeat, the leaders of the suffrage cause said, On to Washington and force recognition by Congress. What else can our action here to-day mean to the country at large? And what advantage can be gained by the creation of this committee? No action will be taken by the committee at the present session. The Judiciary Committee, framed substantially as it was when this resolution was presented in the Congress before last, is ready to present the only proposition that will be considered by this committee, a resolution for an amendment to the Constitution at the next session of Congress.

If it were a question of suffrage, if the National Government were going to abolish State lines altogether and create one great national sovereignty to pass on all questions, then there might be some necessity in creating a committee on suffrage to determine the qualifications of both male and female suffrage; but the question alone is a constitutional amendment providing for woman suffrage, but at this time for us to take this up with these glaring instances of abuse on their part is most ill timed. The militant class will exclaim, "Ah, see how we have driven the great House of Representatives to recognize our rights. If we keep up the same sort of practices we will compel the House, when they come to vote on the constitutional amendment, to surrender obeisantly likewise."

Gentlemen, there is only one question before the House to-day, and that is, if you look at it from a political aspect, whether you wish to approve the practices of these women who have been disgracing their cause here in Washington for the past several months. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to inquire how the time now stands?

The SPEAKER. The gentleman from Tennessee has 23 minutes, the gentleman from Kansas has 4 minutes, and the gentleman from North Carolina has 7 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Speaker, I have no prejudice against woman suffrage. If it were legally possible for the women to settle this great question themselves, that would be perfectly satisfactory to me.

I am opposed to this resolution for two reasons:

First. Because the majority in this House notified us early in the session—last April—that only war measures would be considered at this extra session of Congress. You intimate now that this resolution is not legislation and therefore does not come within the understanding. I do not concur in that view. I have consistently voted during this session for every bill demanded by the Executive and deemed necessary for the vigorous and successful prosecution of the war. I propose to continue to do that, and the consideration of war measures ought to be our sole business during this extra session of Congress.

Second. Because this question of woman suffrage is now pending before the Committee on the Judiciary, of which I have the honor to be a member. We have heard extended arguments for and against woman suffrage. I assume that a decision will be given by the committee at the next regular session of Congress and a report made to the House. Tell me one reason why you should take away from the Judiciary Committee this ques-



tion now pending before it and under consideration by its members.

There is not any reason why this resolution should come before the House at this time. It means the creation of a useless committee. What on earth could it do? You admit that there is only one thing which it could do, and that is to frame up a proposed amendment to the Federal Constitution for submission to the House.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MAGEE. No; I have not the time. Do you not think that the members of the Judiciary Committee are competent to submit to the House a resolution for the Members to vote upon? No one can give any substantial reason why the Judiciary Committee should be deprived of jurisdiction in the premises, particularly at a time when the question of woman suffrage is pending before it.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, in two minutes I hardly have time enough to say that I am in favor of woman suffrage and against this committee. Many reasons pro and con have been repeated upon this floor to such an extent that further argument may seem unnecessary. I desire only to say a few words to explain my vote. It seems to me to be ridiculous to appoint a special committee to make a report on the woman suffrage amendment. The proposition the women want passed is the Susan B. Anthony amendment. No one disputes that fact. Everyone who is interested in this committee simply desires this one proposition submitted to a vote in the House. There is nothing then for a committee to study, as the form of the legislation is agreed on. The question of policy is for the House and not for the committee in matters of this kind. As bearing upon the question of policy the Judiciary Committee has had repeated hearings. Ample opportunity has been afforded each side to present facts and arguments. The question now is simply this: Shall we create this committee purely for political purposes? Let me call to the attention of the friends of suffrage this one thing. Whenever the enemies of legislation want to delay a thing they appoint a committee, do they not, to study the proposition? That is the practice in legislative bodies not only to delay, but to defeat action. You know as everyone who has taken any interest that the Judiciary Committee is going to report the suffrage amendment next December. That will be done if you leave it with the Judiciary Committee; but if you appoint another committee you do not know whether it is going to be reported at all? You can not know unless you know that the new committee is to be packed for the purpose of making a report.

The creation of this committee will not help woman's suffrage but will be used as an argument against those who urge it. It will be pointed to as a concession that, in a measure, should satisfy its advocates for a time at least. You will notice that it will be voted for very largely by those who are opposed to equal suffrage. I am not going to vote to hazard a chance for its consideration at this time.

In this discussion some very unfair comments have been made upon the women who picketed the White House. While I do not approve of picketing, I disapprove much more strongly the hoodlum methods pursued in suppressing the practice. I gather from the press that this is what took place: Some women did, in a peaceable and perfectly lawful manner, display suffrage banners on the public street near the White House. To stop this the police allowed the women to be mobbed, and then because the mob obstructed the street the women were arrested and fined, while the mob went scot-free. This occurrence reminds one of the disgraceful attack made on the suffrage parade in this city a few years ago. Does not such shameless conduct argue that women do need the vote to protect themselves? If the guardians of peace and those who boast of their chivalry to women have no more regard for woman's rights than this argues, it is high time that something besides cheap politics be demanded.

I was sorry to note that several speakers made disparaging remarks about the women who ask a right to vote. Heat of debate can not justify this. No better women can be found anywhere than can be found among the hundreds of thousands enlisted in this cause. One of the unkindest cuts of all was an insinuation that certain women demanded as a condition for their patriotic support of the Government in this war that suffrage be granted to them. Though I have been present at all the suffrage hearings had before the Judiciary Committee during the last four or five years, no organization and no individual has urged anything that by any fair construction could be tortured into any such attitude. Such a suggestion is not only without foundation, it is cruel. It is ruthless warfare.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Speaker, I think some larger questions are involved in this proposition than woman suffrage. Esau sold his birthright for a mess of pottage, and I do not doubt that the pottage was very good, and he has many spiritual descendants to-day. Every departure from old lines and standards has been upon the plea that the purpose sought to be accomplished was a good one. That is natural, because otherwise the inherent merits of the proposition would defeat it. We have a committee with ample jurisdiction to consider the question of woman suffrage, and as a matter of fact it has been considered. The moral effect is the only purpose for the creation of this special committee. It is an instruction to that committee to bring in a favorable report. In addition, Mr. Speaker, it would be well nigh impossible in the election of that committee—to use a slang phrase—not to “salt it,” because the views of every Member of the House upon the question of woman suffrage are very well known, and the Members going upon that committee where you already have a committee with ample jurisdiction which has been considering the question—this special committee being appointed would feel quite naturally that the appointment was an instruction by the House to bring in a favorable report. Personally, whenever the women of Mississippi wish to vote I am perfectly willing that they should do so, but I believe in the sanctity of campaign pledges. I believe that our platform is specific. Aside from that, I believe that the franchise question should be left to the States. The gentleman from New York [Mr. LONDON] is rather impatient with the form of government which was created by the fathers. He is not alone in his impatience, but I believe that the Federal Government should not enter upon the business of fixing the franchise qualifications. I think this can be wisely left to the States, and that was the doctrine taught by Thomas Jefferson.

The Judiciary Committee of the House has ample authority to consider the question of the submission of an amendment to the Federal Constitution, and the fact is that it has been considering it for several terms. The real complaint is that it has not seen fit to bring in a favorable report, and so now it is sought to have the House constitute a special committee on woman suffrage, with the hope that the very adoption by the House of the plan to have such a committee will act as instructions to its members to bring in a favorable report. Why have such a committee otherwise? It is not needed; it is not required, for no one has been denied a hearing by the Judiciary Committee, which now has jurisdiction. But, as I have said, a larger question is involved than that of woman suffrage.

I am opposed to such a committee, in the first place, because our Democratic platform, which is the party pledge to the people, expressly states that the question of woman suffrage is a question for the States. This being true, why create a committee for the submission of a constitutional amendment to the Federal Constitution and thus impliedly say that it is national in character? Why create such a committee, if its purpose be not to furnish the recommendation upon which we will break party fealty and the solemn pledge made to the American people?

The same observations are pertinent to the attitude of the Republican Members of the House, for their platform was practically the same as that of the Democrats.

It is argued, however, that the creation of such a committee would not pledge the membership voting for it to vote for a resolution submitting an amendment of the Constitution to the legislatures of the States, but, on the contrary, would be simply affording an opportunity to hold hearings and obtain more information on the question.

To begin with, this argument is false as to fact. We have been holding hearings for several years, and every argument for and against such an amendment to the Federal Constitution has been made and made again, until every Member of the House is familiar with them, and this fact is known of each Member and of those proposing the creation of this committee. No added facilities are needed to get the merits of the proposed amendment before the membership of the House.

Again, if those Members voting for the creation of this committee do not do so with the implied understanding that the question is an open one with them and that they will vote for the submission of such a constitutional amendment if they become convinced by the committee hearings and by a favorable report of the committee that such a step is wise and right, they are doing an idle and futile thing. So it follows that those who vote for this resolution are doing either an idle thing or else are taking the position that the platform of their party does not bind them and that they will cheerfully repudiate one of the things upon which the party asked for power and authority.



In the second place, I am opposed to the creation of such a committee with its creation being a practical instruction to bring in a favorable report for a further and more fundamental reason.

I believe that the fathers of the country were acting with wisdom when they decreed that local conditions were to be legislated upon by the local communities who lived under them; that the institution of local self-government was in fact a condition of local freedom. They decided that matters of franchise were to be left with the States, for they thought that with the varying conditions in each State it could be best left with those communities which best knew conditions. Now, it is proposed that the Federal Government shall go into the business of setting up standards for the exercise of the franchise. Can there be any man who has watched the course of national legislation who does not know that when once the Federal Government begins to exercise authority in a given field it eventually occupies the whole field?

Congress was wisely given the right to regulate commerce between the States and foreign nations. Has it stopped at this? No; true to its tendency, under the guise of regulating commerce, it has passed laws which if upheld as constitutional will take from the States all right to regulate their local affairs where the activities of the people result in a product which is shipped in interstate commerce.

Everything can be so regulated—the size, shape, and structure of factories; the labor of men and women; what they shall work for and what they shall demand; hours of labor; and every conceivable thing connected with the growing, the creation, or the manufacture of any article which is to be shipped in interstate commerce. Many of these things may be good, but in this realm the people of the States were intended to be left to say what was good and to have it or not as they pleased, and were not intended to be forced to accept the congressional standard of goodness.

Now it is proposed that Congress should enter upon franchise matters and fix standards, taking this from the States.

Of course if Congress fixes standards it will see, or at least pretend to see, that these standards are observed. Federal supervision of elections is the next step which will follow fast.

Heaven help the South when ignorance, race hatred, and political corruption are again marshaled to do the bidding of political exigency.

Some may say that my fears are groundless and my objections are far-fetched. Maybe so. This I know, that the course upon which we are about to enter contains these possibilities. The course mapped out by the great political thinkers who founded the Government and placed the safeguards of the liberties of the people in the great fundamental law contain no such dangers. The old paths are well known and safe; the new ones are blind and maybe are filled with gins and pitfalls.

Mr. GARRETT of Tennessee. Mr. Speaker, I have 10 minutes remaining, have I not?

The SPEAKER. Yes.

Mr. GARRETT of Tennessee. There will be two more speeches on this side.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker and gentlemen of the House, the opponents of this proposition seem to be limited for the most part, first, to the members of the Committee on the Judiciary, and, second, to those who are opposed to woman suffrage on the merits of the proposition. Regarding the first, may I say the supporters of the resolution cast thereby no reflection upon the Committee on the Judiciary. That great committee has the confidence and respect of the Members of the House. But from the beginning of the Government this legislative body, as all legislative bodies, has acted through committees. Committees are mere agencies for the consideration and expedition of business of the House. They are the servants of the House, and are called into being as the business of the country from time to time demands consideration.

We had no Committee on Elections except special committees until 1794. We had only one committee until 1895, and then we provided for three. We had no Committee on Appropriations until 1865 and no Committee on Banking and Currency until the same year. The Ways and Means Committee, which had been a special committee until 1802, performed for more than 60 years the work of the two other great committees of this body, the Appropriations Committee and the Committee on Banking and Currency. The Interstate Commerce Committee was created in 1875 and did the work that it now does and, in addition, the work of the Committee on Rivers and Harbors. We had no Committee on Rivers and Harbors until 1883, when the work of this country, through the demand for greater river and harbor

improvements and the time upon the Committee on Interstate and Foreign Commerce made it necessary for us to create a Committee on Rivers and Harbors. In turn that committee not only handled river and harbor work but the question of flood control until a comparatively recent date. Then we created a Committee on Flood Control. The Irrigation Committee, the Committee on Mines and Mining were both split off from the Committee on Public Lands, and so it has been with the organization of other committees of this body. There was no reflection upon the parent committees, but rather the recognition of some great problem to be specially cared for. So here there is no reflection upon the Judiciary Committee, but rather a recognition of the proposition that before us is a great question that the American people ought to be given the opportunity to have considered in all its ramifications through a committee appointed for that particular purpose.

The passage of this resolution does not mean that the question shall be decided one way or the other; it does not mean that women shall have the right to vote; that an amendment to the Constitution shall pass; but, rather, it does mean that the question that involves the rights of one-half of the people of the United States shall, on coming before this body, have a hearing before a committee constituted for the purpose of dealing with so important a question.

And, gentlemen, if the business of the country demanded the appointment of many other committees of this House, what shall we say of a question that involves the political status of 20,000,000 people?

You have a Committee on Mines and Mining, yet the sacred rights of a free people are more than the wealth of all the mines. You have a Committee on Insular Affairs, yet here is a committee that would have to do with the people at home. You have a Committee on Indian Affairs, and that handles the problems of a people we are leading on to splendid citizenship; yet here is a committee that would have to do with the franchise of the women of our country, who always have been the peers of those to whom suffrage has been granted during the days of the Republic.

The gentleman from Georgia said we have no committee on man suffrage, his inference being that because of that we need none on woman suffrage.

Why, the very words of opposition are the strongest argument. Does the gentleman forget that lack of man suffrage was what caused our Revolution? Do we forget that we had not one committee but committees in every hamlet from Cape Cod to the Colony of Georgia, all of them working for manhood suffrage? Do we forget that the very fact that manhood suffrage is Nation wide removes all necessity for a committee on man suffrage?

Another speaker says it is beneath our dignity to create this committee. But why? It was not beneath the dignity of our fathers to fight for liberty a hundred years ago. It has not been beneath our dignity to stand for freedom for the down pressed of other lands. It is not beneath our dignity to-day to support as we believe in the world war the side that stands for human rights, for liberty, for suffrage in a large sense, if you please.

May I now turn for a moment to those who oppose this resolution because they are opposed to woman suffrage.

Again I ask, Why? Are they not in favor of fair play? Do they want all the facts, or are they afraid that further inquiry and further consideration will strengthen the cause of suffrage? For my part I believe it will. Some of our opponents urge that suffrage is being repudiated in elections that are being held. If so, why should they oppose the creation of a committee that would accentuate this deplorable condition? Rather, gentlemen, I believe that the more this question is debated, the more it is discussed in Congress and on the platform and by the fireside, the stronger must be the claim of those for suffrage, who at all times and under all circumstances have been loyal to our country. I remember well the words of a dear mother of two sons who have already gone to France to do their "bit." She said to me, as the tears filled her eyes, "I am proud of my boys, but I am living in Gethsemane." Gentlemen, the women of our land are not only living in the garden of sorrow, but they are doing their full share in carrying forward the great work upon which our Nation is engaged.

Surely it is not asking too much to ask for a committee that will give its time to the question of woman's full share in government.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I differ just a little from some of the gentlemen who have said that this was not a war measure. I am inclined to think it is a war measure; that the war on the Committee on Rules has gotten so warm that they want



to transfer it to the Committee on Ways and Means, who will name the Democratic members of the proposed committee.

Mr. Speaker, I am not going to argue the merits of the proposition as to whether a constitutional amendment should be adopted or not. I feel, coming from the South, we could set forth one good reason why the great question of suffrage ought not to be taken away from the States, as memory carries us back to the end of the Civil War, when the smoke of conflict had been raging and the outrageous fifteenth amendment was put upon our people, and it seems to me that we ought to be very careful when we undertake to give other States the right to say who shall have suffrage among the people in the several States.

But, Mr. Speaker, there is no necessity for this proposed committee, and those who are contending for it can not say and do not say that there is. I am not a member of that great Judiciary Committee, but there is no man or woman living who can say that the committee has ever dealt unfairly with the suffragettes. Then what reason can there be for the committee other than to secure a stacked committee? I am not charging any such reason to the splendid members of the Rules Committee that favor this resolution, because I believe a greater motive, perhaps, may have prompted them, and that was the way to get rid of the war these women were making on them. But, Mr. Speaker, what other motive could have prompted the propaganda that has been forcing itself on the Committee on Rules and trying to force itself on the House except the hope of getting a packed committee? And when this House transfers the nagging from the Committee on Rules, mark my prediction, the members of the Ways and Means are going to suffer that same nagging. They have shown their purpose in the Senate. We do not need any better evidence that that is the purpose of this resolution. Woman suffrage has the personnel and the sympathy and the sentiment of all those who constitute the Suffrage Committee in the Senate.

I am going to read in my time a short portion of a letter written by Mrs. Richards, a most excellent correspondent of a number of newspapers in New England, in a recent article to the Woman's Protest, a correspondent who has looked very carefully into this matter, and this is what she says:

There is but one committee in Congress composed of hand-picked Members whose avowed convictions before appointment were all on one side of the vital question which their committee had been expressly organized to consider. That is the Senate Committee on Suffrage. All of the other 133 committees of Congress are bipartisan, not only on political questions, but represent varying sentiments on the specific topics which it is the duty of each committee to consider. But the Senate Committee on Suffrage, with its nine members, provides no representation for the millions of women throughout the country who oppose suffrage and who are urging Congress to protect them from the threatened invasion of militant women. The committee is composed of Senators JONES (chairman), New Mexico; OWEN, Oklahoma; RANSDELL, Louisiana; HOLLIS, New Hampshire; JOHNSON, South Dakota; JONES, Washington; NELSON, Minnesota; CUMMINS, Iowa; and JOHNSON, California. Each of these Senators had, prior to his appointment, expressed himself by voice or vote as favoring woman's suffrage. The full import of this lack of representation for the women who opposed suffrage can be best realized when it is recalled that every petition, resolution, or proposed Federal law relating to suffrage must be first placed in the hands of this committee, which considers it behind closed doors, and later reports to the full Senate its findings as to the merits of the case. And the committee report often sways the vote of the Senate.

Mr. Speaker, does any Member of the House believe those gentlemen who are insisting upon this resolution would be willing to accept an amendment to the resolution that the personnel of that committee should be divided in the proportion that the Members of the House of Representatives stand on that question? It would be a fair thing to do, but the Committee on Ways and Means, when they come to pass on this question, I hope will stand up and do what is fair, and if they do it against the pressure that is brought they have got twice as much iron in them and a little more strength than some have. We all know how powerful is the influence and tenacity of a woman when fully aroused. I have been working in double harness, Mr. Speaker, for the last 30 years, and I learned a long time ago that when she says "Go" he goeth and when she says "Come" he cometh. And I think that other men are the same. [Applause.]

Mr. POU. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I do not regard this movement as a reflection upon the Judiciary Committee of this House. If I entertained seriously that thought, I would certainly vote against the resolution. When a similar committee was created in the Senate, members of the Judiciary Committee of that august body did not resent it and did not regard it as a reflection upon themselves. I hope the members of this committee will permit us to give the women of this country a day in court. [Applause.] Give them a committee, with a chairman in full sympathy with their aspirations.

Mr. GORDON. Do you want a hand-picked committee?

Mr. AUSTIN. No. I consider that statement a reflection upon the honor of this House, to say it will be a hand-picked committee. We are not selecting committees in that way under the splendid administration of our honored and impartial Speaker.

I hope there will be chivalry and fairness enough in this House to elect the Member from Montana [Miss RANKIN] as chairman of this proposed committee, who so well, efficiently, and faithfully represents the great State of Montana on the floor of this House. Mr. Speaker, there are two great public questions which will be settled only in one way in America, and they will be settled right. The prohibition question is fast being settled. There comes hand in hand with and directly back of it this question of suffrage for the American women. Just as sure as to-morrow's sun will rise, it is coming. You may stop it here to-day. You might block it in this Congress, but the sentiment in favor of it grows with the days and the hours. There will be fairness enough, justice enough, honor enough among the thinking American people to give them the rights which they deserve and to which they are justly entitled. [Applause.]

The SPEAKER. The time of the gentleman has expired. Each of the three gentlemen has five minutes remaining. If nobody wants to speak, the Chair will put the question.

Mr. POU. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, we have listened to many and varied arguments by those who oppose the organization of a Woman Suffrage Committee in the House. They may be all right in their way, but most of them do not weigh much.

It has been argued that the "picketing of the White House" by the so-called militant suffragettes is sufficient reason for refusal to authorize this committee. I heartily agree that the conduct of these misguided individuals has been unreasonable, but I maintain that it is vastly more unreasonable for any Member here to make their universally repudiated tactics his excuse for voting against a committee for the consideration of the political freedom of millions of the patriotic, loyal, right-thinking, and right-acting women of America. [Applause.]

My friend from Alabama [Mr. BURNETT] argues that because he believes a majority of the House is opposed to woman suffrage he will vote against this proposal to have a vote upon it. If that idea is carried to its logical conclusion, no question could ever be voted on until it was absolutely certain that it would be passed. I am one of those who believe that the American people have a right to know how their Representatives stand on questions of this importance. I have an idea that the very roll call itself, the requirement that Members stand up and be counted for or against this measure, will have a vast influence upon its success. The people themselves have a way of compelling their Representatives to really represent them when they know the exact situation as to the attitude of their Representatives. [Applause.]

It has also been stated that this resolution should not be passed because it takes a question from the jurisdiction of the Judiciary Committee. Carry that argument to its conclusion and no new committee could ever be established, regardless of the changed conditions that might arise. It is simply a declaration that everything old is necessarily sacred, and that everything new is necessarily dangerous. In the light of a new era in American history, with old customs and habits and creeds going down before actual conditions, that kind of argument will scarcely avail.

The State rights argument has also been called upon to do duty in this discussion. Surely the question of whether it is just to consider fairly the right of women to vote is not affected by State lines. If a thing is wise and just in Illinois, it is equally wise and just in Kentucky. The women citizens of this country are not so different on opposite sides of an imaginary line that some are fit to govern themselves and others are unfit. This is a national question and must be so considered. The State rights advocates forget their misgivings in the consideration of appropriations and matters dealing with property. We insist that they can not shackle within State lines the questions dealing with human liberties and human rights.

The gentleman from Wisconsin [Mr. STAFFORD] makes the argument that consideration of this resolution is ill timed; that this extra session of Congress is not the proper time for action upon it. I hold that this is exactly the time for it and that delay would have been inexcusable. In fact, when the question was voted upon in the Rules Committee on June 6 I advocated a vote on that day and voted against delaying it three months to the present date. The House adjourned that day without transacting business, and the question of this committee could have been and should have been settled finally then.



But surely this session should not be adjourned without action. We are fighting a war to make democracy safe in the world. While doing that we must take every means possible of making democracy sure in America. And there can not be real democracy, true government by the people, when half of the adult, intelligent citizenship do not have the right to vote. There can not be real expression of the national will in America unless the womanhood of the Nation has the right to express her will in the only way that expression really counts in the end, and that is with the pencil in the voting booth on the day of election. [Applause.]

One of the best definitions of democracy ever given was that of Pasteur, the great scientist. He said:

The true democracy is that which permits each individual to put forth his maximum effort.

Now, we have been calling upon the women of this Nation to serve in a multitude of ways during the conduct of this great war in which we are engaged. I maintain that simple justice demands that they be given the power to make those efforts really effective.

I hold in my hand a red, white, and blue circular issued by the American League for National Unity. It makes exactly the same appeal that is made by every patriotic organization and by the Nation itself. It is as follows:

The country needs women—  
To give their sons to defend the Nation.  
To force the "slacker" to do his "bit."  
To encourage their children to save their pennies for the Red Cross.  
To sew and knit for the men who are at "the front."  
To produce their own vegetables in their back yards.  
To keep a watchful eye on the family pocketbook.  
To serve as Red Cross nurses.  
To work in munition factories.  
To teach classes in American citizenship in the schools and churches.  
To display the American flag from their homes.  
To teach their sons and daughters to salute the national emblem.  
To remember the President and the men of the fighting forces in their prayers.  
To urge a new spirit of national unity.

Does any Member mean to say that the women should give their sons to defend the Nation and yet have no voice as to their protection? Shall the women encourage their children to save their pennies and to keep a watchful eye on the family pocketbook and yet have no voice in protecting that money from the hands of unscrupulous profiteers? Shall the women work in munition factories and yet remain dumb as to working conditions in those factories? Shall they teach citizenship in schools and churches and yet be denied the vital rights of citizenship? Shall they remember the President and the fighting forces in their prayers and yet be unable to help make their prayers come true? Shall they urge the new spirit of national unity, while at the same time they are prevented from realizing their own membership in the Nation? [Applause.]

Gentlemen of the House, I insist that the women of this country have the biggest stake in this war. In the current issue of the Official Bulletin, issued by the Government, I find 28 separate articles. Of these 12 are direct appeals to the women of America, while those dealing with the assignments of soldiers are of heart concern to mothers above all others. These articles deal with "Sugar supply and prices," "Red Cross activities," "Grain and foodstuffs," "Food value of potatoes," "Municipal markets," "Milk prices," "Retail delivery methods," and so forth.

Surely in this day of direct governmental appeal to the women of the land to serve their country these women have a right to a committee which shall give full and free consideration to their claims to the franchise.

Mr. Speaker, not only have the women a right to ask the creation of this committee for the consideration of the question of equal suffrage, but it is a matter of wise policy. The keynote of American thought to-day is cooperation. This war, with its hideous possibilities, has awakened the Nation to the fact that the supreme need of the hour is close cooperation between all classes for the safety of the Republic.

President Wilson's phrase, "We must all speak and act and serve together," has been heeded by this Congress, and every measure passed has had as its foundation principle the obligation of all classes of citizens to serve the Nation in its time of need.

But still it takes more than a splendid phrase and legislative enactments to secure the unity which is essential at this time. This cooperation must be based on justice and consented to in liberty. It must come through the people and not be forced on them from the outside. American unity must be that of co-ordination, not subordination. It must be the unity not of obedience but of agreement, not of followers but of fellows.

We must first make every citizen realize membership in the Nation before we can expect responsibility for the Nation.

One of the greatest tributes that could be paid the womanhood of America is that, in spite of the denial of her right to a voice in government, she has never hesitated or faltered for a moment in giving her whole-hearted, enthusiastic devotion to the Nation. Never yet have American women been slackers when America went to war, and they have won and will win new laurels in this latest and greatest struggle. They have answered every call nobly. They have served and sacrificed. They have waited vainly since 1869, when the Susan B. Anthony amendment was first introduced in the Senate. Two generations of women have pleaded with Congress for a declaration that the rights of citizens shall not be denied or abridged on account of sex.

Surely they have been law-abiding, fair, and patient. Now when they ask for the creation of a committee in the House which shall give especial and exclusive consideration to their great question, the very least this House can do is to grant it willingly and whole-heartedly.

I ask you to pass this resolution and send out to the 20,000,000 unenfranchised women of America the glad news that their rights are to be considered by a committee created for that purpose alone, and you will add to the spiritual unity of this Nation in splendid fashion; you will help to mobilize and unify the public mind of America in a way which will mean much in the days which are to come. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired. The gentleman from Tennessee [Mr. GARRETT] has five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker and gentlemen of the House, this proposition has been approached from every possible angle during the discussion of the last two hours, and there is really nothing that I can add that has not already been expressed by those who have preceded me in the discussion.

That which struck me so forcefully from the beginning of the agitation for the creation of this committee, which began, by the way, in 1913, up to the present time, is the utter uselessness of such a committee. There was a time when the great majority of my colleagues of the Committee on Rules agreed with me on that proposition. For reasons satisfactory to themselves they have ceased to agree with me on that, and so to-day—

I feel like one  
Who treads alone  
Some banquet hall deserted.

One thought, if I may be permitted to suggest it in response to the remarks made by the gentleman from Pennsylvania [Mr. KELLY], who immediately preceded me, and in response to similar remarks made by other gentlemen, is with respect to what lies back of this proposition. It is not to create the committee simply to have a committee. The proposition is to create a committee in order that a Federal amendment may be brought before the body. That committee can perform no other function. When it shall have brought that resolution before the body its functions will be ended, and it can be dismissed as a useless thing.

But gentlemen speak of democracy in the world and in the United States being promoted by the agitation of a Federal amendment to the Constitution. Is that true? Let us see. I do not antagonize woman suffrage through State action. I do not oppose it in Tennessee. But in Tennessee, in order to amend the constitution of my State, the question must be submitted to a popular vote. That is democracy. This amendment of a Federal character will not have to be submitted to a popular vote. It will be submitted to the legislatures of the several States. And yet the gentleman from Pennsylvania [Mr. KELLY] and the gentleman from New York [Mr. LONDON] speak of it as spreading democracy.

Mr. Speaker, there is no necessity for the creation of this committee, from whatever angle you approach this question. The fact remains that there exists absolutely no necessity, practical, sentimental, or otherwise, for creating this committee. And yet a number of very sensible gentlemen here are going to vote for it. They will be picketing the White House themselves before long. [Laughter.]

The Committee on the Judiciary has handled this subject from the very beginning of the agitation concerning it for more than 50 years. This question has been sent to that committee because it was a proposition to amend the Constitution of the United States. That committee has never failed to respond to the wish and will of this body. That committee will not in the future fail to respond to the wish and the will of this body. We have that assurance, not only by their spoken word but by reason of our knowledge of the processes of legislative activities in this House; not only through our own experience but through



all the experience of the past. It is proposed to create a committee that can have but one function to perform, a function which has heretofore been performed by another committee, which we know will be again performed by that committee; and when this committee that we are now creating shall have performed that function, its utility will be gone and there will be no other duties for it to perform. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. LONERGAN rose.

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. LONERGAN. I ask unanimous consent to extend my remarks on the pending resolution.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for five minutes.

Mr. BLACKMON. Mr. Speaker, I ask unanimous consent to extend my remarks on the resolution.

Mr. JOHNSON of Washington. Mr. Speaker, I make the same request.

Mr. LANGLEY. I make the same request, Mr. Speaker.

Mr. TIMBERLAKE. Mr. Speaker, I make the same request.

Mr. TAYLOR of Colorado. And I make the same request.

Mr. MAGEE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. BLACKMON], the gentleman from Washington [Mr. JOHNSON], the gentleman from Kentucky [Mr. LANGLEY], the gentleman from Colorado [Mr. TIMBERLAKE], the gentleman from Colorado [Mr. TAYLOR], and the gentleman from New York [Mr. MAGEE]?

There was no objection.

Mr. FARR. Mr. Speaker, I shall vote for the resolution favoring the naming of a special committee on woman suffrage. I shall do this not only for the reason that the importance of the question of equal suffrage deserves this consideration, but frankly because of the stimulus it will prove to be in giving to women the privilege of direct participation in our Government. The interests of the women are equal to those of the men. They are as much concerned in the welfare of the country. They are as intelligent and honest as the men, and there is no substantial reason for discrimination against them. And particularly at this time I want to show in part my appreciation of the splendid services that the women in so many ways are rendering.

Millions of mothers and wives are giving their boys and husbands for the preservation of the liberty which they, in its fullness, do not enjoy. Their heroism in this sacrifice to patriotism commands our veneration. Practically without a murmur, though their hearts bleed, they are answering the call of their country in its hour of peril.

Mr. CAMPBELL of Kansas. Mr. Speaker, the wide range that the discussion upon this resolution has taken has been somewhat surprising, but as a matter of fact there is nothing very serious before the House.

It is the creation of a new committee to handle an important matter. This ought not to have taken 10 minutes of discussion in the House. It has taken two hours here, and it has been discussed indefinitely before the Committee on Rules and in other ways. Everything has been dragged into this discussion, from State rights to the question as to whether or not this is a great Nation that has obliterated State lines.

Mr. GORDON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No. Why gentlemen who have voted for appropriations to exterminate the boll weevil down in Georgia and Texas and Alabama should raise the question of State sovereignty and State rights when the question of the right of women to vote is under consideration is something that I can not understand. [Applause.] Is the boll weevil of more importance in Georgia and Alabama than woman suffrage? You did not raise the question of State rights then, or assert the question of the duty of a State. You insisted that the Federal Government should cross the State line and do the thing that the planter theretofore had done for himself, or that the county might well have done, or that the State might have done. But, oh no, you lost sight of all these questions and went to the Federal authority. You have been doing it upon so many questions that it is most natural that those of us who have always believed that this was a Nation spelled with a big "N" did not have the cold chills when we saw another question of Nation-wide importance forcing itself for consideration upon the Federal Congress. [Applause.] We believe that this question

rightly belongs to the Nation, to the Federal Government, and that the creation of this committee is a mere incident in the consideration of that great subject.

Of course the resolution will be agreed to. The committee will be appointed, and in due time a resolution will be reported out of the Committee on Woman Suffrage, granting woman suffrage to the people of the several States. Then gentlemen can vote their sentiments upon that subject here in this House.

Now, that is all there is before the House. The fact has been referred to that some of the advocates of woman suffrage have been doing things that have not appealed to the best sentiment of the country. It was not asserted by these gentlemen that the large majority of the women who believe in woman suffrage frown upon these actions of a small faction who believe in woman suffrage, and that this majority are as much opposed to the conduct of that faction as are the gentlemen who have criticized them here upon this floor to-day. In the conduct of great affairs we can not take notice of the mistakes that are made by the advocates of a great principle. The merit of this question is the only thing to be considered.

What substantial argument has been made against the creation of this committee? None. No more argument has been made against this than was made against the creation of a Committee on Good Roads, and no more than was made against the creation of the many committees that have been created in this House.

It is said that this committee will be useless after this resolution has been submitted to the States for their adoption or rejection. Suppose it is. The great Committee on Improvement of the Mississippi River is dead—has had its last meeting. It no longer has a chairman, a secretary, or a janitor. It died because there was nothing more for it to do.

This resolution should be agreed to. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on agreeing to this rule.

Mr. TAYLOR of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 107, answered "present" 3, not voting 142, as follows:

#### YEAS—180.

Alexander	Ellsworth	Jones, Tex.	Roberts
Austin	Elston	Kearns	Rodenberg
Lyles	Emerson	Keating	Romjue
Bacharach	Esch	Kelley, Mich.	Rose
Bacon	Evans	Kelly, Pa.	Rubey
Barkley	Farr	Kennedy, Iowa	Russell
Barnhart	Ferris	Kettner	Sabath
Bathrick	Fess	King	Sanders, Ind.
Bland	Fields	Kinkaid	Scully
Blanton	Fisher	Knutson	Sears
Boehrer	Focht	Kraus	Shackelford
Bowers	Foss	La Follette	Shallenberger
Browne	Foster	Langley	Shouse
Brumbaugh	Francis	Little	Sinnott
Burroughs	French	Littlepage	Sloan
Byrns, Tenn.	Fuller, Ill.	Lobeck	Smith, Idaho
Campbell, Kans.	Gallagher	London	Smith, Mich.
Campbell, Pa.	Garrett, Tex.	Lundeen	Stedman
Cannon	Glass	Lunn	Sterling, Ill.
Cantrill	Goodall	McAndrews	Strong
Caraway	Goodwin, Ark.	McArthur	Summers
Carter, Mass.	Graham, Ill.	McClintic	Sweet
Carter, Okla.	Gregg	McFadden	Taylor, Ark.
Chandler, N. Y.	Hadley	McKenzie	Taylor, Colo.
Claypool	Hamilton, Mich.	McLaughlin, Mich.	Temple
Connally, Tex.	Hamlin	Madden	Thomas
Cooper, Ohio	Harrison, Va.	Mapes	Thompson
Cooper, Wis.	Haugen	Mays	Tillman
Cox	Hawley	Miller, Wash.	Timberlake
Cramton	Hayden	Mondell	Towner
Crosser	Helvering	Oldfield	Vestal
Dale, Vt.	Hensley	Oliver, N. Y.	Walton
Dallinger	Hersey	Osborne	Watson
Davidson	Hicks	Phelan	Watson, Pa.
Davis	Hilliard	Porter	Weaver
Decker	Hood	Pou	Welling
Denison	Huddleston	Pratt	Wheeler
Dickinson	Hulbert	Purnell	White, Me.
Dill	Humphreys	Rainey	White, Ohio
Dillon	Hutchinson	Raker	Williams
Dixon	Ireland	Ramseyer	Wingo
Doolittle	Jacoway	Rankin	Wood, Ind.
Doughton	Johnson, Ky.	Reavis	Woods, Iowa
Dowell	Johnson, S. Dak.	Reed	Young, N. Dak.
Elliott	Johnson, Wash.	Robbins	Zihlman

#### NAYS—107.

Adamson	Classon	Fairchild, B. L.	Holland
Almon	Coady	Flood	Houston
Ashbrook	Collier	Freeman	Howard
Aswell	Crisp	Garner	Hull, Iowa
Bankhead	Dent	Garrett, Tenn.	Igoe
Black	Denton	Glynn	Key, Ohio
Blackmon	Dewalt	Gordon	Kincheloe
Browning	Dominick	Gould	Larsen
Burnett	Drane	Gray, Ala.	Lazaro
Byrnes, S. C.	Dupré	Greene, Vt.	Lee, Ga.
Candler, Miss.	Eagle	Hardy	Leshner
Carlin	Estopinal	Helm	Linthicum



Lonergan	Olney	Saunders, Va.	Venable
Longworth	Overstreet	Scott, Iowa	Vinson
McKeown	Padgett	Scott, Mich.	Voigt
Magee	Park	Sells	Volstead
Mansfield	Parker, N. J.	Siegel	Walker
Martin, La.	Parker, N. Y.	Sisson	Walsh
Meeker	Peters	Small	Watson, Va.
Montague	Platt	Snook	Webb
Moon	Polk	Snyder	Welty
Moores, Ind.	Quin	Stafford	Whaley
Morgan	Ramsey	Stegall	Wilson, La.
Nicholls, S. C.	Rayburn	Steele	Wilson, Tex.
Nichols, Mich.	Rogers	Stephens, Miss.	Wise
Norton	Rowland	Stevenson	Woodyard
Oliver, Ala.	Sanders, La.	Talbot	

## ANSWERED "PRESENT"—3.

Hull, Tenn.

Kehoe

Lever

## NOT VOTING—142.

Anderson	Edmonds	Kahn	Rowe
Anthony	Fairchild, G. W.	Kennedy, R. I.	Rucker
Baer	Fairfield	Kiess, Pa.	Sanders, N. Y.
Bell	Fitzgerald	Kitchin	Sanford
Borland	Flynn	Kreider	Schall
Brand	Fordney	LaGuardia	Scott, Pa.
Britten	Frear	Lea, Cal.	Sherley
Brodbeck	Fuller, Mass.	Lehlbach	Sherwood
Bruckner	Gallivan	Lenroot	Sims
Buchanan	Gandy	McCormick	Slayden
Butler	Gard	McCulloch	Slomp
Caldwell	Garland	McKinley	Smith, C. B.
Capstick	Gillett	McLaughlin, Pa.	Smith, T. F.
Carew	Godwin, N. C.	McLemore	Snell
Cary	Good	Maher	Steenserson
Chandler, Okla.	Graham, Pa.	Mann	Stephens, Nebr.
Church	Gray, N. J.	Martin, Ill.	Sterling, Pa.
Clark, Fla.	Green, Iowa	Mason	Stiness
Clark, Pa.	Greene, Mass.	Miller, Minn.	Sullivan
Connelly, Kans.	Griest	Moore, Pa.	Swift
Cooper, W. Va.	Griffin	Morin	Switzer
Copley	Hamill	Mott	Tague
Costello	Hamilton, N. Y.	Mudd	Templeton
Crago	Harrison, Miss.	Neely	Tilson
Currie, Mich.	Haskell	Nelson	Tinkham
Curry, Cal.	Hastings	Nolan	Treadway
Dale, N. Y.	Hayes	O'Shaunessy	Van Dyke
Darrow	Heaton	Overmyer	Vare
Dempsey	Heflin	Paige	Waldow
Dies	Helntz	Powers	Ward
Dooling	Hill	Price	Watkins
Doremus	Hollingsworth	Ragsdale	Wilson, Ill.
Drukker	Husted	Randall	Winslow
Dunn	James	Riordan	Young, Tex.
Dyer	Jones, Va.	Robinson	
Eagan	Juul	Rouse	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SNELL with Mr. CALDWELL.

Mr. KEHOE with Mr. CARY.

Mr. HASTINGS with Mr. CHANDLER of Oklahoma.

Mr. MILLER of Minnesota with Mr. HARRISON of Mississippi.

Mr. STEELE with Mr. BUTLER.

Mr. LEA of California with Mr. EMERSON (commencing August 2 for balance of session).

Until further notice:

Mr. DIES with Mr. GRAY of New Jersey.

Mr. VAN DYKE with Mr. LEHLBACH.

Mr. SLAYDEN with Mr. ANTHONY.

Mr. GRIFFIN with Mr. DEMPSEY.

Mr. GODWIN of North Carolina with Mr. DUNN.

Mr. KITCHIN with Mr. MANN.

Mr. SHERLEY with Mr. GILLETT.

Mr. DALE of New York with Mr. GRIEST.

Mr. LEVER with Mr. ANDERSON.

Mr. HAMILL with Mr. GOOD.

Mr. DOREMUS with Mr. FREAR.

Mr. NEELY with Mr. GREENE of Massachusetts.

Mr. RIORDAN with Mr. MCCULLOCH.

Mr. SIMS with Mr. SCOTT of Pennsylvania.

Mr. FLYNN with Mr. MASON.

Mr. GARD with Mr. COOPER of West Virginia.

Mr. MAHER with Mr. DARROW.

Mr. THOMAS F. SMITH with Mr. WALDOW.

Mr. SHERWOOD with Mr. MCKINLEY.

Mr. STERLING of Pennsylvania with Mr. MUDD.

Mr. YOUNG of Texas with Mr. WINSLOW.

Mr. PRICE with Mr. HAMILTON of New York.

Mr. FITZGERALD with Mr. FORDNEY.

Mr. HEFLIN with Mr. LA GUARDIA.

Mr. SULLIVAN with Mr. WILSON of Illinois.

Mr. BRODBECK with Mr. DRUKKER.

Mr. GANDY with Mr. SWITZER.

Mr. STEPHENS of Nebraska with Mr. MOORE of Pennsylvania.

Mr. ROUSE with Mr. TINKHAM.

Mr. BRUCKNER with Mr. CRAGO.

Mr. JONES of Virginia with Mr. GRIEST.

Mr. MARTIN of Illinois with Mr. GREEN of Iowa.

Mr. SCHALL with Mr. TILSON.

Mr. CAREW with Mr. TREADWAY.

Mr. DOOLING with Mr. MORIN.

Mr. GALLIVAN with Mr. CURRIE of Michigan.

Mr. CLARK of Florida with Mr. SANDERS of New York.

Mr. MCLEMORE with Mr. PAIGE.

Mr. OVERMYER with Mr. BRITTON.

Mr. BORLAND with Mr. POWERS.

On this vote:

Mr. EGAN (for) with Mr. HASKELL (against).

Mr. CURRY of California (for) with Mr. BRAND (against).

Mr. BAER (for) with Mr. COSTELLO (against).

Mr. CLARK of Pennsylvania (for) with Mr. GRAHAM of Pennsylvania (against).

Mr. ROWE (for) with Mr. SWIFT (against).

Mr. CONNELLY of Kansas (for) with Mr. EDMONDS (against).

Mr. CHARLES B. SMITH (for) with Mr. WATKINS (against).

Mr. HILL (for) with Mr. HULL of Tennessee (against).

Mr. MOTT (for) with Mr. GEORGE W. FAIRCHILD (against).

Mr. STEENERSON (for) with Mr. TEMPLETON (against).

Mr. KIESS of Pennsylvania (for) with Mr. GARLAND (against).

Mr. HAYES (for) with Mr. SANFORD (against).

Mr. O'SHAUNESSY (for) with Mr. BELL (against).

Mr. LENROOT (for) with Mr. GOULD (against).

Mr. CHURCH (for) with Mr. HEATON (against).

Mr. FULLER of Massachusetts (for) with Mr. TAGUE (against).

Mr. RANDALL (for) with Mr. McLAUGHLIN of Pennsylvania (against).

Mr. KAHN (for) with Mr. WARD (against).

Mr. KENNEDY of Rhode Island (for) with Mr. HUSTED (against).

Mr. NOLAN (for) with Mr. ROBINSON (against).

Mr. STINESS (for) with Mr. RAGSDALE (against).

Mr. DALLINGER. Mr. Speaker, I desire to state that my colleague, Mr. FULLER, is unavoidably absent. If he were present, he would vote "aye."

The result of the vote was then announced as above recorded.

On motion of Mr. RAKER a motion to reconsider the vote was laid on the table.

## SUSPENSION OF WORK ON MINING CLAIMS.

Mr. FOSTER. Mr. Speaker, I move that the House insist on its amendments to Senate joint resolution 78 and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Illinois moves that the House insist on its amendments to the Senate joint resolution 78 and agree to the conference asked for by the Senate.

The motion was agreed to

The SPEAKER appointed as conferees on the part of the House Mr. FOSTER, Mr. TAYLOR of Colorado, and Mr. DENISON.

## SERVICE FLAG.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker and gentlemen of the House, on my house in Cleveland hangs a service flag given me by Capt. R. L. Queisser, the designer of this flag.

The flag may be of any size, with a red border and a white center, with stars in the center to indicate the number from that household or place of business that are in the service of the United States during this war.

This service flag has been adopted by Hon. Harry L. Davis, mayor of Cleveland, the Cleveland Chamber of Commerce, East Cleveland City Council, and by the governor of Ohio. The flag is displayed in many homes and factories in Cleveland and all over the United States.

The Cleveland Trust Co. and the Guardian Trust Co., two of the largest banks in Cleveland, have this service flag displayed. There is nothing to do but to have Congress ratify what has been accepted by the people of this country as a proper service flag.

I am certainly proud of the fact that my only son is now in the service of the United States, not as an officer but as a private. I know that every family in Cleveland and all over the United States that have a member of the family in the service would be proud to display this flag. The Government should give one to every family that have sons or daughters in the service.

In these closing days of this extra session let us pass this resolution and give the fathers and mothers of this country who give their sons and daughters freely to this great cause, some recognition, so that the world may know as it passes



those families who gave to this great cause of liberty. We give a button to those who buy a liberty bond. Why not give a flag to those who are willing to give their own flesh and blood; the dearest thing in all the world to a father and mother—their children? [Applause.]

#### EXTENSION OF REMARKS.

Mr. REED. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech made by my colleague, Mr. HARRY C. WOODYARD, at the twenty-eighth annual reunion of the Society of the Blue and the Gray at Ripley, W. Va., on September 20, 1917.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD by printing the speech by his colleague, Mr. HARRY C. WOODYARD, at the twenty-eighth annual reunion of the Society of the Blue and the Gray at Ripley, W. Va. Is there objection?

There was no objection.

#### CONDITIONS IN ILLINOIS AND MISSOURI.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk.

The Clerk read as follows:

House resolution 150.

*Resolved*, That all expenses that may be incurred by the special committee under House resolution 128, adopted September 11, 1917, authorizing said special committee to make certain investigations set out in said resolution, to an amount not exceeding \$7,500, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by the committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

#### EXTENSION OF REMARKS.

By unanimous consent Mr. RAKER and Mr. KEATING were given leave to extend remarks in the RECORD on the resolution creating a Committee on Woman Suffrage.

#### ADJOURNMENT.

Mr. HULL of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 25, 1917, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6045) to authorize the construction, maintenance, and operation of a bridge across Little River, in Poinsett County, Ark., at or near the section line between sections 35 and 36, township 11 north, range 6 east, reported the same with amendment, accompanied by a report (No. 158), which said bill and report were referred to the House Calendar.

Mr. GARRETT of Texas, from the Committee on Military Affairs, to which was referred the resolution (S. Con. Res. 12) providing for the setting aside of a day of prayer for the success of the American Armies in the pending war, reported the same without amendment, accompanied by a report (No. 160), which said resolution and report were referred to the House Calendar.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (S. 2718) to authorize experiments in motor-truck delivery, reported the same with amendment, accompanied by a report (No. 159), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 2705) to create the aircraft board and provide for its maintenance, reported the same with amendment, accompanied by a report (No. 161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 6175) giving the United States Shipping Board power to suspend

present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of 120 days thereafter, except the coastwise trade with Alaska, reported the same without amendment, accompanied by a report (No. 162), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 4269) for the relief of Henry I. Stockstill, and the same was referred to the Committee on War Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OSBORNE: A bill (H. R. 6305) for the further relief of soldiers of the Civil War pensioned for wounds or injuries received in the line of duty; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 6306) to provide for the payment of six months' gratuity to the widow, children, or other previously designated dependent relative of retired officers or enlisted men on active duty; to the Committee on Naval Affairs.

By Mr. WALSH: A bill (H. R. 6307) to authorize the drafting of aliens domiciled or resident in the United States by the countries of which they may be citizens or subjects or by the United States; to the Committee on Military Affairs.

By Mr. HADLEY: A bill (H. R. 6308) to prevent interstate commerce in timber products upon which labor has been permitted to work more than eight hours in any day, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MANSFIELD: A bill (H. R. 6309) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 6310) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, complete, maintain, and operate a bridge and approaches thereto across the Mahoning River, in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: Resolution (H. Res. 148) providing for the appointment of a select committee to inquire into certain charges made in the statement of Hon. Thomas J. Heslin on the floor of the House and inserted in the Congressional Record of September 21, 1917; to the Committee on Rules.

By Mr. FLOOD: Joint resolution (H. J. Res. 160) authorizing and directing the food administrator to fix prices on farm machinery and fertilizers; to the Committee on Agriculture.

By Mr. EMERSON: Joint resolution (H. J. Res. 161) to provide a service flag; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER of Massachusetts: A bill (H. R. 6311) granting an increase of pension to James W. Beasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6312) granting a pension to Lebbeus H. Brockway; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 6313) granting an increase of pension to Joseph Harris; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 6314) granting an increase of pension to William R. Cramer; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 6315) granting a pension to William Washburn; to the Committee on Pensions.

By Mr. KRAUS: A bill (H. R. 6316) granting a pension to Wayne L. Dickey; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 6317) granting a pension to Joseph C. Whittington; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 6318) for the relief of Antranik Aprahamian; to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Joint resolution (H. J. Res. 159) to pay W. L. Baker the sum of \$1,000 in lieu of rent; to the Committee on Appropriations.



## 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): Petition of the National Woman's Party, Pennsylvania Branch, Philadelphia, Pa., urging the passage of the Susan B. Anthony amendment, and protesting against the arrest of the pickets; to the Committee on the Judiciary.

Also (by request), petition of the Utah Branch of the National Woman's Party, urging the passage of the Susan B. Anthony amendment and protesting against the arrest of the pickets; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of J. L. Frostick and 34 other citizens of Sanilac County, Mich., in behalf of the Purple Cross bill; to the Committee on Military Affairs.

By Mr. CARY: Petition of the Milwaukee Newspaper Web Pressmen's Union, Milwaukee, Wis., protesting against the zone increases in second-class mail matter; to the Committee on Ways and Means.

Also, petition of Achen Motor Co., Milwaukee, Wis.; Hoppe-Hatter Motor Co., Milwaukee, Wis.; and Packard Motor Car Co., of Chicago, Milwaukee branch, Milwaukee, Wis., protesting against the gross-sales tax on automobiles; to the Committee on Ways and Means.

Also, petition of D. Lewandoski and S. Skoniski, Milwaukee, Wis., favoring the provision of the war-revenue bill to reduce the whisky tax to \$2.20; to the Committee on Ways and Means.

Also, petition of Lehmaier, Schwartz & Co., New York City, urging an amendment to the child-labor law to prohibit the products of child labor of foreign lands; to the Committee on Ways and Means.

By Mr. FOCHT: Petition of the seventeenth congressional district of Pennsylvania, protesting against the gross-sales tax on automobiles; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of Stanislaus J. Norkunis, Michael J. Verslacky, and members of the South Boston Lithuanian Citizens' Association, calling upon the President of the United States to see that the rights of Lithuania and Lithuanians shall be equally championed and protected at the peace conference as well as the rights of other small nations; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petition of Baltimore Typographical Union, No. 12, Baltimore, Md., protesting against the proposed zone increases on second-class matter; to the Committee on Ways and Means.

Also, petition of Swindell Bros. and the Baltimore Drug Exchange Bureau of Merchants and Manufacturers' Association, of Baltimore, Md., protesting against further tax on alcohol used in flavoring extracts, etc.; to the Committee on Ways and Means.

Also, petition of Der Deutsche Correspondent, Baltimore, Md., urging an amendment to the trading-with-the-enemy bill that will enable the German-language papers to print news stories in one language only; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Monumental Motor Car Co., the International Motor Co., the Standard Motor Co., and the Franklin Motor Car Co., all of Baltimore, Md., protesting against the 3 per cent gross-sales tax on automobiles; to the Committee on Ways and Means.

Also, petition of sundry citizens of Baltimore, Md., protesting against the tax on all admissions to theaters under 25 cents; to the Committee on Ways and Means.

## SENATE.

TUESDAY, September 25, 1917.

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

Almighty God, Thou hast thrice armed us with the justice of our cause. We bless Thee that as we face the uncertain conditions that are before us we have the inspiration and power of coming before Thee, God of infinite wisdom, and love, and power, to present our plans and to ask Thy guidance. This day we pray Thee to look upon us as we further plan for the campaign that is before us, and we pray that Thou wilt smile upon all our endeavor and give to us the consciousness of having in all things done the will of God. For Christ's sake. Amen.

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

## INTERNATIONAL PARLIAMENTARY CONFERENCE OF COMMERCE.

The VICE PRESIDENT laid before the Senate the following communication, which was read:

DEPARTMENT OF STATE,  
Washington, September 24, 1917.

Hon. THOMAS R. MARSHALL,  
Vice President of the United States.

Sir: Referring to my letter of May 4 last, communicating to you the invitation extended by the secretary general of the International Parliamentary Conference of Commerce to Congress to participate in that meeting, which was held in Rome in May last, I now have the honor to inform you that a telegram has been received from the American ambassador in Paris, in which he states that the conference is desirous that the United States send delegates to the coming meeting to be held in Paris from the 11th to the 14th of October and requests to be informed what decision has been reached by Congress.

Since the receipt of the telegram above referred to a second message has been received from the American ambassador in Paris, in which he states that he has been advised that Belgium, England, Italy, Japan, Portugal, Roumania, and Serbia will be represented.

The ambassador is further advised that England is to send a delegation from the House of Lords and the House of Commons; Italy to be represented by Mr. Tittoni, some time Italian ambassador at Paris, and by Mr. Ferrari, who was former minister of state. It appears from Ambassador Sharp's message that discussions of a private character will be held with the presidents of the tariff commissions, and should the United States conclude to participate a solemn session will take place in the Senate in honor of the American delegates.

The coming International Parliamentary Conference will be presided over by Mr. Doumer, who is minister of state in the French Cabinet.

According to the statement of the secretary general, the conference was founded in the year 1914, at the suggestion of the commercial commission of the House of Commons under the patronage of the Belgian King, before the declaration of war, and is purely an economic organization and is quite distinct from the political congress in behalf of which Mr. Franklin Bouillon is now in the United States for the purpose of extending an invitation to both Houses of Congress.

I am, sir, your obedient servant,

ROBERT LANSING.

The VICE PRESIDENT. While this communication has to do with the commercial relations of the United States, in view of the fact that the Committee on Foreign Relations is considering the advisability of sending a commission abroad, the Chair is inclined to refer the communication to that committee.

Mr. SMITH of Arizona. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

The VICE PRESIDENT. The Chair may be permitted to suggest that this being the second communication, it should receive prompt consideration at the hands of the committee, and some response ought to be made to the invitation.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists on its amendments to the joint resolution (S. J. Res. 78) to suspend, during the present war with Germany, the requirement that not less than \$100 worth of labor shall be performed or improvements made on each mining claim during each year for all owners who, in lieu of such assessment work, expend the sum of \$100 in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States, or shall perform 25 days of labor in any beneficial occupation, or pay into the Treasury of the United States \$100, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSTER, Mr. TAYLOR of Colorado, and Mr. DENISON managers at the conference on the part of the House.

## ENROLLED BILLS SIGNED.

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

S. 2477. An act to authorize the construction of a building for the use of the Treasury Department; and

H. R. 5335. An act to extend the time for constructing a bridge across the Tug Fork of the Big Sandy River near Warfield, Ky., and Kermit, W. Va., authorized by an act approved January 28, 1916.

## PETITIONS AND MEMORIALS.

Mr. BRANDEGEE. I send to the desk a petition from two New England cities and ask the Secretary to read it.

There being no objection, the Secretary read the petition, as follows:

CITY CLERK'S OFFICE,  
New Britain, Conn., September 21, 1917.

Hon. FRANK B. BRANDEGEE,  
Washington, D. C.

DEAR SIR: Your attention is called to the following:

"Resolved by the Common Council of the City of Stamford, That—  
"Whereas the people of this city and other New England communities are unable, under present conditions, to obtain anthracite coal adequate to their needs; and