

2. A letter from the Acting Secretary of the Treasury, transmitting an additional urgent deficiency estimate of appropriation in the sum of \$100,000 required by the Division of Printing and Stationery of this department for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1918 (H. Doc. No. 1045); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required by the War Department for military post exchanges, fiscal year 1919 (H. Doc. No. 1046); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a proposed change in the wording of the estimate of appropriation heretofore submitted by the Engineer Department of the Army for the purchase or construction of a patrol vessel for the prevention of deposits in the harbor of New York (H. Doc. No. 1047); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the United States Shipping Board submitting a supplemental estimate of appropriation required by the board for the acquisition or establishment of plants for concrete-ship building (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, reported the same with amendment, accompanied by a report (No. 493), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIEGEL: A bill (H. R. 5271) authorizing appointment of chaplains at large for the United States Army; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 11464) to define criminal syndicalism, prohibiting the advocacy thereof and the advocacy of crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends, and assemblage for the purpose of such advocacy; declaring it unlawful to permit the use of any place, building, or rooms for such assemblage in certain cases; and providing penalties for violations of the provisions thereof; to the Committee on the Judiciary.

By Mr. GOULD: A bill (H. R. 11465) to provide for an aircraft administrator, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11466) granting a pension to Zelpha I. Eaton; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 11467) granting an increase of pension to Lewis W. Crane; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 11468) granting a pension to Beatrice Edwardy; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 11469) granting an increase of pension to William Ellison; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11470) to authorize the President to award a medal of honor to Maj. B. F. D. Fitch, for conspicuous bravery rendered on the man-of-war *Varuna* on April 24, 1862; to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 11471) granting a pension to Clara A. Rice; to the Committee on Pensions.

Also, a bill (H. R. 11472) to correct the military record of Cuthbert W. Laing; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 11473) granting an increase of pension to Henrietta Round; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11474) granting a pension to Eli Gusdonowicz; to the Committee on Pensions.

Also, a bill (H. R. 11475) for the relief of William A. Specht; to the Committee on Claims.

By Mr. ROSE: A bill (H. R. 11476) granting an increase of pension to Levi H. Figard; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11477) granting a pension to Jesse A. Smith; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11478) granting a pension to S. P. Battle; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11479) for the relief of the heirs or legal representative of Nat W. Fant, deceased; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 11480) for the relief of Thomas Monteith; to the Committee on Claims.

Also, a bill (H. R. 11481) for the relief of Cary B. Moore; to the Committee on Claims.

Also, a bill (H. R. 11482) granting an increase of pension to Thomas J. Bradshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Mrs. Cornelia Deal; to the Committee on Pensions.

Also, a bill (H. R. 11484) granting a pension to Annie Trexler; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ELSTON: Petition of Berkeley (Cal.) Woman's Christian Temperance Union, for the passage of a bill to prohibit the waste of foodstuffs in the production of vinous and malt liquors; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the executive committee of the National Security League, asking that the Bureau of Public Information be composed of three or five men selected because of high standing and not because of political affiliations; to the Committee on Military Affairs.

Also, petition of Milwaukee-Downer College, Milwaukee, Wis., favoring the Pou bill to exempt religious and educational requests from taxation; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of the Daughters of the American Revolution of Illinois, favoring universal military training; to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Scottsbluff, Nebr., in behalf of conservation of foodstuffs by the prevention of the use of grain for the manufacture of intoxicating liquor; to the Committee on Agriculture.

By Mr. LONERGAN: Memorial of Hartford Grade Teachers' Club, of Hartford, Conn., protesting in re postal increase; to the Committee on Ways and Means.

By Mr. RAMSEYER: Petition signed by 116 citizens of Pulaski and vicinity, Davis County, Iowa, asking and urging legislation for immediate war prohibition to prevent the waste of grain in the manufacture of alcoholic liquors; to the Committee on Agriculture.

By Mr. ROSE: Petition of the Presbyterian Churches of Vintondale and Gallitzin, Pa., opposing the increase of postal rates on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of civil-service employees of Lock No. 4, Monongahela River, Pa., for the support of House bill 7356; to the Committee on Appropriations.

SENATE.

TUESDAY, April 16, 1918.

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

Almighty God, Thou hast placed reverence to Thy name the first of the great commandments. Thou hast taught us, both by revelation and by experience, reverence for Thy holy name as the first obligation of human life. We pray that we may be enabled to measure our responsibilities and duties in the light of Thy revealed truth. While we abhor that which is low and mean and sensual in life, grant that sacred things may be placed first in our thoughts and that God's name may be above every name. We reverence Thy name and worship Thee, and pray Thee to guide us this day to Thine own honor and glory. For Christ's sake. Amen.

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

SENATOR FROM WISCONSIN.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the secretary of state of Wisconsin, transmitting the certificate of election of Hon. IRVINE L. LENROOT as a Senator from Wisconsin. The credentials will be read and placed on file.

The credentials were read, as follows:

UNITED STATES OF AMERICA,
STATE OF WISCONSIN,
Department of State.

To all to whom these presents shall come, greeting:

To the PRESIDENT of the SENATE of the UNITED STATES:

This is to certify that on the 2d day of April, 1918, IRVINE L. LENROOT was duly chosen by the qualified electors of the State of Wisconsin as Senator, to represent said State in the Senate of the United States for the term ending on the 3d day of March, 1921.

Witness: His excellency our governor, Emanuel L. Philipp, and our seal hereto affixed, at Madison, Wis., this 11th day of April, in the year of our Lord 1918.

[SEAL.]

EMANUEL L. PHILIPP,
Governor.

By the governor:

MERLIN HULL,
Secretary of State.

HOUSE BILL REFERRED.

H. R. 11364. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

COMMISSIONED OFFICERS ON DUTY IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 214).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, in response to a resolution of the 1st instant, a report relative to the number of commissioned officers within the draft age who have received their commissions since the outbreak of the war and are now assigned to duty in the District of Columbia, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a report showing the results of the investigation into the cost of living of wage earners in the District of Columbia, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 383) to punish the destruction or injuring of war materials and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The message also transmitted to the Senate resolutions on the death of Hon. WILLIAM J. STONE, late a Senator from the State of Missouri.

PETITIONS AND MEMORIALS.

Mr. LODGE. I ask that the following telegram be printed in the RECORD from the Massachusetts branch of the National Woman's Party.

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

FRAMINGHAM, MASS., April 14, 1918.

Senator HENRY CABOT LODGE,
Washington, D. C.:

I am authorized to send you the following resolutions:

"Resolved, That this convention of the Massachusetts branch of the National Woman's Party, held in Kingsley Hall, Boston, on April 13, call upon Senators LODGE and WEEKS each to cast his vote for the national suffrage amendment, and to use his best endeavor to bring about immediate action in the Senate, to the end that democracy may be established in our beloved land. Be it further

"Resolved, That this resolution be read into the CONGRESSIONAL RECORD by Senator JOHN W. WEEKS:

"Whereas citizens of Massachusetts have endured a great wrong at the hands of the Government of the District of Columbia; and

"Whereas the decision of the Court of Appeals declared the action of the suffrage pickets to be lawful, orderly, and in accordance with the constitutional rights of American citizens:

"Resolved, That this convention of the Massachusetts branch of the National Woman's Party call upon the Senate of the United States to pass a bill immediately to investigate the treatment of the suffrage pickets from June to November, 1917, and the unlawful arrests by the Washington police and the unlawful sentences of the police court and the unlawful imprisonments in the District jail and workhouse."

We request that this be read into the CONGRESSIONAL RECORD by Senator LODGE.

OLIVE MILLS BELCHER,
State Chairman.

Mr. LODGE presented a petition of the National Hardwood Lumber Association, of East Cambridge, Mass., praying for the payment of excess-profits taxes in installments, which was referred to the Committee on Finance.

Mr. JONES of Washington. I present a petition from King County Pomona Grange, No. 13, of the State of Washington, representing 1,500 farmers, containing some very pertinent facts bearing upon the regulation of prices. I ask that it may be printed in the RECORD.

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

STATE OF WASHINGTON,
KING COUNTY POMONA GRANGE, No. 13,
OFFICE CONGRESSIONAL COMMITTEE,
Kent, Wash., April 5, 1918.

To the honorable ladies and gentlemen of the Sixty-fifth Congress, United States Senate and House of Representatives, Washington, D. C., greetings:

The farmers of my State in general and of my county (King) in particular have been watching the daily proceedings of your honorable body for the past few months with intense interest, hoping, day by day, that some representative of the farmer would bring forth for discussion some method of relief from the intolerable, unjust condition governing his business to-day, but we have looked in vain.

Since March 15 you have faithfully and earnestly discussed one branch of farming, and a very important one we admit; but after having passed Mr. GORW's amendment to the Agricultural appropriation bill, guaranteeing \$2.50 wheat, we fail to see wherein you have assisted the wheat farmer to any appreciable extent, inasmuch as you have failed to provide any protection from exploitation by the producer of raw material, manufacturer, and distributor of the supplies necessary to the production of wheat. Of what use to the wheat farmer is the extra 30 cents per bushel when you permit the implement and supplies to consume it? And does this consumption help us in any way to win the war? If so, we have nothing more to say; but we question the validity of such thought.

In your deliberations and discussions you seem to have overlooked the fact that there are probably 25 citizens engaged in other branches of agriculture to one engaged in wheat raising. We admit that wheat comes first from an efficiency standpoint at this time; but what about milk, butter, cheese, poultry, eggs? From the standpoint of food value, do they not merit your second consideration? Dairy and poultry farmers have much more money permanently invested per acre than has the wheat farmer, and their land is not suited to the production of wheat, but is far more valuable commercially, and is therefore taxed two and three times as much as the wheat lands.

You have taught the dairyman and poultryman to breed pure-bred stock, and they have responded until millions of dollars are tied up permanently. You can not sidetrack such a business, nor can these farmers kill off this stock and try to produce wheat. This is a permanent business, and you, ladies and gentlemen of Congress, have got to give it some protection, and that quickly, or this Government will have upon its hands thousands of bankrupt farmers and millions of unfertilized acres lying idle before we have whipped "Old Kizer's Bill." These farmers only ask the same right of existence you extend the shipbuilder and miller. They are of the most loyal of our citizenry and do not seek profit at this time, but they insist that you stop this excessive profiteering of their product to the extent that they be permitted to make both ends meet.

You have guaranteed the miller a certain profit per barrel for the flour he manufactures, and you have overlooked the by-products thereof, viz, bran, shorts, middlings, screenings, etc., and which forms the leading dairy and poultry feeds, and which said miller is using to exploit the farmer. The dairyman nor the poultryman care what price is paid for their product, if the cost of production is regulated to meet it.

Many of you have admitted on the floor of your respective assemblies that "price fixing has proven a failure" and that the "law of supply and demand should control." Permit me to disagree. President Wilson stated correctly, "The law of supply and demand has been supplanted by unrestrained selfishness." There has been no honest law of supply and demand for the past 25 years, and especially so for the past 10 years. The commission man and the broker have created a fictitious supply and a fictitious demand at will and have absolutely controlled prices for their profit alone.

You have a right to exclaim that the partial price fixing done has been a failure and detrimental to the last degree. In the name of justice and fairness to your constituents in all lines of business you must now go further and place a price upon all commodities produced by capital or labor.

I am authorized to write you this letter by the grange of King County, State of Washington, representing 20 local organizations with a membership of 1,500 and approximately 1,000 farms of an average acreage of 40 acres; hence 40,000 acres of as rich and productive soil as will be found anywhere in this United States is now appealing to you for a square deal.

Permit me to cite you a few facts. At our regular meeting held Thursday, March 28, figures were presented by different investigating committees and individuals concerning the cost of production of milk. The lowest actual cost of production was \$3.125 per 100 pounds; the average cost of production was \$3.431. The price received by producer on February 28 was \$3 per 100 pounds; March 1 to 15, \$2.90; March 15 to April 1, \$2.75; and another drop due in April. You can appreciate the result.

Will you delve into this matter immediately and produce some remedial legislation before it is too late? If you seek personal evidence, it will be forthcoming.

Yours, very truly,

C. R. COTRELL,
Chairman Congressional Committee.

Mr. SHIELDS. I present a resolution from citizens of Knoxville, in meeting at Knoxville, Tenn., on the subject of equal suffrage, which I ask may be printed in the RECORD.

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

Be it resolved, That we, citizens of Knoxville, in meeting assembled at Knoxville, Tenn., this 13th day of April, 1918, congratulate Senator MCKELLAR on his progressive stand on the Federal suffrage amendment and urge Senator SHIELDS to work and vote for this measure granting

political liberty to 20,000,000 American women at a time when they are called on to serve and suffer in a war for democracy abroad; and be it further

Resolved, That we call upon the United States Senate for the immediate passage of the Federal suffrage amendment, that political justice may be done to the women of this Nation; and be it further

Resolved, That copies of this resolution be sent to Senator McKELLAR and to Senator SHIELDS, with the request that he read it into the RECORD of the Senate.

L. CROZIER FRENCH, *Chairman*.

Mr. CUMMINS. I present a petition numerously signed by citizens of Des Moines, Polk County, Iowa, respectfully petitioning the passage of legislation giving letter carriers and clerks an increase in salaries to help meet the abnormal rise in living expenses. I move that the petition be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. NELSON presented resolutions adopted by the Spanish-American War Veterans of the Fifteenth Minnesota Volunteer Infantry at their annual reunion, March 27, pledging anew their allegiance to the country and offering their services to the flag in any capacity in which they can be of use, which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by the St. Paul Growers' Association, of St. Paul, Minn., favoring the fixing of a fair price on all wheat substitutes, to be based upon the established price of wheat, which were ordered to lie on the table.

He also presented a petition of the faculty of the Suak Rapids Schools, of Suak Rapids, Minn., and a petition of sundry citizens of Suak Rapids, Minn., praying for the repeal of the zone system of postage rates on second-class mail matter, which were ordered to lie on the table.

Mr. CURTIS presented a petition of sundry citizens of Sylvan Grove, Kans., praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Kansas Employers' Association, of Topeka, Kans., remonstrating against the adoption of the proposed antiefficiency clause in the naval appropriation bill, which was referred to the Committee on Naval Affairs.

He also presented a petition of the united congregations of the Baptist and Methodist Churches of Goddard, Kans., and a petition of the congregation of the Baptist Church of Derby, Kans., praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of Robert Anderson Post, No. 45, Grand Army of the Republic, Department of Kansas, of Center, Kans., and a petition of General Hazen Post, No. 258, Grand Army of the Republic, Department of Kansas, of Lincoln, Kans., praying for an increase in pensions of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Club, of Kinsley, Kans., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Upton, Wyo., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of Federal Employees' Union, No. 17, of Port Huron, Mich., and a petition of sundry citizens of Detroit, Mich., praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

He also presented a petition of the Houghton County Medical Society of Michigan, praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented petitions of the Granite Cutters' International Association of America, of San Francisco; of the Riggers' and Stevedores' Union, of San Francisco; of Local Branch No. 21, National Association of Letter Carriers, of San Francisco; and of sundry citizens of Ontario, all in the State of California, praying for an increase in the salaries of postal employees, which were ordered to lie on the table.

ACCEPTANCE OF DECORATIONS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 143) to permit any and all members of the military or naval forces of the United States serving in the present war to accept decorations from the Government of any of the countries concurrently engaged with the United States in the prosecution of said war, reported it with amendments and submitted a report (No. 395) thereon.

PUBLIC HOUSING FOR WAR NEEDS.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably with amendments the bill (H. R. 10265) to authorize the Secretary of Labor to provide

housing, local transportation, and other community facilities for war needs, and I submit a report (No. 394) thereon. I will ask that the bill and report be printed, and after the bill is printed with the amendments I may try this evening to see if I can not get consideration of it. I want to give Senators who are interested in the bill an opportunity to have a copy of the bill and the report of the proposed amendments. It can be printed with the amendments in a few hours, I understand.

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

ENLISTED MEN TRAVELING ON DUTY.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. Will the Senator from Oregon please explain the bill and whether it differs from the Senate bill?

Mr. CHAMBERLAIN. It is exactly the same as Senate bill 3691, which passed the Senate on March 23. It is to reimburse enlisted men when they go off on other duties than the regular service in the line. It has already passed the Senate and the committee reports the bill as it came from the House.

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

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

Be it enacted, etc., That hereafter under such regulations and within such maximum rates as may be prescribed by the Secretary of War enlisted men may be reimbursed for actual expenses of travel, including subsistence and lodging, incurred while traveling under competent orders and not embraced in the movement of troops, or they may be paid a flat per diem therefor in lieu of such reimbursement.

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

TEMPORARY PROMOTIONS IN THE REGULAR ARMY.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 9902) to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

I will state with reference to this bill that it is in the exact language of Senate bill 3801 which passed the Senate on the 23d of March, 1918. The House bill in the meantime had passed the House, and it has come over here and the committee ask that the House bill be passed.

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

Be it enacted, etc., That the last sentence of section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be, and the same hereby is, amended to read as follows:

"Vacancies in the grades of the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed by section 114 of the national defense act, approved June 3, 1916, except that such promotions and appointments may be made by the President alone when such vacancies are in grades not above that of colonel; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions or be prejudiced in their relative or lineal standing in the Regular Army."

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

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. STERLING:

A bill (S. 4360) granting an increase of pension to Charles F. Lytle (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4361) to amend an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 4362) to provide preferential homestead entries for soldiers and sailors of war with Germany and Austria; to the Committee on Public Lands.

By Mr. TILLMAN:

A bill (S. 4363) to authorize the discharge of officers of the Navy and Marine Corps incapacitated for active service by reason of misconduct; to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4364) to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States by acting as spies in time of war in the United States, and for other purposes; and

A bill (S. 4365) to authorize the President to make provision for the care and treatment of persons discharged from the military or naval forces of the United States who are citizens of any nation at war with a nation with which the United States is at war; to the Committee on Military Affairs.

A bill (S. 4366) to amend section 5 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes," approved June 23, 1913 (38 Stat. L., 4, 75) (with accompanying paper); to the Committee on the Library.

By Mr. SHIELDS:

A bill (S. 4367) granting a pension to Zack Amis (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4368) for the relief of Joseph Eubor; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4369) granting an increase of pension to David Patchin (with accompanying papers); to the Committee on Pensions.

A bill (S. 4370) prohibiting trespassing upon the cars or trains of carriers by rail engaged in interstate or foreign commerce (with accompanying paper); to the Committee on Interstate Commerce.

By Mr. CURTIS:

A bill (S. 4371) granting an increase of pension to John W. Johnson (with accompanying papers);

A bill (S. 4372) granting an increase of pension to Samuel H. Booker (with accompanying papers);

A bill (S. 4373) granting an increase of pension to Joseph J. Bennett (with accompanying papers);

A bill (S. 4374) granting an increase of pension to Benjamin F. Sawrey (with accompanying papers);

A bill (S. 4375) granting a pension to Alice P. Knapp (with accompanying papers);

A bill (S. 4376) granting an increase of pension to James William Alexander (with accompanying papers);

A bill (S. 4377) granting an increase of pension to Anna C. Seaman (with accompanying papers);

A bill (S. 4378) granting an increase of pension to James H. Mills (with accompanying papers);

A bill (S. 4379) granting an increase of pension to Jeremiah B. Cook (with accompanying papers);

A bill (S. 4380) granting a pension to Walter C. Nicolls (with accompanying papers);

A bill (S. 4381) granting an increase of pension to Maria Love (with accompanying papers);

A bill (S. 4382) granting an increase of pension to Abram W. Sidwell (with accompanying papers);

A bill (S. 4383) granting an increase of pension to Swain C. Kindblade (with accompanying papers);

A bill (S. 4384) granting an increase of pension to Davis Parsons (with accompanying papers);

A bill (S. 4385) granting an increase of pension to Eli Avery (with accompanying papers);

A bill (S. 4386) granting a pension to Frances L. Ha Ha (with accompanying papers);

A bill (S. 4387) granting an increase of pension to John H. Biddle (with accompanying papers); and

A bill (S. 4388) granting an increase of pension to Henry Yerkes (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4389) granting a pension to Malinda Dillon (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4390) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by section 7 of the act entitled "An act to create a Commerce Court," and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on Interstate Commerce.

By Mr. GALLINGER: A bill (S. 4390) granting an increase of pension to James W. Elwell (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 148) providing for the payment of income tax in monthly installments by certain members of

the military and naval forces of the United States (with accompanying paper); to the Committee on Finance.

WITHDRAWAL OF PAPERS—ELIZABETH CROWELL.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 4640, Sixty-fourth Congress, first session, granting an increase of pension to Elizabeth Crowell, be withdrawn from the files of the Senate, no adverse report having been made thereon.

OUTPUT OF COAL.

Mr. THOMAS. Mr. President, I desire to read without any comment three very short clippings from papers of recent date. The first is entitled "Miners warn chaos means fuel famine":

MINERS WARN CHAOS MEANS FUEL FAMINE—STABILIZATION OF PRICE AND DISTRIBUTION URGED AS VITAL.

INDIANAPOLIS, IND., April 13.

Declaring that the present coal production in the United States is far below the Nation's lowest possible estimated requirements, the international executive board of the United Mine Workers of America, in a telegram to Federal Fuel Administrator Garfield, urged the immediate stabilization of prices and distributing agencies to prevent a recurrence of the crisis of 1917.

The telegram declares that mines in the States of Iowa, Oklahoma, Missouri, Kansas, Colorado, Wyoming, Montana, and West Virginia are working less than half time, and that in many mining towns large producing mines are actually shut down. Miners are leaving the mines in industrial centers where the car shortage shows no signs of improvement, the committee states, and adds: "If this exodus of miners to other lines of employment is permitted to continue, full car supply and most satisfactory distributing facilities provided later will be destined to failure."

The committee reiterates its pledge of full cooperation to all agencies of the Government to the end that the maximum coal production may result.

The second clipping is entitled "Soft coal production less":

SOFT COAL PRODUCTION LESS—1,500,000 TONS DECREASE IN WEEK ENDED APRIL 6, REPORT SHOWS.

That a serious coal shortage is impending is shown by the report of the Geological Survey made public yesterday. The decrease in production of bituminous for the week ended April 6 was 1,500,000 tons, or 14 per cent, as compared with the preceding week. The total production of bituminous coal, including lignite and coal made into coke, is estimated at 9,395,000 net tons.

The average per working day for the week ended April 6 was 1,566,000 tons, as compared with 1,833,000 tons for the week ended March 23. Bituminous shipments on 123 roads fell off from 197,415 carloads for the week ended March 2 to 161,500 carloads for the week ended April 6.

The last clipping has no headline and it appeared in an obscure portion of the paper.

One day Lee Thurman happened to be Acting Secretary of Commerce, Mr. Redfield being out of town. It also happened that a lighthouse inspection steamer ran out of coal.

The Department of Commerce sent to the Coal Administration for an order for the steamer's fuel, and Acting Secretary Thurman signed the order. Back it came.

"We can't take orders from subordinate officials," said the Fuel Administration with its head in the air; and do you know, because of that stupid bit of red tape the lighthouse inspection steamer hung around in port for one week.

Mr. LODGE. Mr. President, I happened to see a recent report of the Geological Survey in regard to coal which shows a great diminution in the production of coal, as the Senator has shown in the clippings. Is that not due in large measure to the fact that people are not buying coal as recommended by the Fuel Administration?

Mr. THOMAS. The reasons assigned by the executive committee of United Mine Workers and also in a statement this morning which I did not read in the RECORD—I do not state them in the order of their importance perhaps—are, first, coal shortage; second, interference in prices, lack, in other words, of stabilization of prices sufficiently reasonable to admit of fair profit. In my judgment the latter is the more serious of the two, for the reason that interference with prices by frequent changes and the probability of the continuance of that policy introduce the element of uncertainty in the business so great as to make it difficult for the producers to hold their organizations together or to assure their men of constant work. The two things together threaten the country with a coal famine quite as serious as or more serious than the one of last winter which resulted, as we have good reason to recollect, in the temporary paralysis of American industry.

Mr. LODGE. Is it not true that there is an effort being made to reduce the prices to railroads?

Mr. THOMAS. I am unable to answer that question. I understand that an effort is being made—and it is a very proper one if not carried to an extreme, to supply all industries engaged in the production of war material with such coal as they need.

Mr. LODGE. I did not mean precisely that. I mean is there not an effort being made to compel mines to sell coal to railroads at prices below those fixed by the Fuel Administration?

Mr. THOMAS. I understand the Senator's question. I am unable to answer it. I have no information on that subject.

Mr. FLETCHER. I wish to ask the Senator just one question. My information may be wrong, and I would like to be corrected if it is. It is that the output of the mines for 1916, both of

bituminous and anthracite, was the greatest in the history of the country, and that for 1917 there was an immense increase in the bituminous and anthracite output?

Mr. THOMAS. That is my information.

Mr. FLETCHER. And that the price now at the mines is much greater than it has been heretofore?

Mr. THOMAS. The latter statement I can not concur in. I do not think that is true. I feel very sure it is not the case in my State.

Mr. LODGE. The Fuel Administration has recently fixed certain prices and given it to be understood that they were to continue during the year. I have heard that there is an effort being made to compel mines to sell coal cheaper to the railroads, and therefore the railroads are holding off in buying, and as they consume a quarter of the production the result will be if that is done that the difference will have to be made up either out of the private consumer or by a reduction in the wages of labor.

Mr. THOMAS. That is unquestionably true, but I have no information, as I said before.

Mr. LODGE. I have not the details of it. I only heard that, and I thought the Senator might know.

Mr. THOMAS. I am not posted on that subject.

Mr. LODGE. I was told that the consumption by the railroads in the Senator's State would have a great effect in taking certain kinds of coal which could not be stored.

Mr. THOMAS. If the decrease in production continues for any considerable length of time I fear that when the general shortage comes, even in the great coal section where I live, they may find it necessary to obtain a part of their supply from other sources. I hope that will not be the case. The two fundamental causes of the present distressing situation are lack of stabilization of prices at reasonably remunerative rates and the possibility of further reductions, coupled with an undoubted shortage of cars.

ARTICLE BY ANDREW FURUSETH.

Mr. FLETCHER. Mr. President, I present an article by Andrew Furuseth, president of the International Seamen's Union of America, entitled "American Sea Power and the Seamen's Act." I ask that it be referred to the Committee on Printing with a view to having it made a public document.

The VICE PRESIDENT. Without objection, it will be so referred.

NATIONAL WAR LABOR BOARD.

Mr. SHERMAN. I present an article from the Official Bulletin of April 1, 1918, a report and recommendation of the War Labor Conference Board, and another from the Official Bulletin of April 10, 1918, being the President's proclamation appointing a National Industrial Conference Board. I ask that it may be printed without reading, and following that an article prepared by James A. Emery, of the National Industrial Conference Board, referring to those two documents, which I also ask may be printed without reading.

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

NATIONAL WAR LABOR BOARD IS RECOMMENDED BY COMMISSION; PROGRAM OF ACTION OUTLINED—REPORTS TO SECRETARY WILSON—REPRESENTATIVES OF EMPLOYERS AND EMPLOYEES AGREE ON STATEMENT OF POLICIES AND PRINCIPLES TO BE FOLLOWED—NO STRIKES OR LOCKOUTS.

The following report and recommendations are presented by the war labor conference board, representing employers and employees, in accordance with the suggestion of Secretary of Labor William B. Wilson, to aid in the formation of a national labor program for the period of the war:

WASHINGTON, March 29, 1918.

Hon. WILLIAM B. WILSON,
Secretary of Labor.

SIR: The commission of representatives of employers and workers, selected in accord with the suggestion of your letter of January 28, 1918, to aid in the formulation, in the present emergency, of a national labor program, present to you, as a result of their conferences, the following:

(a) That there be created, for the period of the war, a national war labor board of the same number and to be selected in the same manner and by the same agencies as the commission making this recommendation.

FUNCTIONS AND POWERS OF BOARD.

(b) That the functions and powers of the national board shall be as follows:

1. To bring about a settlement, by mediation and conciliation, of every controversy arising between employers and workers in the field of production necessary for the effective conduct of the war.

2. To do the same thing in similar controversies in other fields of national activity, delays and obstructions in which may, in the opinion of the national board, affect detrimentally such production.

3. To provide such machinery by direct appointment, or otherwise, for selection of committees or boards to sit in various parts of the country where controversies arise, to secure settlement by local mediation and conciliation.

4. To summon the parties to the controversy for hearing and action by the national board in case of failure to secure settlement by local mediation and conciliation.

PROVISION FOR UMPIRE.

(c) If the sincere and determined effort of the national board shall fail to bring about a voluntary settlement and the members of the board shall be unable unanimously to agree upon a decision, then and in that

case, and only as a last resort, an umpire appointed in the manner provided in the next paragraph shall hear and finally decide the controversy under simple rules of procedure prescribed by the national board.

(d) The members of the national board shall choose the umpire by unanimous vote. Failing such choice, the name of the umpire shall be drawn by lot from a list of 10 suitable and disinterested persons to be nominated for the purpose by the President of the United States.

(e) The national board shall hold its regular meetings in the city of Washington, with power to meet at any other place convenient for the board and the occasion.

MAY ALTER METHODS.

(f) The national board may alter its methods and practice in settlement of controversies hereunder from time to time as experience may suggest.

(g) The national board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

(h) The place of each member of the national board unavoidably detained from attending one or more of its sessions may be filled by a substitute to be named by such member as his regular substitute. The substitute shall have the same representative character as his principal.

(i) The national board shall have power to appoint a secretary and to create such other clerical organization under it as may be in its judgment necessary for the discharge of its duties.

(j) The national board may apply to the Secretary of Labor for authority to use the machinery of the department in its work for conciliation and mediation.

HOW ACTION MAY BE INVOKED.

(k) The action of the national board may be invoked in respect to controversies within its jurisdiction by the Secretary of Labor or by either side in a controversy, or its duly authorized representative. The board, after summary consideration, may refuse further hearing if the case is not of such character or importance to justify it.

(l) In the appointment of committees of its own members to act for the board in general or local matters, and in the creation of local committees, the employers and the workers shall be equally represented.

(m) The representatives of the public in the board shall preside alternately at successive sessions of the board or as agreed upon.

(n) The board in its mediating and conciliatory action, and the umpire in his consideration of a controversy, shall be governed by the following principles:

PRINCIPLES TO BE OBSERVED.

There should be no strikes or lockouts during the war.

RIGHT TO ORGANIZE.

1. The right of workers to organize in trade-unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the employers in any manner whatsoever.

2. The right of employers to organize in associations of groups and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the workers in any manner whatsoever.

3. Employers should not discharge workers for membership in trade-unions nor for legitimate trade-union activities.

4. The workers, in the exercise of their right to organize, shall not use coercive measures of any kind to induce persons to join their organizations nor to induce employers to bargain or deal therewith.

EXISTING CONDITIONS.

1. In establishments where the union shop exists the same shall continue, and the union standards as to wages, hours of labor, and other conditions of employment shall be maintained.

2. In establishments where union and nonunion men and women now work together, and the employer meets only with employees or representatives engaged in said establishments, the continuance of such condition shall not be deemed a grievance. This declaration, however, is not intended in any manner to deny the right or discourage the practice of the formation of labor unions or the joining of the same by the workers in said establishments, as guaranteed in the last paragraph, nor to prevent the War Labor Board from urging, or any umpire from granting, under the machinery herein provided, improvement of their situation in the matter of wages, hours of labor, or other conditions as shall be found desirable from time to time.

3. Established safeguards and regulations for the protection of the health and safety of workers shall not be relaxed.

WOMEN IN INDUSTRY.

If it shall become necessary to employ women on work ordinarily performed by men, they must be allowed equal pay for equal work, and must not be allotted tasks disproportionate to their strength.

HOURS OF LABOR.

The basic eight-hour day is recognized as applying in all cases in which existing law requires it. In all other cases the question of hours of labor shall be settled with due regard to governmental necessities and the welfare, health, and proper comfort of the workers.

MAXIMUM PRODUCTION.

The maximum production of all war industries should be maintained, and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged.

MOBILIZATION OF LABOR.

For the purpose of mobilizing the labor supply with a view to its rapid and effective distribution, a permanent list of the number of skilled and other workers available in different parts of the Nation shall be kept on file by the Department of Labor, the information to be constantly furnished:

1. By the trade-unions.

2. By State employment bureaus and Federal agencies of like character.

3. By the managers and operators of industrial establishments throughout the country.

These agencies should be given opportunity to aid in the distribution of labor, as necessity demands.

CUSTOM OF LOCALITIES.

In fixing wages, hours, and conditions of labor regard should always be had to the labor standards, wage scales, and other conditions prevailing in the localities affected.

THE LIVING WAGE.

1. The right of all workers, including common laborers, to a living wage is hereby declared.

2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort.

Loyall A. Osborne, L. F. Loree, W. H. Van Dervoort, C. E. Michael, B. L. Worden, Wm. H. Taft, Frank J. Hayes, Wm. L. Hutchison, Thomas J. Savage, Victor A. Olander, T. A. Rickert, Frank P. Walsh.

[From the Official Bulletin, Wednesday, April 10, 1918.]

PRESIDENT APPROVES CREATION OF NATIONAL WAR LABOR BOARD; OUTLINES ITS POWERS AND DUTIES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas, in January, 1918, the Secretary of Labor, upon the nomination of the president of the American Federation of Labor and the president of the National Industrial Conference Board, appointed a War Labor Conference Board for the purpose of devising for the period of the war a method of labor adjustment which would be acceptable to employers and employees; and

Whereas, said board has made a report recommending the creation for the period of the war of a national war labor board with the same number of members as, and to be selected by the same agencies, that created the War Labor Conference Board whose duty it shall be to adjust labor disputes in the manner specified, and in accordance with certain conditions set forth in the said report; and

Whereas, the Secretary of Labor has, in accordance with the recommendation contained in the report of said War Labor Conference Board dated March 29, 1918, appointed as members of the National War Labor Board Hon. William Howard Taft and Hon. Frank P. Walsh, representatives of the general public of the United States; Messrs. Loyall Z. Osborne, L. F. Loree, W. H. Van Dervoort, C. E. Michael, and B. L. Worden, representatives of the employers of the United States; and Messrs. Frank J. Hayes, William L. Hutchison, William H. Johnston, Victor A. Olander and T. A. Rickert, representatives of the employees of the United States;

Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby approve and affirm the said appointments and make due proclamation thereof and of the following for the information and guidance of all concerned:

The powers, functions, and duties of the National War Labor Board shall be: To settle by mediation and conciliation controversies arising between employers and workers in fields of production necessary for the effective conduct of the war, or in other fields of national activity, delays and obstructions which might, in the opinion of the national board, affect detrimentally such production; to provide, by direct appointment or otherwise, for committees or boards to sit in various parts of the country where controversies arise and secure settlement by local mediation and conciliation; and to summon the parties to controversies for hearing and action by the national board in event of failure to secure settlement by mediation and conciliation.

The principles to be observed and the methods to be followed by the National Board in exercising such powers and functions and performing such duties shall be those specified in the said report of the War Labor Conference Board dated March 29, 1918, a complete copy of which is herewith appended.

The national board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

And I do hereby urge upon all employers and employees within the United States the necessity of utilizing the means and methods thus provided for the adjustment of all industrial disputes, and request that during the pendency of mediation or arbitration through the said means and methods there shall be no discontinuance of industrial operations which would result in curtailment of the production of war necessities.

In witness whereof, I have herewith set my hand and caused the seal of the United States to be affixed.

Done in the District of Columbia, this eighth day of April, in the year of our Lord one thousand nine hundred and eighteen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

ROBERT LANSING,
Secretary of State.

WAR LABOR BOARD FOR INCREASING PRODUCTION—BODY JUST FORMED WILL ENDEAVOR TO MAINTAIN HARMONY BETWEEN EMPLOYERS AND LABOR IN ORDER TO SPEED UP WORK OF AMERICAN INDUSTRIES.

[By James A. Emery, of the National Industrial Conference Board.]

Without attracting proportionate attention or comment, a remarkable social experiment of critical interest to our country is about to be made. A representative committee of employers and organized labor will undertake, through machinery jointly devised, to secure uninterrupted maximum production of war necessities and conciliate, mediate, or arbitrate inevitable differences as to hours, wages, and working conditions by the application of standards of mutual conduct which they agree ought to govern the employment relation for the duration of the war.

The joint committee which fathered these proposals was appointed by the Secretary of Labor January 28, 1918, and consisted of five representative employers nominated by the National Industrial Conference Board, and five officers of international unions named by the American Federation of Labor. Each group then selected a representative of the public to participate in the conferences. The employer representatives nominated ex-President Taft; the union representatives Frank P. Walsh, head of the old Industrial Relations Commission.

This joint committee, after repeated conferences at Washington, made recommendations to the Secretary of Labor on March 29 suggesting the creation of a war labor board, to conciliate and finally adjust labor disputes affecting war production, and offered certain principles and policies to govern the administration of the proposed board.

With the approval of the Secretary of Labor, the President of the United States, by Executive proclamation on April 9, adopted the proposals of the joint conference and appointed the same representatives of employers and unions to constitute the National War Labor Board. The President further urged "upon all employers and employees within

the United States the necessity of utilizing the means and methods thus provided for the adjustment of all industrial disputes," and requested "that during the pendency of mediation and arbitration through the said means and methods there shall be no discontinuance of industrial operations which would result in curtailment in the production of war necessities."

The need for devising an effective means of preventing the continuously increasing interruptions of our war production has become steadily greater. So far as it has been and is being caused by agents of the public enemy it has been and will be the subject of increasingly drastic legislation and police administration, but so far as it has been due to economic differences intensified by the circumstances of war production, agitation, and suspicious discontent it is but partially and ineffectually met by existing agencies or the experimental policies of the Government.

Soon after the declaration of war labor-dispute adjustment machinery was created by agreement between the Secretary of War and Mr. Gompers in relation to cantonment construction, by the Shipping Board, and the international officers of the craft unions involved, while the Department of Labor and various temporary committees and commissions, including the President's Mediation Commission, undertook the investigation, mediation, or arbitration of general classes of employment controversies. Despite these various agencies, none of which were coextensive with the field of industrial production, from our entrance into the war strikes steadily increased in number, extent, and intensity.

An investigation of strikes between April 6 and October 6, 1917, made by the National Industrial Conference Board, showed during that period a verified loss of 6,285,519 production days. The Bureau of Labor Statistics, Department of Labor, in its December, 1917, bulletin reported for the preceding month of September 171 strikes involving 147,349 persons, whose average loss of time indicated a minimum labor loss of more than a million workdays.

The same bulletin, reporting from official statistics of the German Empire, indicated that the United States lost through strikes in the single month of September, 1917, more workdays than the German Empire from the same cause in the whole year 1916. Whether we prefer the conclusions of a private body predicated upon painstaking inquiry or the comparisons afforded by official figures, either indicates an actual and threatened loss of production through labor disputes, with their social reaction upon national unity of thought and action, constituting a tragic menace. Whatever the motive of those who stop, or threaten to stop, the production of ships or supplies for ourselves or our allies, they consciously or unconsciously perform the work of the public enemy.

Great Britain met this condition by the famous treasury agreement of March 1915 between the Government and the representatives of all the British trade-unions. The unionists were asked to abandon every restrictive shop practice or custom threatening the maximum output of munitions, to agree that there should be no strikes affecting such production, that a dilution of unskilled, female, and unorganized labor be accepted, with a compulsory arbitration of all differences. In return for this the Government assured a limitation of employers' profits and the restoration, without prejudice to the unions, of the customs and practices which they abandoned for the period of the war. In other words, highly organized Great Britain became an open shop to win the war, for organized British labor accepted the proposal, and has kept its pledge with magnificent loyalty.

American labor conditions as we entered the war were substantially those which Great Britain reached by agreement. There from 80 per cent to 90 per cent of the war industries, including shipbuilding, were highly unionized. Here the reverse was the fact. The Naval Consulting Board which examined and classified plants available for munition production reported, prior to our entrance into the war, 18,654 establishments, of which 1,867, or slightly more than 10 per cent, were union shops. We therefore possessed, as a matter of fact and law, upon entering the war, a condition which Great Britain sought and established as a national policy through negotiation and after learning its necessity by costly experience.

Our industrial circumstances are, therefore, not only unlike those of our great ally, but the establishment of the War Labor Board presents an essentially different method in principle of fixing standards of conduct and methods of adjusting disputes. Great Britain sanctioned the Treasury agreement by enacting its industrial policy and the Government's pledge into the munition acts of 1915-16. We have undertaken to accomplish the same purpose without legislation through representatives of employers and unions directly recognizing and declaring for the imposition of specific reciprocal voluntary restraints in the conduct of their relations with each other, in order to minimize causes of disagreement, while adjusting such disputes as arise between them through machinery of their own devising, which they jointly administer in the presence and with the aid of representatives of the public.

The board is without legal authority to compel the acceptance of its policy or methods, the reference to it of any dispute, or the enforcement of any award. It can not compel a single employer to adopt its views or a single employee to remain at his task. But the circumstances of its formation, the representative quality of its membership, the inherent worth, perceived necessity, and apparent practicability of its principles and procedure attach a powerful moral sanction to its proceedings.

For the American people realize more clearly each day the necessity of uninterrupted production. The needs of their soldiery are calling insistently from the trenches. They know their cause to be equally imperiled whether that production is stopped by stubborn disputants or the military effort of the public enemy. If it can not be assured by the operation of a voluntary arrangement, the people are likely to demand that the very extreme of authority shall be exerted to obtain it. It will be a notable and inspiring achievement, indeed, if the recognition of a common obligation to the national defense will supply an ample substitute for any exercise of public authority.

The fundamental declaration which underlies the whole scheme is the recognition by both parties that "there should be no strikes or lockouts during the war." Expressed in the form of an opinion rather than an imperative pledge, it expresses the end to which all else is subordinate. To avoid this wasteful, and for the war unendurable, method of settling labor disputes the board arms itself with a means of flexibly adapting its organization to the circumstances of any disagreement. It refuses first of all to take cognizance of any case in which by agreement or statute a medium of adjustment is provided until that medium has been tried and failed. Even after its intervention has been invoked the board may drop any case if its character or importance does not justify its further consideration.

The action of the board is invoked by application of either of the parties or the Secretary of Labor. It may operate through permanent or temporary local committees of its own appointment, provided always

that employers and employees are equally represented. It creates its own methods and practice as it progresses, and may alter these in the light of its experience.

While the plan emphasizes a determination to exhaust the resources of mediation and conciliation before proceeding to arbitration, it nevertheless provides, in the event of the failure of these methods, for the choice of an umpire, either by the unanimous vote of the board or by a drawing from a list of 10 suitable and disinterested persons nominated by the President of the United States. The decision of such umpire is to be final and without appeal. The subject matter to which the board confines itself are controversies directly, or in its opinion indirectly but detrimentally, affecting production necessary for the conduct of the war. The whole working arrangement is by its very nature for the duration of the war.

A means of adjustment without standards would be a procedure without substantive law. The joint conference committee therefore proposed, and the Executive proclamation approves, a brief declaration of principles to govern the board or its representatives in the consideration of any controversy. These include a declaration of the right of all workers to a living wage in recognition of the principle that found perhaps its best expression in the famous labor encyclical of Pope Leo XIII, a recommendation to assist in the mobilization of labor by providing lists of workers to the Department of Labor through trade-unions, State and Federal employment agencies, and the management of industrial establishments. Women workers, it is declared, should be allowed equal pay for equal work on work ordinarily performed by men and be limited to tasks proportionate to their strength.

In respect to hours of labor the basic eight-hour day is recognized in all cases where it is required by law. In all other instances hours of service are determinable by the public necessity and the welfare, health, and proper comfort of the worker.

A most important declaration is made with respect to the necessity for "maximum production," which, it is asserted, "should be maintained, and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged."

It is recognized that local custom and standards should prevail in fixing wages, hours, and conditions of labor.

In addition to these declarations of economic standards and policy, and for the assured continuance of established safeguards and regulations for the protection of health, safety, and welfare of workers special declarations are made upon the subject of the "right to organize" and in recognition and protection of existing employment conditions in munition establishments. These declarations are for the apparent purpose of clearly affirming for trade unions the right to organize and deal collectively with their employers and engage in all legitimate activities to that end.

The nonunion worker and the employer not at present dealing with trade-unions is assured of equal protection against the use of any coercive means either to compel the one to take membership in a union or the other, against his will, to deal with it.

It is likewise clearly stated that where union standards and conditions exist they shall be maintained, but where union men and women or nonunion men and women now work together the continuance of such a condition shall not be deemed a "grievance" by organized labor.

While I am a member of the National Industrial Conference Board, I neither know nor am authorized to express the opinions of its membership nor of the employer members of the War Labor Board, but I should assume from antecedent circumstances that the representatives neither of employer nor employee intended to make this declaration of principles exclusive, but rather sought through it to clarify the ambiguous interpretation and misunderstandings which have frequently arisen in the endeavor to apply the standards which early in the war the National Council of Defense declared ought to govern the employment relation throughout the struggle. It is substantially summed up in the declaration that neither employer nor employee should take advantage of the circumstances of the war to obtain a condition which they were unable to secure prior thereto.

Of course neither employer nor employee can undertake to define the rights or privileges of the other, nor substitute his opinions or desires with respect to the same for those which spring from the nature of our Government or the decisions of our highest judicial tribunals. But the accredited representatives of such parties can, as they have in this instance, and with great moral authority, recommend a course of conduct with respect to the relations of employers and trade-unions, which, springing from exceptional experience, should be calculated to diminish the differences likely to arise from disagreeing interpretations of the employment relation.

The economic standards proposed should be mutually acceptable. The right to organize, which is undeniable, is properly conditioned by condemnation of the use of coercive measures and the assurance of the recognition of the rights and protection of the nonconformant, whether employer or employee. If trade-unions by superior efficiency or service can merit and win the membership of individual workers, and if employers voluntarily, and not because of coercive threats, prefer to deal with them because of a demonstrated advantage, neither the individual nor the public has cause for complaint.

The experiment is unique in political history: the stake a tremendous one. The practical operation of the plan will be its true test. But the object it seeks to accomplish is at present essential to our national safety, and we should therefore give to the enterprise our hearty cooperation, with every desire to make it a notable success.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," in the item of appropriation for clerks and messengers for the following committees, on page 5, line 9, before the word "clerk," where it occurs the first time, to insert "actuary, \$4,000."

The amendment was agreed to.

The next amendment was, in line 11, after "\$1,440," to strike out "two experts (one for the majority and one for the minority) at \$2,000 each," and insert "expert for the minority, \$2,000."

Mr. SMOOT. Mr. President, I call the attention of the Senator from Virginia to the fact that I think the committee desires that amendment rejected.

Mr. MARTIN. I move that the Senate disagree to the amendment just stated, and the amendment previously agreed to in respect to that matter. I shall explain my reasons for doing so a little later on.

The VICE PRESIDENT. Does the Senator desire that the Senate shall disagree to the amendment in reference to an actuary?

Mr. MARTIN. I desire that the Senate shall disagree to these two committee amendments.

The VICE PRESIDENT. The Senator refers also to the amendment on page 5, line 9?

Mr. MARTIN. Yes.

The VICE PRESIDENT. Without objection, the vote whereby the amendment on page 5, line 9, was agreed to will be reconsidered and the committee amendment rejected. Without objection, the committee amendment on page 5, lines 11, 12, and 13, is also rejected. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the item of appropriation for clerks and messengers to the following committees, on page 6, line 11, after "\$2,220," to strike out "assistant clerk, \$1,440" and insert "two assistant clerks, at \$1,440 each," so as to read:

Military Affairs—clerk \$2,500, assistant clerk \$2,220, two assistant clerks at \$1,440 each, messenger \$1,200.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "clerk," to strike out "\$1,800" and to insert "\$2,220," so as to read:

Naval Affairs: Clerk, \$2,500; assistant clerk, \$2,220.

The amendment was agreed to.

The next amendment was, in the item of appropriation for clerks and messengers to the following committees, on page 7, line 25, after the words "in all," to strike out "\$428,380" and insert "\$432,240," so as to read:

Transportation routes to the seaboard—clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; University of the United States—clerk \$2,220, assistant clerk \$1,440, messenger, \$1,200; Woman Suffrage—clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; in all, \$432,240.

The amendment was agreed to.

Mr. MARTIN. I ask unanimous consent that the Secretary be authorized to correct all the totals which it shall be necessary to change because of amendments to the bill.

The VICE PRESIDENT. Without objection, the Secretary will be authorized to correct the totals. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 8, line 9, after the word "each," where it occurs the second time, to insert "one for the minority, \$1,440"; in line 10, after the word "one," where it occurs the first time, to strike out "\$1,050" and insert "\$1,440"; in line 20, after "\$1,200," to strike out "two" and insert "four"; in line 24, after the word "each," to strike out "thirty-two" and insert "thirty-four"; and on page 9, line 1, after the words "in all," to strike out "\$139,650" and insert "\$144,720," so as to make the clause read:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, \$6,500; Assistant Sergeant at Arms, \$2,500; Assistant Doorkeeper, \$3,000; Acting Assistant Doorkeeper, \$3,000; two floor assistants at \$2,000 each; messengers—4 (acting as assistant doorkeepers) at \$1,800 each, 34 at \$1,440 each, one for the minority, \$1,440; one \$1,440, one \$1,000, one at card door \$1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, \$2,400; storekeeper, \$2,220; stenographer in charge of furniture accounts and records, \$1,200; upholsterer and locksmith, \$1,440; cabinetmaker, \$1,200; 3 carpenters, at \$1,080 each; janitor, \$1,200; skilled laborers—4 at \$1,000 each; laborer in charge of private passage, \$840; 3 female attendants in charge of ladies' retiring room, at \$720 each; 3 attendants to women's toilet rooms, Senate Office Building, at \$720 each; telephone operators—chief \$1,200, 4 at \$900 each, night operator \$720; telephone page, \$720; press gallery—superintendent \$1,800, assistant superintendent \$1,400, messenger for service to press correspondents \$900; laborers—3 at \$800 each, 34 at \$720 each; 16 pages for the Senate Chamber, at the rate of \$2.50 per day each during the session, \$4,800; in all, \$144,720.

The amendment was agreed to.

The next amendment was, on page 9, line 10, after the word "folders," to strike out "6" and insert "7"; in the same line, after the word "each," to strike out "8" and insert "7"; and in line 11, after the words "in all," to strike out "\$16,920" and insert "\$17,080," so as to make the clause read:

Folding room: Foreman, \$1,000; assistant, \$1,400; clerk, \$1,200; folders—7 at \$1,000 each, 7 at \$840 each, in all, \$17,080.

The amendment was agreed to.

The next amendment was, on page 9, line 25, before the word "clerks," to strike out "24" and insert "30"; on page 10, line 1, before the words "assistant clerk," to strike out "24" and insert "30"; in line 2, before the word "messengers," to strike out "24" and insert "30"; and in the same line, after the words "in all," to strike out "\$105,000" and insert "\$132,000," so as to make the clause read:

For assistance to Senators who are not chairmen of committees, as follows: Thirty clerks, at \$2,000 each; 30 assistant clerks, at \$1,200 each; 30 messengers, at \$1,200 each; in all, \$132,000.

The amendment was agreed to.

The next amendment was, on page 10, line 11, after the words "Sergeant at Arms," to strike out "\$6,000" and insert "\$7,000," so as to make the clause read:

For maintaining, exchanging, and equipping motor vehicles for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, \$7,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 11, line 4, after the word "labor," to strike out "\$50,000" and insert "\$140,000, of which sum \$40,000 shall be immediately available," so as to make the clause read:

For miscellaneous items, exclusive of labor, \$140,000, of which sum \$40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Police," on page 11, line 17, before the word "additional," to strike out "10" and insert "60"; and in line 20, after the words "in all," to strike out "\$65,550" and insert "\$114,550, of which sum \$7,000 shall be available for the fiscal year 1918: *Provided*, That the appointment to the positions herein provided under the Capitol Police shall be made solely on account of efficiency and special qualifications," so as to make the clause read:

For captain, \$1,800; 3 lieutenants, at \$1,200 each; 2 special officers, at \$1,200 each; 47 privates, at \$1,050 each; 60 additional privates, at \$840 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House; in all, \$114,550, of which sum \$7,000 shall be available for the fiscal year 1918: *Provided*, That the appointment to the positions herein provided under the Capitol Police shall be made solely on account of efficiency and special qualifications.

The amendment was agreed to.

The Secretary continued the reading of the bill, the last clause read being on page 13, after line 2, as follows:

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$6,500; hire of horse and wagon for use of the Clerk's office, \$900, or so much thereof as may be necessary.

Mr. MARTIN. On page 13, line 6, I move the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 13, line 6, after the word "office," it is proposed to strike out the sum "\$900" and in lieu thereof to insert "\$1,200," so as to read:

Hire of horse and wagon for use of the Clerk's office, \$1,200, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Library of Congress," on page 28, after line 9, to insert:

For temporary services of additional employees when found necessary, at the discretion of the superintendent, in the operation of the Library Building and grounds, \$500.

The amendment was agreed to.

The next amendment was, on page 28, line 19, after the word "stonework," to strike out "\$18,000" and insert "\$18,500, of which sum \$1,500 shall be immediately available," so as to make the clause read:

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, including new auto delivery wagon, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, including \$2,000 for repairs to roof and \$1,500 for pointing exterior stonework, \$18,500, of which sum \$1,500 shall be immediately available.

The amendment was agreed to.

Mr. MARTIN. I send to the Secretary's desk an amendment to come in on line 18, page 29.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 29, line 18, it is proposed to strike out "care and maintenance of motor-propelled delivery vehicle" and in lieu thereof to insert "purchase, exchange, care, and maintenance of motor-propelled delivery vehicles."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of State," in the item of appropriation for salaries of Secretary of State, Assistant Secretary, etc., on page 34, line 11, before the word "telephone," to strike out "two" and insert "four"; and in line 12, after the words "in all," to strike out "\$321,320" and insert "\$322,760," so as to read:

Four laborers; 4 telephone switchboard operators; chauffeur, \$1,080; in all, \$322,760.

The amendment was agreed to.

The next amendment was, on page 35, line 7, after the word "act," to insert "except the act making appropriations for the Diplomatic and Consular Service," so as to make the clause read:

No money appropriated by any other act, except the act making appropriations for the Diplomatic and Consular Service, shall be used during the fiscal year 1919 for employment and payment of personal service in the Department of State at Washington, D. C.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department," on page 36, line 18, after the word "each," to strike out "Government actuary, under control of the Treasury, \$3,500"; and in line 22, after the words "in all," to strike out "\$82,700" and insert "\$79,200," so as to make the clause read:

Office of the Secretary: Secretary of the Treasury, \$12,000; assistant to the Secretary, \$5,000; 3 Assistant Secretaries, at \$5,000 each; 2 additional Assistant Secretaries, at \$5,000 each, in accordance with the authority contained in the deficiency appropriation act approved October 6, 1917; clerk to the Secretary, \$3,000; executive clerk, \$2,400; stenographer, \$1,800; 5 private secretaries, 1 to each Assistant Secretary, at \$1,800 each; clerks—1 of class 4, 4 of class 3, 2 of class 2; chief messenger, \$1,100; 2 assistant chief messengers, at \$1,000 each; messengers—3 at \$900 each, 5 at \$840 each; in all, \$79,200.

Mr. MARTIN. I ask that the Senate disagree to that amendment of the committee.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

Mr. MARTIN. In lieu of the amendment which has just been rejected I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 36, line 18, after the word "each," it is proposed to insert:

Government actuary, under control of the Treasury, \$4,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 45, line 4, before the words "of class four," to strike out "thirty-six" and insert "thirty-nine"; in the same line, before the words "of class three," to strike out "sixty-three" and insert "sixty-six"; in line 5, before the words "of class two," to strike out "seventy-nine" and insert "eighty-three"; in line 6, before the words "of class one" to strike out "one hundred and three" and insert "one hundred and thirteen"; in line 7, before the words "at \$1,000 each," to strike out "twenty-six" and insert "thirty"; in line 7, before the words "at \$900 each," to strike out "seven" and insert "nine"; and in line 10, after the words "in all," to strike out "\$468,290" and insert "\$501,890," so as to make the clause read:

Office of Auditor for War Department: Auditor, \$4,000; assistant and chief clerk, \$2,250; law clerk, \$2,000; chief of division of accounts, \$2,500; chief of claims and records division, \$2,000; 2 assistant chiefs of division, at \$1,900 each; chief transportation clerk, \$2,000; clerks—39 of class 4, 66 of class 3, 83 of class 2, 113 of class 1, 30 at \$1,000 each; 9 at \$900 each; skilled laborer (qualified as carpenter), \$900; skilled laborer (to act as foreman of laborers), \$900; 2 messengers; 8 assistant messengers; 12 laborers; messenger boy, \$480; in all, \$501,890.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 63, after line 16, to strike out:

The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco within six months after the President shall have proclaimed the termination of the existing state of war between the United States and Germany; and section 3595 of the Revised Statutes of the United States is repealed from and after the discontinuance of the said offices. The Secretary of the Treasury further is authorized to retain only such of the employees in the office of the assistant treasurers as may be necessary to safeguard the property and funds of the United States and to transfer to Washington to the office of the Treasurer of the United States such others as in his judgment may be necessary in connection with the discontinuance of the said offices.

The amendment was agreed to.

Mr. MARTIN. On behalf of the committee, I send to the Secretary's desk an amendment and move its adoption.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, after line 14, it is proposed to insert the following:

For the following as authorized by the act approved April 6, 1918, at annual rates of compensation as follows: Second Assistant Secretary of War, \$4,500; Third Assistant Secretary of War, \$4,500; in all, \$11,075; of which sum \$2,075 shall be available for the fiscal year 1918.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "War Department," at the top of page 77, to insert:

The Chief of Ordnance is authorized to appoint one of the Army officers serving in his office as disbursing officer to pay the civilian employees in the Ordnance Office authorized in this or any other appropriation act for the fiscal year 1919.

The amendment was agreed to.

Mr. MARTIN. I ask for the adoption of the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 78, line 24, after the word "trucks," where it occurs in each instance, the first and last words in the line, it is proposed to insert the words "and motorcycles," so as to read:

purchase and exchange of motor trucks and motorcycles; maintenance, repair, and operation of motor trucks and motorcycles.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. MARTIN. I send another amendment to the desk and ask for its adoption.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 78, line 21, it is proposed to strike out "\$4,000" and insert in lieu thereof "\$3,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "State, War, and Navy Department Buildings," on page 82, after line 16, to strike out:

War and Navy Department Buildings (Henry Park Reservation): For the following employees for the maintenance and protection of the buildings, at annual rates of compensation, as follows: Clerks—1 of class 3, 1 of class 2, 2 of class 1, 1 at \$1,000; 2 messengers, at \$720 each; electricians—chief \$1,400, 3 at \$1,200 each; 2 plumbers, at \$1,200 each; machinist, \$1,200; foreman, \$1,500; 2 painters, at \$1,200 each; four carpenters, at \$1,200 each; 8 general mechanics, at \$1,000 each; assistant engineers—2 at \$1,400 each, 2 at \$1,200 each; 18 firemen; laborers—foreman \$1,000, 30 at \$660 each; 9 female laborers, at \$480 each; guards—captain \$1,600, 3 lieutenants at \$1,000 each, 6 sergeants at \$840 each, 135 at \$720 each; charwomen—3 forewomen at \$300 each, 75 at \$240 each; in all, \$202,880.

And insert:

War and Navy Department Buildings (Henry Park Reservation): For the following employees for the maintenance and protection of the buildings, at annual rates of compensation, as follows: Assistant superintendent, \$2,000; clerks—1 of class 3, one of class 2, 2 of class 1, one at \$1,000; 3 messengers, at \$720 each; electricians—chief \$1,400, 2 at \$1,200 each, 3 at \$1,000 each; 2 plumbers, at \$1,200 each; machinist, \$1,200; foreman, \$1,500; 2 painters, at \$1,200 each; 4 carpenters, at \$1,200 each; 2 carpenters, at \$1,000 each; 3 switchboard operators, at \$1,000 each; 10 general mechanics, at \$1,000 each; chief engineer, \$1,400; assistant engineers, 4 at \$1,200 each; steam fitter, \$1,080; firemen—7 at \$840 each, 11 at \$720 each; laborers—foreman \$1,000, 50 at \$660 each; 9 female laborers, at \$480 each; guards—captain \$1,600, 3 lieutenants at \$1,000 each, 6 sergeants at \$840 each, 155 at \$720 each; charwomen—4 forewomen at \$300 each, 80 at \$240 each; in all, \$245,700.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in the item of appropriation for the Hydrographic Office, for the purchase and printing of nautical books, charts, sailing directions, etc., on page 88, line 14, after the words "purchase of," to strike out "a hand press" and insert "such additional printing presses as may be necessary," so as to read:

Purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; care and repairs to printing presses, furniture, instruments, and tools, including the purchase of such additional printing presses as may be necessary.

The amendment was agreed to.

Mr. MARTIN. I send to the Secretary's desk, on behalf of the committee, an amendment proposing to reduce the amount for the purchase of a motor vehicle from \$4,000 to \$3,000.

The SECRETARY. On page 96, line 2, it is proposed to strike out "\$4,000" and insert in lieu thereof "\$3,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of the Interior," on page 102,

line 23, before the words "at \$2,000 each," to strike out "13" and insert "14"; in line 25, before the words "of class 3," to strike out "53" and insert "57"; on page 103, line 1, before the words "of class 2," to strike out "77" and insert "83"; in line 2, before the words "of class 1," to strike out "85" and insert "89"; in the same line, before the words "at \$1,000 each," to strike out "73" and insert "77"; and in line 13, after the words "in all," to strike out "\$647,190" and insert "\$672,790," so as to make the clause read:

General Land Office: Commissioner, \$5,000; assistant commissioner, \$3,500; chief clerk, \$3,000; chief law clerk, \$2,500; 2 law clerks, at \$2,200 each; 3 law examiners of surveyors general and district land offices, at \$2,000 each; recorder, \$2,000; chiefs of divisions—1 of surveys \$2,750, 1 \$2,400, 10 at \$2,000 each; assistant chief of division, \$2,000; law examiners—14 at \$2,000 each, 10 at \$1,800 each, 18 at \$1,600 each; clerks—27 of class 4, 57 of class 3, 83 of class 2, 89 of class 1, 77 at \$1,600 each; 65 copyists; 26 copyists, at \$720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at \$600 each, 6 at \$480 each; 3 skilled laborers, who may act as assistant messengers when required, at \$660 each; 3 laborers (13 transferred to building for Interior Department offices); packer, \$720; depositary acting for the commissioner as receiver of public moneys, \$2,000, who may, with the approval of the commissioner, designate a clerk of the General Land Office to act as such depositary in his absence; clerk and librarian, \$1,000; in all, \$672,790.

The amendment was agreed to.

The next amendment was, on page 106, line 9, before the words "per cent," to strike out "25" and insert "33½," so as to make the clause read:

Appointment shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1918, nor shall more than 33½ per cent of other vacancies actually occurring in any grade in the classified service of that bureau, during the fiscal year 1919, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure, but shall lapse, and shall be covered into the Treasury. The provisions of this paragraph shall not apply to any position with a salary of \$2,250 or above that sum.

Mr. MARTIN. I ask that the Senate disagree to the committee amendment.

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

The amendment was rejected.

Mr. MARTIN. Now, I ask that lines 5 to 17, both inclusive, be stricken from the bill, and in lieu thereof to have inserted the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 106 it is proposed to strike out lines 5 to 17, inclusive, and insert in lieu thereof the following:

Appointment shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1918, nor shall more than 50 per cent of other vacancies actually occurring in the \$1,200 grade, nor more than 25 per cent of such vacancies actually occurring in all other grades or positions, except those with salaries of \$2,250 or above, or \$1,000 or below, during the fiscal year 1919, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure, but shall lapse, and shall be covered into the Treasury.

Mr. SMOOT. Mr. President, I am not going to take the time of the Senate to discuss this amendment, further than to say that the amendment that has just been proposed by the chairman of the committee is very much better than the House provision, although I should like to see even this amendment rejected; but I am not going to ask a vote of the Senate upon it.

The situation at the Pension Office is such that, in my opinion, and in the opinion of the commissioner himself, no limitation ought to be put upon the number of employees in that department this year. Some eight years ago this provision first appeared in the law. It was a very wise provision, and it has continued in the law from that time until this. Last year was the first year it became burdensome upon the department. In that year some 149 employees less were employed, brought about through death and the fact that their positions could not be filled. If that continues, and our pension laws are such that the work of the department increases, it can not do the work necessary this year; but I am perfectly willing now, with the amendment that was offered by the Senator from Virginia, to allow the amendment to be adopted, and hope the department for this year can get along with the present number of employees.

Mr. MARTIN. Mr. President, I will say just a word. The committee certainly had no idea of hampering the work of that department; but this amendment was gotten up after an investigation by Mr. Brown, of the Bureau of Efficiency and we feel very sure that it will meet the necessities for the present. If it develops that they need additional service, of course it will be allowed.

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

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 108, line 18, after the word "papers," to insert "and for expense of transporting publications of patents issued by the Patent Office to foreign governments," so as to make the clause read:

For producing copies of weekly issue of patents, designs, and trademarks; production of copies of drawings and specifications of exhausted patents and other papers; and for expense of transporting publications of patents issued by the Patent Office to foreign governments, \$140,000.

The amendment was agreed to.

Mr. MARTIN. Mr. President, the adoption of that amendment renders unnecessary lines 15, 14, and the words "and expense of," in line 13; so I ask the Senate to strike out those words, not including the sum "\$3,000."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 108, line 13, after the word "books," it is proposed to strike out the remainder of the paragraph, except the numerals "\$3,000," in the following words:

And expense of transporting publications of patents issued by the Patent Office to foreign governments.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 111, line 5, after "\$3,000," to strike out "and \$750 additional so long as the position is held by the present incumbent," and in line 16, after the words "in all," to strike out "\$30,710" and insert "\$29,960," so as to make the clause read:

Office of Superintendent of the Capitol Building and Grounds: Superintendent, \$6,000; chief clerk, \$2,000; chief electrical engineer, \$3,000; civil engineer, \$2,400; 2 draftsmen, at \$1,200 each; 2 clerks, at \$1,200 each; compensation to disbursing clerk, \$1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, \$1,000; laborer in charge of water-closets in central portion of the Capitol, \$660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at \$660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at \$720 each; bookkeeper and accountant, \$2,200; in all, \$29,960.

The amendment was agreed to.

Mr. MARTIN. I send to the desk an amendment to reduce the amount for the purchase of an automobile from \$4,000 to \$3,000.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 111, line 25, it is proposed to strike out "\$4,000" and in lieu thereof to insert "\$3,000," so as to read:

not exceeding \$3,000 for the purchase of a motor-propelled passenger-carrying vehicle for official use of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Post Office Department," on page 118, line 23, before the words "of class 4," to strike out "86" and insert "88"; in line 24, before the words "of class 3," strike out "130" and insert "134"; in line 25, before the words "of class 2," to strike out "200" and insert "208"; on page 119, line 1, before the words "of class 1," to strike out "246" and insert "276," so as to read:

Office, Postmaster General: Postmaster General, \$12,000; chief clerk, including \$500 as superintendent of buildings, \$4,000; private secretary, \$2,500; disbursing clerk, \$2,250; appointment clerk, assistant to chief clerk, confidential clerk to Postmaster General, and chairman, board of inspection, at \$2,000 each; chief inspector, \$4,000; chief clerk to chief inspector, \$2,000; purchasing agent, \$4,000; chief clerk to purchasing agent, \$2,000; assistant attorneys—1 \$2,750, 1 \$2,500; 3 at \$2,000 each; bond examiner, \$2,500; law clerk, \$1,800; clerks—88 of class 4, 134 of class 3, 208 of class 2, 276 of class 1, 183 at \$1,000 each, 31 at \$900 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Maintenance of office, Postmaster General," on page 120, line 2, after the words "in all," to strike out "\$1,459,340" and insert "\$1,516,540," so as to read:

Assistant foreman \$840, 2 at \$840 each, 76 at \$720 each, 3 at \$660 each; female laborers—1 \$540, 3 at \$500 each, 9 at \$480 each; 58 charwomen; actual and necessary expenses of the purchasing agent while traveling on business of the department, \$500; in all, \$1,516,540.

The amendment was agreed to.

The next amendment was, on page 120, after line 2, to insert:

In making readjustments hereunder, the salary of any clerk in any class may be fixed by the Postmaster General at \$100 below the salary fixed by law for such class and the unused portion of such salary shall be used to increase the salary of any clerk in any class entitled thereto by not less than \$100 above the salary fixed by law for such class.

The amendment was agreed to.

The next amendment was, on page 120, after line 16, to insert:

For enforcement of title 12 of the espionage act, approved June 15, 1917, and section 19 of the trading with the enemy act, approved October 6, 1917, \$50,000.

The amendment was agreed to.

The next amendment was, on page 123, after line 8, to insert:
For rent of stables, \$500.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 126, line 6, after the words "Attorney General," to strike out "\$30,000" and insert "\$37,000," so as to make the clause read:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car tickets not exceeding \$200, and other necessities, directly ordered by the Attorney General, \$37,000.

The amendment was agreed to.

Mr. MARTIN. I send to the desk another amendment reducing the price of an automobile.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 126, line 9, it is proposed to strike out "\$4,000," and in lieu thereof to insert "\$3,000," so as to make the paragraph read:

For official transportation, including the purchase of a motor-propelled passenger-carrying vehicle for use of the Attorney General to cost not exceeding \$3,000, and for the maintenance, repair, and operation thereof, to be used only for official purposes, and purchase and repair of bicycles, \$6,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 126, line 16, after the words "chief clerk," to strike out "\$2,000" and insert "who shall also discharge the duties of chief law clerk, \$2,250"; in line 17, after "\$2,250," to strike out "2 law clerks, \$2,000 each" and insert "law clerk, \$2,000"; in line 21, after the words "in all," to strike out "\$28,980," and insert "\$27,230," so as to make the clause read:

Office of Solicitor of the Treasury: Solicitor, \$5,000; Assistant Solicitor, \$3,000; chief clerk, who shall also discharge the duties of chief law clerk, \$2,250; law clerk, \$2,000; 2 docket clerks, at \$2,000 each; clerks—2 of class 4, 2 of class 3, 2 of class 2; assistant messenger; laborer; in all, \$27,230.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," on page 128, line 12, after the word "each," to insert "statistical and technical expert, \$3,000," and in line 20, after the words "in all," to strike out "\$739,240" and insert "\$742,240," so as to make the clause read:

Census Office: Director, \$6,000; 5 chief statisticians, at \$3,000 each; statistical and technical expert, \$3,000; chief clerk, \$2,500; geographer, \$2,000; stenographer, \$1,500; nine expert chiefs of divisions, at \$2,000 each; clerks—20 of class 4, 30 of class 3, 65 of class 2, 285 of class 1, 90 at \$1,000 each, 81 at \$900 each; skilled laborers—3 at \$900 each, 1, \$720; 3 messengers; 5 assistant messengers; 4 unskilled laborers, at \$720 each; 4 messenger boys, at \$480 each; in all, \$742,240.

The amendment was agreed to.

The next amendment was, in the item of appropriation for securing information for census reports provided for by the law, etc., on page 129, line 17, before the words "special agents," to strike out "seven" and insert "ten," and in line 18, after the words "per day," to strike out "\$450,000" and insert "\$490,000," so as to make the proviso read:

Provided, That the compensation of not to exceed 10 special agents provided for in this paragraph may be fixed at a rate not to exceed \$8 per day, \$490,000.

The amendment was agreed to.

The next amendment was, on page 130, line 5, after the words "Fourteenth Decennial Census," to strike out "\$60,000" and insert "\$70,000," so as to make the clause read:

For the construction, purchase, rental, or repair of punching machines for use in punching cards of the Fourteenth Decennial Census, \$70,000.

The amendment was agreed to.

The next amendment was, on page 134, line 14, after "\$1,500," to insert "Newport News, \$1,500," and in line 17, after the words "in all," to strike out "\$28,000" and insert "\$30,100," so as to make the clause read:

Shipping service: For shipping commissioners in amounts not exceeding the following: Baltimore, \$1,200; Bath, Me., \$1,000; Boston, \$3,000; New Bedford, \$1,200; New Orleans, \$1,500; Newport News, \$1,500; New York, \$5,000; Norfolk, \$1,500; Philadelphia, \$2,400; Portland, Me., \$1,300; Seattle, \$3,500; Providence, \$1,800; Rockland, \$1,200; San Francisco, \$4,000; in all, \$30,100.

The amendment was agreed to.

The next amendment was, on page 134, line 21, after the words "shipping commissioners," to strike out "\$45,000" and insert "\$47,700," so as to make the clause read:

Clerk hire: For compensation, to be fixed by the Secretary of Commerce, of not to exceed \$1,600 per annum to each person or clerk in the offices of shipping commissioners, \$47,700: Provided, That 1 clerk may be employed hereunder at a compensation not to exceed \$1,800 per annum.

The amendment was agreed to.

The next amendment was, on page 135, line 2, after the words "in all," to strike out "\$7,500" and insert "\$8,365," so as to make the clause read:

Contingent expenses: For rent, stationery, and other requisites for transaction of the business of shipping commissioners' offices, and for janitor in the commissioner's office at New York, \$840; in all, \$8,365.

The amendment was agreed to.

The next amendment was, on page 142, after line 14, to insert:

For the standardization and design of sugar-testing apparatus; the development of technical specifications for the various grades of sugars with particular reference to urgent problems made pressing by war conditions, especially involving the standardization and manufacture of sugars; for the study of the technical problems incidental to the collection of the revenue on sugar and to determine the fundamental scientific constants of sugars and other substances, including personal services in the District of Columbia and in the field, \$30,000.

The amendment was agreed to.

Mr. MARTIN. I send to the desk an amendment, in line 22, page 143, changing "\$4,000" to "\$3,000."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 143, line 22, it is proposed to strike out "\$4,000" and to insert "\$3,000," so as to read:

Not exceeding \$3,000 for the purchase of a motor-propelled passenger-carrying vehicle for official use of the Secretary of Commerce.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 145, line 16, before the word "section," to strike out "Hereafter" and insert "During the present war," so as to make the clause read:

During the present war section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Commerce when the aggregate amount involved does not exceed the sum of \$25.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 147, line 7, after "\$3,000," to strike out "and \$500 additional so long as the position is held by the present incumbent"; and in line 18, after the words "in all," to strike out "\$173,460" and insert "\$172,960," so as to make the clause read:

Bureau of Labor Statistics: Commissioner, \$5,000; chief statistician, who shall also perform the duties of chief clerk, \$3,000; statistician, \$3,000; 6 statistical experts, at \$2,000 each; employees—2 at \$2,760 each, one \$2,520, 5 at \$2,280 each, one \$1,800, 6 at \$1,600 each, 7 at \$1,400 each, 2 at \$1,200 each; special agents—4 at \$1,800 each, 6 at \$1,600 each, 8 at \$1,400 each, 4 at \$1,200 each; clerks—8 of class 4, 7 of class 3 (1 transferred to the Secretary's Office), 10 of class 2, 17 of class 1, 8 at \$1,000 each (1 transferred to the Secretary's Office); 2 copyists; messenger; 3 assistant messengers; 2 laborers; in all, \$172,960.

The amendment was agreed to.

The next amendment was, on page 151, line 1, after the word "heating," to insert "purchase, exchange," so as to read:

Contingent expenses, Department of Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, laundry, street car tickets not exceeding \$150, lighting and heating; purchase, exchange, maintenance and repair of a motor truck and passenger-carrying vehicle to be used only for official purposes.

The amendment was agreed to.

The next amendment was, on page 151, after line 22, to insert:

During the present war section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of \$25.

The amendment was agreed to.

The next amendment was, on page 157, after line 20, to strike out:

SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,000 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1919, additional compensation at the rate of \$120 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,000 and less than \$2,120 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,120 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 30 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rates of 5 and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1917, has received during the fiscal year 1918, or shall receive during the fiscal year 1919 an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1917, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such

persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Governments of the United States or the District of Columbia; and employees who serve voluntarily or receive only a nominal compensation; and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads as employees of the United States.

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis 313 days in the said fiscal year would amount to \$2,000 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department.

So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Governments of the United States or the District of Columbia is authorized to be paid, respectively, from such trust funds.

Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or establishment receiving the increased compensation at the rate of \$120 per annum and the average number by grade receiving the same at each other rate.

No income herein shall apply to salaries or compensations for personal services in any of the executive departments or independent establishments of the United States or of the District of Columbia, or any bureau or office therein, which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day.

And to insert:

SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1919, additional compensation at the rate of \$120 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,620 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,620 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 30 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rates of 5 and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1917, has received during the fiscal year 1918, or shall receive during the fiscal year 1919 an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1917, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees paid from lump-sum appropriations; employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads as employees of the United States.

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis of 313 days in the said fiscal year would amount to \$2,500 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department.

So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Government of the United States or the District of Columbia is authorized to be paid, respectively, from such trust funds.

Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or establishment receiving the increased compensation at the rate of \$120 per annum and the average number by grades receiving the same at each other rate.

Mr. MARTIN. Mr. President, I send to the desk an amendment to come in on line 22, page 163, after the word "appropriations." It is an amendment to the original committee amendment, though this has been adopted by the committee and is presented as a committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 163, line 22, after the word "appropriations," and before the semicolon, it is proposed to insert "in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916," so as to read:

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916—

And so forth.

The amendment to the amendment was agreed to.

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

Mr. THOMAS. Mr. President, I wish to inquire of the chairman of the committee what the additional burden upon the Government, as expressed in figures, will result from this amendment?

Mr. MARTIN. In view of the modification made this morning when the committee met I can not give it accurately, but I should say with approximate accuracy it is something over \$20,000,000. As the House fixed it the amount was \$27,200,000; as the Senate committee first reported it it was \$28,100,000; but with the modification made by the committee this morning it is reduced, and I should say, roughly speaking, nearly enough for practical purposes, it is something over \$20,000,000. That is as near as I can come to it at the moment.

Mr. THOMAS. I am informed that the proposed increase to postal employees will amount somewhere in the neighborhood of \$83,000,000.

Mr. MARTIN. That is a mistake.

Mr. THOMAS. That is not in this bill.

Mr. MARTIN. I beg the Senator's pardon, I misunderstood him.

Mr. THOMAS. The amount of increase made by this bill, added to the amount of contemplated increase which will undoubtedly be passed in the Post Office appropriation bill, will increase the expenditure of our domestic establishment by a sum very considerably in excess of \$50,000,000, and presumably the increases in other directions will make the total sum much larger, probably approaching \$75,000,000.

I shall not delay the passage of the bill, Mr. President. I could not do so if I tried, and time is too valuable to justify me in doing more than record a protest against these ever-increasing expenditures.

There is no doubt, Mr. President, that the increased cost of living is out of proportion to the salaries which existed and were paid prior to the war. There is no doubt either that this is not the way in which to remedy that situation. We can not in-

crease the pay of employees as fast as those who furnish supplies and shelter can increase the cost of them, and it is inevitable that as the prices paid for labor increase, the prices of those who cater to the people will increase out of proportion it may be to the benefit which we seek to confer by this kind of legislation.

We are merely by this bill providing for the transfer to the landlords and the groceries and the dry-goods merchants and the other purveyors \$20,000,000 through this increase of salaries. It is not the way, Mr. President, to meet or to do away with this situation. England has handled the problem differently and with far greater success, and I hope she will continue to do so.

Mr. President, our people are responding with unprecedented generosity to subscriptions for war loans. So long as money is necessary to prosecute the war and is utilized for that purpose just so long will they contribute their money to the Public Treasury. But we are beginning to note, Mr. President, that vast sums, raised both by taxes and by bond issues, are not being used for the prosecution of the war but for many things which have little or any relation to it. There is nowhere in this country, certainly not in Washington, any spirit or practice of economy whatever. On the contrary, we are more prodigal in our appropriations than we have been in all our history, and as far as one may judge the future from the past, we will be more prodigal and less frugal as time goes on, because our funds and our credit, necessarily expansive during a time like this, not only stimulate extravagance on the part of the legislators of the country but prompt fresh demands upon the Treasury, veiled under the pretense of necessity, either contributing for or essential to the prosecution of the war.

Mr. President, this war is a formidably serious thing. It is becoming more serious for America every day. The news from the front this morning is not reassuring. The last reverse is one of the most serious which the British troops have recently encountered. How many more of them they will be able to endure no man can tell. They are fighting with their backs to the wall and with that grit and tenacity characteristic of the Anglo-Saxon as his last successful resource in many a previous time of crisis and of travail.

But we should look beyond the present, Mr. President, and take some note of what the immediate future may have for the Republic should that splendid line of heroes be pierced by the German hordes and driven back upon the Channel. They are fighting our battle. They are fighting it with a heroism without parallel in the history of warfare. Every true American heart to-day is beating in response to the hope that they may prevail over the Hun and save civilization for the world.

In the event, Mr. President, that line is broken and the Germans capture the channel ports, which I do not believe, America will be faced with the immediate prospect of a war nearer at home, and for that we should make, it is essential that we do make, immediate preparation, for possibly France, war worn and weary, bled white, and her resources strained to the utmost, can do no more; that Britain, depending solely upon her fleet, America will be obliged to carry on this war to its ultimate and successful conclusion. We will do that, God willing, should the task be imposed upon us.

I trust, Mr. President, that no such responsibility will be ours, but since there may be such a responsibility I want to see some evidence of that spirit of sacrifice and that manifestation of patriotism, patriotism in the deepest sense of the word, manifest not only in our proceedings, but among the people without regard to class or condition.

These are serious times, Mr. President. America is more than ever the hope of the world. Her strength, her endurance, her stout-heartedness, her ability to measure up to the tremendous responsibilities that may soon be hers depend in large degree upon our financial resources, and they should be in every way husbanded and protected as far as it is within our power to do so.

Mr. President, I do not care to say anything more upon the subject. I do not think this amendment is wise. It will give no serious permanent measure of relief, but will merely tend to increase the already high cost of living, and become the precedent for another and a larger increase in the fiscal legislation for the year 1920.

Mr. TOWNSEND. Mr. President, I know it is unpopular with Senators who are very anxious to pass this measure carrying \$70,000,000 immediately upon its introduction to submit any remarks upon it, and I do not propose to occupy any considerable length of time of the Senate in its discussion, but I must state that I agree very largely with many of the sentiments which the able Senator from Colorado [Mr. THOMAS] has just uttered. I do not agree with him, however, that there

should be no increase of salaries to Federal employees. I know that the salaries now paid are not sufficient, even if other conditions in the country were normal and all of the people who have rent and other things to sell in this District were actuated by purely patriotic motives.

I understand that the bill which seeks to investigate and remedy conditions connected with landlordism here in the city is working upon a measure of relief.

I have never been one who has strongly favored interfering with individual effort when that effort is exerted along reasonable lines, but when I realize, as I do, that the people not directly connected with the Government who are living in the District of Columbia are here because the Government's Capital has made it a most desirable place to live in, because the burdens upon the property owners are comparatively light and the advantages here furnished by the taxpayers of the whole country are greater than those of any other city in the United States—when I know these things I am impressed that in time of war, when every patriot should think of service and sacrifice rather than profit, I am ready to deal with the profiteers in this District as I would with any other disloyal citizen. Until we entered this war I have not been moved to criticize the disposition of many of the residents of Washington to extort from Government officials and employees all that the Government pays in salaries, but now when the life of the Nation requires thousands of men and women to live here I regard it as nothing less than treasonable for the favored property owners to profiteer out of the necessities of the war. One of the discouraging features of the present is the too general disposition to make and save money by any means, however questionable, rather than to spend it for the general welfare. I know of no place where that disposition is more manifest than in the Capital of our Nation. I do not know what the conditions will be generally throughout the District, but in many places the occupants of rooming houses, apartment houses, and hotels have been notified that on the 1st day of May the rents are to be increased. I happen to know that many of these rents have already been increased 75 per cent over what they were prior to the breaking out of the war. It is now proposed to make it 100 per cent. I know that the general excuse is that the cost of fuel has been and is very great, but I also know that this is not a good excuse. So do many of us. Coal has been higher, but much less has been used. The increased cost has been offset by decreased quantity purchased. Tenants have not been warmed. The rooms have not been fit for occupation on account of the lack of heat. Owners have economized in coal.

I have inquired as to the cost of help that landlords have employed. The owners have been magnanimous enough in many instances to increase the pay of servants who were receiving already \$20 a month to \$22 a month, and at the same time increasing the rentals charged their patrons from 75 to 150 per cent more than they charged prior to the war.

Mr. President, I am in favor of this increase of salaries for the clerks. In fact, I would be willing to vote a little more in most cases; but I hope that this will not be simply additional plunder for those who are profiting out of the necessities of

those who are compelled to remain here in Washington. I would give greater weight to the arguments of District residents for increased wages to Government employees if I did not realize that they were inspired by the vision of increased spoils. I would not care to vote an additional salary to a clerk if that additional salary is to be turned over to a landlord.

Not only the rentals to employees, but, of course, the cost of food, has increased, and provision should be made for it; but the responsibility of Congress does not end with granting the increase of salaries, it should extend as far as in justice it can, and these employees should be protected against the greed of profiteers.

Mr. President, I hope that the antiprofitteering measure is going to be pushed to legal enactment. I do not say that all hotels and apartment and rooming houses are guilty of extortion, because I happen to know that there are many proprietors who have not increased their charges materially. I want to get after the men who feel that the Government of the United States is established in Washington in order to support the District of Columbia or the property owners who happen to be here. Patriotism and sacrifice are demanded quite as much of the residents of the District of Columbia as they are of those who live outside. I shall be very glad to support, if I have an opportunity, any just measure or any reasonable measure which attempts at least to allow Government employees to retain a small portion of their salaries for their own individual use without being obliged to contribute to people who feel that this is their opportunity to profit at the expense of the Government's vital necessity.

I indorse what the Senator from Colorado says relative to economy, but I also know that expenses naturally increase, and that clerks of the Government should not be expected to make all the sacrifice. They should be paid a sufficient salary upon which to live. Therefore I am in favor of the increase, but I hope it will be supplemented by action looking to the possibility of their retaining at least a portion of what they earn.

Mr. SMOOT. Mr. President, I have had prepared a statement showing the average salaries or wages paid by representative commercial concerns and States and municipalities for work similar to that which is done for the Federal Government by its employees. I want to put the finding of that investigation into the Record in order that Senators and the country may know the facts concerning compensation paid by the Government of the United States in comparison to compensation for similar work paid by private corporations and by municipalities and States as well. This statement will show that the Government of the United States to-day is paying a higher rate of compensation than is paid for similar work anywhere else in the United States, with a few exceptions, and those exceptions appear in this statement.

I present this statement, Mr. President, because there has been a universal charge outside of Congress that the employees of the Government are not paid so well as are employees elsewhere, and I desire that the facts may be known by all. I ask that the statement be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The statement referred to is as follows:

Statement showing average rates paid for similar work by the Federal Government, representative commercial concerns, and State and municipal governments.

MALE EMPLOYEES.

Description of work.	1918								1914				
	Federal Government.				Commercial concerns.		State and municipal governments.		Federal Government.			Commercial concerns—average annual salary.	State and municipal governments—average annual salary.
	Average annual salary.	Per cent of increase over 1914.	Per cent of commercial salary.	Per cent of State and municipal salary.	Average annual salary.	Per cent of increase over 1914.	Average annual salary.	Per cent of increase over 1914.	Average annual salary.	Per cent of commercial salary.	Per cent of State and municipal salary.		
Bookkeeping:													
1. Preparing schedules or registers of accounting documents or transactions.....	\$1,204	— 3.2	105.9	101.9	\$1,194	26.1	\$1,241	12.6	\$1,306	137.9	118.5	\$947	\$1,102
2. Posting and balancing detail ledgers.....	1,368	3.8	109.1	96.3	1,254	24.5	1,420	13.7	1,318	130.9	105.5	1,007	1,249
3. Journalizing routine transactions.....	1,339	0.3	90.8	92.5	1,475	32.2	1,448	98.0	1,335	119.6	90.3	1,116	1,478
4. Searching for errors, making trial balances.....	1,444	— 0.6	72.7	86.2	1,987	22.5	1,676	8.9	1,453	89.6	94.5	1,622	1,538
Averages for bookkeepers.....	1,367	1.7	102.3	97.4	1,336	25.0	1,404	11.7	1,344	125.7	106.9	1,069	1,257
Stenography-typewriting:													
1. Plain copying on the typewriter.....	1,078	6.1	127.3	106.6	847	21.3	1,011	.....	1,016	145.6	.....	698	.....
2. Transcribing from dictating machines.....	1,164	29.3	.....	114.1	.....	.....	1,020	.....	900	115.4	.....	780	.....

Statement showing average rates paid for similar work by the Federal Government, representative commercial concerns, and State and municipal governments—Continued.
MALE EMPLOYEES.

Description of work.	1918								1914				
	Federal Government.				Commercial concerns.		State and municipal governments.		Federal Government.			Com- mer- cial con- cerns— aver- age an- nual salary.	State and muni- cipal govern- ments— aver- age an- nual salary.
	Average annual salary.	Per cent of increase over 1914.	Per cent of commercial salary.	Per cent of State and municipal salary.	Average annual salary.	Per cent of increase over 1914.	Average annual salary.	Per cent of increase over 1914.	Average annual salary.	Per cent of commercial salary.	Per cent of State and municipal salary.		
Stenography-typewriting—Continued.													
5. Taking and transcribing routine dictation.....	\$1,152	8.1	98.0	100.2	\$1,175	23.6	\$1,150	13.1	\$1,066	112.1	104.8	\$951	\$1,017
4. Expert stenography.....	1,359	2.0	97.6	61.4	1,393	26.2	2,214	5.2	1,332	120.7	63.3	1,104	2,104
Averages for stenographers and typists.....	1,159	8.5	102.3	98.0	1,133	25.3	1,183	95.9	1,068	118.1	86.5	904	1,234
Secretarial work—correspondence:													
1. Composing and typing routine correspondence.....	1,378	5.4	103.9	113.4	1,366	35.4	1,215	13.0	1,307	129.5	121.6	1,009	1,075
2. Composing and dictating correspondence.....	1,578	5.8	89.5	80.1	1,764	26.5	1,971	4.1	1,492	107.0	78.8	1,394	1,894
3. Secretaries to administrative officers.....	1,767	6.1	74.3	92.8	2,380	17.4	1,904	5.8	1,666	82.2	92.6	2,027	1,800
Averages for secretaries and correspondents.....	1,559	6.2	83.8	81.4	1,861	26.5	1,915	4.9	1,468	90.8	80.4	1,471	1,825
Clerical work:													
1. Plain copying, filling forms.....	1,196	9.4	146.9	119.6	814	27.1	1,000	3.4	1,093	170.8	113.0	640	967
2. Indexing or filing, comparing, verifying.....	1,182	-0.9	122.7	98.7	963	25.7	1,198	8.8	1,193	155.7	108.4	768	1,101
3. Operating tabulating or calculating machines.....	1,230	11.3	117.0	111.8	1,051	24.5	1,100	10.0	1,105	130.9	110.5	844	1,000
4. Operating addressing and duplicating machines.....	954	9.8	145.4	86.7	656	21.7	1,190	10.0	869	161.2	86.9	539	1,000
5. Preparing and verifying pay rolls.....	1,176	-8.9	105.1	79.8	1,119	30.2	1,474	10.3	1,291	150.3	96.6	859	1,336
Averages for clerks.....	1,155	-0.8	115.3	98.5	1,002	27.3	1,173	7.2	1,164	147.9	104.0	787	1,094
Miscellaneous:													
1. Telephone switchboard operators.....	739	0.8	98.5	72.5	750	2.4	1,020	6.3	733	100.1	76.4	732	960
2. Messengers.....	639	2.1	134.5	65.4	475	52.2	977	8.3	626	200.6	69.4	312	902
3. Unskilled laborers.....	696	12.0	70.6	65.1	886	49.1	961	26.3	559	94.1	73.5	594	761
4. Elevator operators.....	705	2.8	84.7	82.4	832	31.2	856	14.1	686	108.2	91.5	634	750
5. Watchmen.....	717	3.0	70.3	84.9	1,020	45.5	845	13.0	696	99.3	93.0	701	748
6. Carpenters.....	1,139	8.1	90.5	64.8	1,258	35.3	1,758	11.5	1,054	113.3	66.8	930	1,577
7. Electricians.....	1,141	7.6	87.9	62.5	1,299	37.7	1,825	9.3	1,060	112.4	63.5	943	1,609
8. Plumbers and fitters.....	1,117	1.2	96.4	.....	1,159	26.6	.....	.....	1,104	120.7	56.3	915	.....

FEMALE EMPLOYEES.

Bookkeeping:													
1. Preparing schedules or registers of accounting documents or transactions.....	\$1,161	13.8	173.8	105.2	\$668	44.6	\$1,104	10.4	\$1,020	220.8	102.0	\$462	\$1,000
2. Posting and balancing detail ledgers.....	1,161	4.8	148.8	111.4	780	39.2	1,042	3.0	1,108	197.5	109.5	561	1,012
3. Journalizing routine transactions.....	1,257	2.1	201.1	86.6	625	34.1	1,452	7.6	1,231	234.2	91.2	466	1,350
4. Searching for errors, making trial balances.....	1,236	-3.6	123.2	.....	1,003	43.9	.....	.....	1,281	183.8	.....	697	.....
Averages for bookkeepers.....	1,197	3.1	164.0	108.1	730	39.0	1,107	5.6	1,161	221.1	110.8	525	1,048
Stenography-typewriting:													
1. Plain copying on the typewriter.....	1,106	9.4	172.0	116.4	643	22.0	950	12.0	1,011	191.8	119.2	527	848
2. Transcribing from dictating machines.....	1,088	23.6	145.8	98.9	746	20.1	1,100	10.0	880	141.7	88.0	621	1,000
3. Taking and transcribing routine dictation.....	1,120	4.4	125.1	106.2	895	22.6	1,055	11.3	1,073	147.0	113.2	730	948
4. Expert stenography.....	1,287	3.5	127.0	118.1	1,013	18.5	1,090	11.2	1,243	145.4	126.8	855	980
Averages for stenographers and typists.....	1,134	6.6	140.3	108.7	808	21.7	1,043	11.3	1,064	160.2	113.6	604	937
Secretarial work—correspondence:													
1. Composing and typing routine correspondence.....	1,333	3.3	155.9	123.9	855	23.9	1,076	18.0	1,290	187.0	141.4	690	912
2. Composing and dictating correspondence.....	1,324	4.3	135.4	80.2	978	43.0	1,650	37.5	1,269	185.5	105.8	684	1,200
3. Secretaries to administrative officers.....	1,463	6.8	110.0	97.9	1,335	33.2	1,500	7.1	1,374	137.1	98.1	1,002	1,400
Averages for secretaries and correspondents.....	1,358	6.4	131.7	111.4	1,031	34.2	1,219	21.3	1,276	166.1	129.0	768	989
Clerical work:													
1. Plain copying, filling forms.....	1,054	.5	181.7	93.4	580	31.8	1,129	12.9	1,049	238.4	104.9	440	1,000
2. Indexing or filing, comparing, verifying.....	1,091	1.2	156.7	106.9	696	42.9	1,021	2.2	1,078	221.4	107.9	487	999
3. Operating tabulating or calculating machines.....	1,017	8.1	140.3	94.3	739	23.0	1,100	10.0	959	167.4	95.9	573	1,000
4. Operating addressing and duplicating machines.....	1,054	5.4	173.9	87.8	606	30.3	1,200	.....	1,000	215.1	.....	465	.....
5. Preparing and verifying pay rolls.....	1,155	-2.8	173.2	92.5	667	21.4	1,248	22.4	1,188	216.4	116.5	549	1,020
Averages for clerks.....	1,101	3.8	161.9	104.0	680	32.8	1,059	5.9	1,061	207.2	106.1	512	1,000
Miscellaneous:													
1. Telephone switchboard operators.....	770	3.9	105.3	90.1	731	23.4	855	7.1	741	125.2	92.9	592	798
2. Messengers.....	504	-6.7	103.7	45.8	486	25.6	1,100	10.0	540	139.5	54.0	387	1,000
3. Unskilled laborers.....	403	4.1	86.3	.....	467	21.6	.....	.....	387	100.8	.....	384	.....
4. Elevator operators.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5. Watchmen.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
6. Carpenters.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
7. Electricians.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
8. Plumbers and fitters.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire to call the attention of the chairman of the committee to an item on page 101, line 17, being the appropriation for the salary of the medical expert in the office of the Solicitor for the Interior Department.

The salary of that official was estimated for at \$2,500, and the appropriation made carried by the bill is \$2,000. I happen to know that that employee is a very efficient man and is almost indispensable to that office. I should like very much indeed to have the salary increased to the estimate and have the matter go to conference, where undoubtedly it will be scanned very closely.

Mr. MARTIN. I am perfectly willing for the matter to go to conference.

Mr. GALLINGER. I therefore move, on page 101, line 17, to increase the salary of the medical expert from \$2,000 to \$2,500.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GALLINGER. Mr. President, I desire to call attention to one other matter, which, I think, was an oversight on the part of the committee. Turning to page 147, line 6, the bill reads:

Chief statistician, who shall also perform the duties of chief clerk, \$3,000.

The estimate for that item was \$4,000, it being recommended that \$1,000 additional should be given to that official so long as the office was retained by the present incumbent. The House of Representatives allowed an additional \$500, using the language—and \$500 additional so long as the position is held by the present incumbent.

The Senate committee very properly intended to strike out the language "so long as the position is held by the present incumbent," but in doing so struck out the appropriation of the additional \$500 which the House had allowed.

The official now occupying this position is acknowledged by everyone to be one of the most efficient employees of the Government and one performing a vast amount of work. I therefore appeal to the Senator from Virginia to consent to an increase of the amount of \$3,000, which is provided in line 7, page 147, to \$3,500. That would make the exact amount which the House of Representatives has allowed. Then, let the language, "so long as the position is held by the present incumbent," which the Senate committee doubtless intended to strike out, be stricken out.

Mr. MARTIN. Mr. President, the policy of the Committee on Appropriations, a policy with which I am in most earnest sympathy, was not to increase the salaries of civilian employees of the Government in this time of war. The committee was very liberal as to all war expenditures, but was very unwilling to increase the salaries of civilian employees. There are not a half dozen instances in the entire bill—I do not think there are over three—in which an increase has been allowed in the salary of civilian employees, except in the case of the lump-sum increase of \$120.

Mr. GALLINGER. But, Mr. President, I will suggest to the Senator from Virginia that there are very few instances where the amount allowed by the House of Representatives was reduced by the Senate committee.

Mr. MARTIN. I think we made reductions in quite a number of instances.

Mr. GALLINGER. The House allowed \$3,500 in this instance.

Mr. MARTIN. But the Senate committee did not agree to it in this instance for this reason: While soldiers are going to the front, giving up big salaries and comforts and luxuries, and working and serving the country and risking their lives in the Army for \$30 a month, I tell you I can not look with any favor on increasing the salaries of civilian employees. If a man has a salary of \$3,000 a year—and that is what this official got last year—he can get along on it. The committee was unwilling to increase the salaries of civilians under conditions such as now confront us.

Mr. GALLINGER. I was laboring under the impression that the Senate committee had made a mistake in striking out the \$500 additional which was allowed by the House of Representatives. My impression was that the committee simply intended to strike out the language "so long as the position is held by the present incumbent."

Mr. MARTIN. It was a deliberate action of the committee; they did not think that the salary ought to be increased. Under ordinary circumstances the increase might be very proper, but had we increased this salary there are scores of others which should have been increased in cases which are just as meritorious. The committee was not willing to increase the salaries of civilian employees in this critical period of our history.

Mr. GALLINGER. If that is the position which the chairman of the committee takes, I have nothing further to say about it, except to add a word to the effect that I feel sure that if the chairman of the committee will investigate this particular case he will find that it is very exceptional, so far as the capabilities of this man are concerned and the importance of the work which he is performing.

Mr. MARTIN. We had no doubt about all that; but this is a time of sacrifice, and we thought that these civilian employees could get along on the salaries which they had heretofore received.

Mr. JONES of Washington. Mr. President, I desire to ask the chairman of the committee about a provision on page 139 of the bill. I had intended to ask about it in committee, but overlooked it. I refer to the provision on that page, beginning in line 22, which reads as follows:

For investigation of the standards and methods of measurements of public utilities, such as gas, electric light, electric power, water, telephone, and electric railway service, and the solution of the problems which arise in connection with standards in such service, including personal services in the District of Columbia and in the field, \$50,000.

As I understand, the estimate of the department for the service was \$100,000. They have represented to me that this work is very important and that the demand and need for work along this line is very important. I desire to ask whether or not the subcommittee gave that matter any special consideration?

Mr. MARTIN. I will say to the Senator from Washington that the subcommittee did give the matter very careful consideration, but we felt that in these strenuous times, when there is so much demand for money, this service could get along with the sum which was provided for in the bill as it came from the other House, which is \$50,000.

Mr. STERLING. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 9, at the end of line 2, it is proposed to insert the following:

To authorize the Secretary of the Senate to pay those officers and employees of the Senate borne on the roll known as the soldiers' roll, in accordance with the provisions of Senate resolution of July 14, 1911, and continue such persons on said roll who are now designated as "mail carriers," "folders," "skilled laborers," "policemen," or by other designation, but who are now serving as messengers in and about the doors of the Senate and performing service exactly similar to those performed by messengers whose compensation is \$1,440 each per annum, a sum sufficient to make their compensation at the rate of \$1,440 each per annum for the fiscal year ending July 30, 1918, \$4,327.50, which amount shall be immediately available.

Mr. STERLING. I trust this amendment will be acceptable to the chairman of the Committee on Appropriations.

Mr. MARTIN. Mr. President, it is very painful to me to say a word in opposition to anything for an old soldier. The committee has not made an investigation into the details of these special cases, but, generally speaking, the old soldiers on the rolls are getting a reasonable salary—I will not say they are getting what they ought to have—but they are getting pensions and each one of them will get the \$120 increase. Still, the matter is one which appeals to the sympathies of every Senator, and I should be glad, if it be agreeable to the Senator from South Dakota, to let the amendment go to conference, where it will be carefully considered.

Mr. STERLING. That will be satisfactory to me.

Mr. OVERMAN. Do I understand that the Senator from Virginia accepts the amendment?

Mr. MARTIN. I am willing that the matter shall go to conference.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. JONES of Washington. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. It is proposed to strike out all after line 5, on page 3, all of page 4, all of page 5, all of page 6, all of page 7, and lines 22, 23, 24, and 25 on page 9, and in lieu thereof insert after line 5 on page 3 the following:

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Appropriations—clerk, \$4,000; two assistant clerks, at \$2,500 each; two assistant clerks, at \$1,440 each; messenger, \$1,440; laborer, \$720; Banking and Currency—clerk, \$3,000; assistant clerk, \$1,800; assistant clerk, \$1,440; messenger, \$1,440; Claims—clerk, \$2,500; assistant clerk, \$2,000; assistant clerk, \$1,440; messenger, \$1,440; Commerce—clerk, \$2,500; assistant clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440; Conference—Minority of the Senate—clerk, \$2,500; assistant clerk, \$1,800; two messengers, at \$1,200 each; District of Columbia—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Education and Labor—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Engrossed Bills—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,200; Expenditures in the Interior Department—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,200; Finance—clerk, \$3,000; assistant clerk, \$2,220; assistant clerk, \$1,800; assistant clerk, \$1,440; messenger, \$1,440; two experts (one for the majority and one for the minority), at \$2,000 each; Foreign Relations—clerk, \$3,000; assistant clerk, \$2,220; messenger, \$1,440; Immigration—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Indian Affairs—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440; Inter-oceanic Canals—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,200; Interstate Commerce—clerk, \$2,500; two assistant clerks, at \$1,800 each; messenger, \$1,440; Judiciary—clerk, \$2,500; assistant clerk, \$2,220; two assistant clerks, at \$1,800 each; messenger, \$1,440; Manufactures—clerk, \$2,500; assistant

clerk, \$1,500; messenger, \$1,440; Military Affairs—clerk, \$2,500; assistant clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200; Naval Affairs—clerk, \$2,500; assistant clerk, \$1,800; assistant clerk, \$1,440; messenger, \$1,440; Pacific Islands and Porto Rico—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Pensions—clerk, \$2,500; assistant clerk, \$1,800; 3 assistant clerks, at \$1,440 each; messenger, \$1,440; Philippines—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Post Offices and Post Roads—clerk, \$2,500; assistant clerk, \$2,000; 2 assistant clerks, at \$1,440 each; messenger, \$1,440; Printing—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440; Private Land Claims—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,200; Privileges and Elections—clerk, \$2,500; assistant clerk, \$1,500; messenger, \$1,440; Public Buildings and Grounds—clerk, \$2,500; assistant clerk, \$1,500; messenger, \$1,440; Public Lands—clerk, \$2,500; assistant clerk, \$1,800; assistant clerk, \$1,440; messenger, \$1,200; Rules—clerk, \$2,720, to include full compensation for the preparation biennially of the Senate Manual, under the direction of the Committee on Rules; assistant clerk, \$1,800; messenger, \$1,440; in all, \$211,380.

For assistance to Senators who are not chairmen of the committees specifically provided for herein: Sixty-eight clerks, at \$2,500 each; 68 assistant clerks, at \$1,500 each; 68 messengers, at \$1,200 each; in all, \$353,600. *Provided*, That such clerks, assistant clerks, and messengers shall be ex officio clerks, assistant clerks, and messengers of any committee of which their Senator may be chairman.

Mr. JONES of Washington. Mr. President, this amendment strikes out the provision that refers to clerks and messengers to the committees, beginning on page 3, and also the provision at the bottom of page 9, beginning in line 24, and makes another provision in lieu thereof, which I will explain. The amendment I have proposed is framed on the theory of giving to each Senator a secretary at \$2,500 a year, an assistant secretary at \$1,500 a year, and a messenger at \$1,200 a year. This is in accord with the conclusion that was reached by the special committee that was appointed a year or two ago, of which the Senator from North Carolina [Mr. OVERMAN] was the chairman. The amendment was framed to carry out that conclusion, and was referred to the committee at the suggestion of the special committee.

The amendment which I have proposed does not interfere with the provision made by law now for the compensation of clerks of any committee where their compensation exceeds \$2,500 for a secretary, \$1,500 for an assistant secretary, and \$1,200 for a messenger; in other words, I reinsert in my amendment every provision made in this bill for clerical help to committees that would not be cared for by my amendment. That course was followed on the theory that where the Senate had given consideration to the needs of any committee and had allowed special compensation to any employee of that committee we would not disturb that conclusion, except in the case of one or two of the insignificant committees where the messenger gets more than the ordinary compensation of messengers. In such cases we have provided the regular messenger rate of \$1,200 for each messenger.

The purpose of this amendment is to get rid of a number of committees that every Senator admits are useless, the only purpose served by them being to give increased compensation to employees who do not do any more work than they would do if they were not employees of such committees; in other words, the purpose of this amendment is to put the compensation of the help of Senators upon an equal, just, and fair basis.

The amount carried, as I have had it figured out as nearly as possible with reference to the provisions which were agreed to by the committee, would only be a little over \$4,000 more than the amount provided in the bill as reported to the Senate.

Mr. President, that is all I am going to say about it. I am not going to take the time of the Senate to discuss it at any further length. I do think that we ought to get rid of a number of the committees that are actually useless, that never meet, and never have any business to do as committees, and that we ought to place the employees of all Senators upon a fair, just, and equitable basis, one with another.

Mr. MARTIN. Mr. President, I have no hesitation in saying that there is a great deal of merit in the proposition presented by the Senator from Washington. We have many committees that should be abolished; there should be a revision of the compensation allowed to clerks of the different committees; the matter ought to have the attention of the Senate; but the proposal of the Senator from Washington has not been considered by any committee and the time does not seem propitious to act upon the question now. The Senate has just given to each Senator an additional clerk, unless he already has as many as four clerks, and it seems to me that this matter, for which I concede there is a great deal of justification, which has a great deal of merit, and which is entitled to careful consideration, should not be pressed now. It will certainly have careful consideration at an early day, so far as I am concerned, but just at present I hope the Senator will not press his amendment, as we could not well dispose of it to-day with such a full understanding as there ought to be before it is finally acted upon.

Mr. JONES of Washington. Mr. President, I submitted the amendment some time ago and had it referred to the committee, where it was referred, I presume, to the subcommittee. I rec-

ognize that the committee has a great deal to do, that the very important problems that confront it take a great deal of time, and I am disposed to accede to the request of the chairman of the committee. I should like to know, however, if the chairman of the committee can give me any assurance that probably at the next session, when the next legislative, executive, and judicial appropriation bill comes along, we can give this matter consideration and take some action upon it?

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

THE PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES of Washington. I yield.

Mr. HARDWICK. I am in sympathy with the purpose of the Senator, but let me suggest to the Senator that inasmuch as these committees were created by the standing rules of the Senate, first the rules ought to be changed, and then the useless committees ought to be abolished after action of the Rules Committee.

Mr. JONES of Washington. I wish to suggest to the Senator that I do not intend to abolish committees, but I do put the compensation of their employees on an entirely different basis, and that will rid us substantially of perhaps the worst evil.

Mr. HARDWICK. I thought the Senator's amendment had that purpose in view, and I am glad it has, because I should like to support such a proposal.

Mr. JONES of Washington. I do not by the amendment try to amend the rules but simply to place the compensation on a different plane, which will accomplish, I think, the real practical results which we would like to get at.

Mr. HARDWICK. If the Senator will pardon me just one suggestion further, I think a better way to do that would be to abolish every useless committee.

Mr. JONES of Washington. I think so, too; our rules ought not to be encumbered with them at all.

Mr. HARDWICK. The best way to do that would be to get the Committee on Rules to take action looking to the abolition of all the useless committees, and merely leave the virile, vital committees.

Mr. JONES of Washington. Yes; but the legislative, executive, and judicial appropriation bill is the measure that really fixes the compensation; our rules do not do that, so that if we fix the compensation upon a fair, just, and equitable basis we can still have all the committees provided for by the rules, and yet it would not affect the committees and would put their employees upon a fair and just basis. That is what I am really concerned about, and I should like to ask the chairman of the committee if he does not think that probably at the next session, when we are considering another appropriation bill, we may be able to give this matter serious consideration?

Mr. MARTIN. I will say to the Senator that it is my earnest desire to proceed right along the line with him. I think action along that line ought to be taken, and I hope we can find the opportunity to do so intelligently at the next session of Congress.

Mr. JONES of Washington. In view of that statement of the chairman of the committee, in the interest of the early passage of the pending legislation and in the hope that I will get the result which I seek quicker by taking this course, I withdraw my amendment.

THE PRESIDING OFFICER. The Senator from Washington withdraws his amendment.

Mr. CALDER. I offer the amendment which I send to the desk.

THE PRESIDING OFFICER. The amendment will be stated.

THE SECRETARY. On page 9, line 25, it is proposed to strike out "\$2,000" and in lieu thereof to insert "\$2,220."

Mr. CALDER. Mr. President, this amendment is in line with the amendment just offered by the Senator from Washington and afterwards withdrawn. It is not so involved as his amendment. His amendment readjusts the pay of the clerks of all committees. My amendment simply provides that each Senator's clerk who now receives \$2,000 shall hereafter receive \$2,220.

We have had some talk in the Chamber to-day about useless committees. I intended to read the names of some of these committees into the RECORD, but perhaps that is not necessary. We all know the ones that are useless. The first one I see is the Committee on Additional Accommodations for the Library of Congress. I do not know just what that committee has to do; but the fact that there is such a committee and that a Senator is chairman of it allows his clerk \$220 a year more than he would otherwise receive. I find, on looking over these

committees, that the Senators from the States of New Mexico, Arizona, Wyoming, and Utah—the States of smaller population—all have chairmanships. I am sure the clerks of these Senators earn all the money that is paid to them; but in the case of many of the States of larger population, where the clerks of Senators work not 7 hours or 8 hours a day but 12 or 14 hours a day the clerk is paid but \$2,000.

Moreover, if this amendment is agreed to, I am going to ask that another amendment be made on the next page, giving the second clerk \$1,440, the same pay allowed the second clerks of Senators who are chairmen of committees. I may say that last year the War Department took my second clerk from me. He was receiving \$1,200, and they offered him \$1,500, and he left. This year one of the executive departments offered my second clerk \$1,600, one whom I had brought from my own State. I said to him, "All we can give you is \$1,200," and purely out of loyalty he stayed with me. But these departments of the Government are offering many Senators' clerks higher pay than we can give them, and when these clerks see that the clerks of other Senators, doing less work than themselves, are paid \$220 and \$240 more than they are paid it certainly is very discouraging to them and to us.

I hope that this simple little amendment will be agreed to. It is not involved at all; and if it is adopted, together with the one on page 10, increasing the pay of the \$1,200 clerks to \$1,440, it will mean altogether an additional appropriation of only \$13,200.

Mr. JONES of Washington. Mr. President—

Mr. CALDER. I yield to the Senator from Washington.

Mr. JONES of Washington. I just want to ask the Senator from New York if the effect of his amendment would not be this: The minimum compensation paid to the secretaries of Senators who are chairmen of minor committees is \$2,220?

Mr. CALDER. Yes.

Mr. JONES of Washington. The Senator's amendment would give the secretaries of Senators who are not chairmen of these minor committees the same compensation that the clerks of these minor committees receive?

Mr. CALDER. Exactly.

Mr. JONES of Washington. I think that is entirely just. There is no reason at all why the secretaries of Senators who are not chairmen of minor committees but who do just as much work, and in many instances possibly more work, should not have exactly the same compensation that comes to the clerks of committees who do not have any work to do because of the fact that they are clerks of committees.

Mr. CALDER. I am glad that the Senator from Washington agrees with what I am trying to do. It is just plain, simple justice that the clerks of all Senators who are doing identical work should get exactly the same compensation.

In view of the fact that these two items—the amendment I have now offered, and the amendment on the next page—will take only \$13,200, and that they will enable Senators to hold their good clerks, rather than have them taken away by the departments of the Government, when we are authorizing increases of salaries right along for clerks in the departments, I trust that the chairman of the committee will agree to accept this amendment.

Mr. MARTIN. Mr. President, I regret exceedingly that the Senator from New York wishes to open up this question of compensation to clerks. We have just allowed an additional clerk to every Senator who has less than four. I say to him very frankly that while the House generally concedes to the Senate the right to fix the compensation of its own force, it would be impossible to get a measure of this sort through at this time.

The Senator from Washington, in a very broad and liberal spirit, passed by the general proposition, which would include what the Senator from New York is asking. Under the circumstances, I feel constrained to make the point of order that the amendment has not been reported from any committee, and has never been even considered by a committee, and increases an appropriation, and is therefore subject to a point of order.

The PRESIDING OFFICER. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DESTRUCTION OR INJURING OF WAR MATERIAL—CONFERENCE REPORT.

Mr. OVERMAN. I present a conference report on Senate bill 383, to punish the destruction or injuring of war material and

war transportation facilities by fire, explosives, or other violent means, and to prevent the hostile use of property during time of war, and for other purposes, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"Sec. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

"Sec. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall,

upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,

Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,

Managers on the part of the House.

Mr. THOMAS. Mr. President, this is the second report from the conference committee. The conferees seem to have agreed upon two changes in the original report, which I presume were designed to balance each other. That is to say, those members of the Senate committee insisting upon the elimination of section 3 secured the assent of their associates on the House committee by agreeing to strike out the words in section 2 reading:

Shall conspire to prevent the erection or production of such war premises, war material, or war utilities.

I have no doubt that that compromise was effected upon the theory that if the clause of section 2 which I have read were eliminated from the bill the need for section 3, to which some of us here successfully objected, would be eliminated. If that were true, I would not be able to vote for the second conference report, since it would be substantially identical with the first report.

I have had occasion more than once, in discussing legislation of this sort, to call attention to my opinion as to the probable consequences of the proposed legislation. This bill upon its face as it now stands—and when I say "as it now stands," I mean as it now stands upon the present conference report—would exempt from the operation of the act conspiracies to commit the offenses provided against by it. In other words, it would require the actual accomplishment of the thing prohibited to invoke the machinery of the act and bring about the consequences and the penalties which it provides. But, Mr. President, it is due from me to those who are interested in this subject, and particularly to those who believe that section 3 should have remained in the conference report, that I should say that in my judgment the elimination of the clause of section 2 does not accomplish the purpose designed; and because it does not I shall vote for the committee report.

The subject of conspiracies generally is covered by section 37 of the Criminal Code, which reads as follows:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

I wish to go on record at this time as saying that in the event this conference report is accepted, as I hope it will be, section 37 of the Criminal Code covers conspiracies to commit the offenses therein provided for; and under the provisions of section 37 indictment and punishment, in the event the evidence sustains the indictment, will inevitably follow, in my judgment.

Mr. POINDEXTER. Mr. President—

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

Mr. THOMAS. I yield.

Mr. POINDEXTER. Is it not true that altogether aside from the question of conspiracy to do certain things specified in the clause of section 2, that has been referred to, the manner in which the conference report has now been changed does not constitute those things an offense even though there be no conspiracy to do them? In other words, they have not only eliminated the idea of conspiracy but they have eliminated the provision which makes it a crime to interfere with the production of war materials.

Mr. THOMAS. I do not so understand.

Mr. POINDEXTER. I fail to see anything in the legislation recommended by the report that makes it unlawful to prevent the erection or production of such war premises, war materials, or war utilities, or to injure or interfere with or obstruct the United States in the production of them. There is nothing in the report to make that an offense. Now, that is the important thing that was intended to be curbed by this legislation; but in striking out a provision to punish a conspiracy to do that, which I understand was done in order to be sure that it did not interfere with the right of workmen not to work, they have struck out the substantive part of the legislation as well,

Mr. THOMAS. I have misread the second report of the conference committee if that conclusion is correct. The words in section 2, "shall conspire to prevent the erection or production of such war premises, war material, or war utilities," are the only words eliminated from the section. If that is not correct, I hope the chairman of the committee will correct me.

Mr. OVERMAN. Mr. President, that is correct. We struck those words out of section 2 and then we struck out section 3; that is all.

Mr. THOMAS. That being the case, section 2 as it stands is perfect, except that it does not punish conspiracies to do the things prohibited by that section.

Mr. POINDEXTER. Mr. President, if the Senator will pardon me—

Mr. THOMAS. I yield.

Mr. POINDEXTER. I do not want to embarrass the Senator in any way.

Mr. THOMAS. Indeed, I have said practically all that I intended to say.

Mr. POINDEXTER. I am making these suggestions largely for the purpose of developing just exactly what will be the effect of this legislation. I would be glad if the Senator from Colorado or the Senator from North Carolina making the report could point out any provision that is left in this proposed legislation providing for penalties against the man who interferes with or obstructs the production of war materials. I say there is nothing to that effect in the proposed legislation as it is now reported, and I will call the Senator's attention to what it does contain.

Mr. THOMAS. I want to say that if that criticism is correct, then the bill was defective ab initio, and the defect is not due to the report of the committee.

Mr. POINDEXTER. That may be true. I am not urging that the original bill contains this provision which I am talking about, but the first conference report did contain it, and it also contained in connection with it a penalty against conspiring to do those things. The conferees have eliminated the conspiracy and they have eliminated the whole subject matter along with the conspiracy.

Mr. OVERMAN. I think the Senator is mistaken about that. We have only eliminated words from what is known as the Cannon amendment. All that was eliminated were the words "shall conspire to prevent the erection or production of such war premises, war material, or war utilities," that is all.

Mr. POINDEXTER. If the Senator from Colorado will pardon me just a moment, all the acts that are prohibited by this report are defined in section 2 and in what is now called section 3. They are in those two last sections of the report. The rest of it is merely definition of material, and so forth, and what constitutes war utilities, so that we turn only to those two last sections to ascertain what acts shall be prohibited and penalized by this proposed legislation. Now, what are they?

Section 2 prohibits anyone, with the intent to injure, interfere with, or obstruct the United States or any associate nation, in preparing for or carrying on the war, or with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war; that is, with the intent to do those things. Shall do what? "Shall willfully injure or destroy, or shall attempt to do injure or destroy, any war material," and so forth. There is nothing said there about interfering with or obstructing the production of it. That denounces the crime of destroying or of injuring war material after it is produced, and that is all there is in section 2. In section 3 there is a provision—

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States—

The PRESIDING OFFICER. The Senator from Washington will suspend. 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 (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be laid aside temporarily for the disposition of this report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Will the Senator yield to me?

Mr. POINDEXTER. In just one second I will yield to the Senator. I merely want to complete the sentence which I was engaged in at 2 o'clock.

Mr. THOMAS. I think I have the floor, Mr. President, but I am not certain.

Mr. POINDEXTER. Undoubtedly the Senator from Colorado has the floor, and I will yield to him.

Mr. THOMAS. I do not mean by that to cut off the Senator.

Mr. POINDEXTER. I just want to say a word more.

Mr. THOMAS. The Senator said that he would yield the floor to the Senator from Minnesota, and I did not want it to be understood that I had myself yielded the floor to the Senator from Washington.

Mr. POINDEXTER. I beg the Senator's pardon for trespassing on his courtesy.

Mr. THOMAS. It is not necessary.

Mr. POINDEXTER. I pointed out the acts which are prohibited in section 2. The only other acts prohibited are defined in section 3, and those acts are with the intent, using the same language as to the intent that I read from the second section, to do what? Not that it shall interfere with or stop the production of war material, but "shall cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material."

So, Mr. President, the only things that are prohibited by this legislation are, first, with the intent referred to, to injure or destroy war material; second, with the same intent already referred to and defined, to make in a defective manner or attempt to make in a defective manner such war material. That is all, and there is not anything in either one of those provisions that makes it a penalty to interfere with or to obstruct the production.

Mr. THOMAS. I am inclined to think there is considerable force in the Senator's criticism, but it goes to the bill itself and not to the changes made in the second conference report. I think section 2 would have been more complete had it contained the word "produce" or "production" or both or their equivalent. That, however, goes to the merit not only of this but of the first conference report and to the original bill itself. We are confronted here, however, at this time with the second conference report, which eliminates one section and a phrase in another relating to conspiracy. My sole purpose in taking the floor was to call attention to what I conceive to be a very important proposition, which is that the striking out of the clause regarding conspiracy in section 2 still leaves full play to section 37 of the Criminal Code, and that completes the report. So I am prepared to vote for it.

Mr. FLETCHER. Will the Senator allow me to say that that I think is the view of the conferees?

Mr. THOMAS. I think that is the correct view to be taken of it. I yield the floor, Mr. President.

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

Mr. HOLLIS. Mr. President, I do not desire to renew the controversy of last week over the conference report on this measure. There were certain statements made last week in criticism of the conduct of the Government Employment Service and the attitude of the American Federation of Labor which ought to be explained, and instead of making that explanation myself I ask leave to print in the Record without reading a letter from the Secretary of Labor regarding the United States Employment Service as it relates to shipbuilding plants in the Puget Sound district, a letter from the secretary of the American Federation of Labor regarding the report of the National Industrial Conference Board, and a letter from the president of the American Federation of Labor, Mr. Gompers, with regard to the attitude of labor, with certain inclosures, being a letter to me.

The PRESIDING OFFICER. Without objection, leave will be granted.

Mr. FALL. Do I understand that it is the request of the Senator that these letters shall be printed in the Record without reading?

The PRESIDING OFFICER. That is the request.

Mr. FALL. I think they should be read, in view of the statement of the Senator that they are intended to answer some of the criticisms which were offered on the floor here in the discussion. I so understood the Senator.

Mr. HOLLIS. Does the Senator object to having them printed in the Record?

Mr. FALL. I object to anything being printed in the Record as an answer to criticisms made by a Senator on the floor without knowing what the answer is.

The PRESIDING OFFICER. Objection is made.

Mr. HOLLIS. If the Secretary will return the papers to me, I will read them and make such comments as I think are necessary.

Mr. FALL. I should like to have them read.

Mr. HOLLIS. The first letter is in regard to a suggestion made by the Senator from South Dakota [Mr. STEELING] that

the United States Employment Service had notified men who applied for work in the shipbuilding district of Puget Sound that they should not go there to work unless they were union men.

Mr. JONES of Washington. Mr. President—

Mr. HOLLIS. I yield to the Senator.

Mr. JONES of Washington. I merely wish to suggest to the Senator that in view of the fact that these letters apparently answer some statements made by certain Senators on the floor, and those Senators are not here now, probably it would be well to have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

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

Ashurst	Gallinger	Nelson	Shields
Baird	Gerry	New	Smith, Ga.
Borah	Hale	Norris	Smith, S. C.
Brandegee	Harding	Nugent	Smoot
Calder	Hardwick	Overman	Swanson
Chamberlain	Henderson	Page	Tillman
Culberson	Hollis	Phelan	Townsend
Cummins	Johnson, Cal.	Pittman	Trammell
Curtis	Jones, Wash.	Poindexter	Warren
Dillingham	McCumber	Pomerene	Weeks
Fall	McKellar	Saulsbury	Williams
Fletcher	McNary	Sheppard	Wolcott
France	Martin	Sherman	

Mr. CURTIS. I desire to announce the absence of the Senator from West Virginia [Mr. SUTHERLAND] on official business.

While I am on my feet I desire to announce the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN]. I will let this announcement stand for the day.

Mr. WARREN. I wish to announce that my colleague [Mr. KENDRICK] is absent to-day on public business.

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator Broussard.

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator Stone.

The PRESIDING OFFICER (Mr. SHEPPARD). I desire to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are necessarily detained, taking part in the third liberty loan campaign.

Fifty-one Senators having responded to their names, a quorum is present. The Senator from New Hampshire will proceed.

Mr. HOLLIS. As I was saying before the call for a quorum, a statement was made last week on the floor of the Senate with reference to the conduct of the United States Employment Service engaging men to work in the shipbuilding district of Puget Sound, and it was then said that men who were secured by the Department of Labor for that purpose were told that if they were not union men it was useless for them to apply. The Secretary of Labor, Mr. Wilson, has sent me this letter in explanation, and I will read it:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 11, 1918.

Hon. HENRY F. HOLLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR HOLLIS: My attention was called to an article in the morning paper referring to an attack by some Senators on the administration, and particularly to this department, charging that it was catering to union labor, the discussion apparently having been brought about by reference to the recruiting by the United States Employment Service of this department of labor for the shipyards in the Puget Sound district.

The statement's alleged to have been made that the officers of the Employment Service conducting this recruiting announced to the public that no one but union men would be employed and sent to the shipyards in Seattle. This statement is quite correct, but the Senate should know that the shipbuilding companies in the Puget Sound district have a written agreement with the metal-trades council of that district to employ no one but union men. Consequently it would be useless for any agency to recruit any labor for these shipyards other than union labor. It would not only be useless but misleading and work a great injury on nonunion men, who might leave positions in the Middle West and go to Seattle only to find that under the agreement between the unions and the shipyards they could not be employed. The agreement between the shipbuilding companies and the metal-trades council in that district has been in existence for a long time. This department or no other branch of the Government is a party to the contract, nor was it urged by the Government. The shipbuilding com-

panies have simply agreed to the closed union shop in that district, and the agreement is defended by the shipbuilding companies and the Seattle Chamber of Commerce and other employers in that district as a measure of great efficiency, and the speed with which the shipbuilding companies in that district are turning out ships for the Shipping Board indicates the value of the plan under which they are working. If you will refer to the speech of Chairman Hurley, of the Shipping Board, at New York on March 26, you will find that he makes particular reference to the greater speed in shipbuilding on the Pacific coast than elsewhere. It is true that the United States Employment Service of this department supplies absolutely all of the labor, both skilled and unskilled, going into the shipyards in the Puget Sound district.

It is quite clear from what I have just stated that if the shipyards are operating on a written closed union shop agreement with the unions that the Employment Service supplying the labor must supply union labor if it is to supply it at all.

Very sincerely, yours,

W. B. WILSON,
Secretary.

The letter from Mr. Frank Morrison, secretary of the American Federation of Labor, is as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 15, 1918.

Senator HENRY F. HOLLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Read into the CONGRESSIONAL RECORD, issue of April 10, on page 4902, is a report of the National Industrial Conference Board on "Strikes in American industry in war time, April 6 to October 6, 1917."

It is stated that during this time 1,156 strikes are recorded. The number of employees made idle, it is stated, was 283,402, and the number of days of production lost was 6,285,519. The National Industrial Conference Board, as you know, is composed of representatives of 17 employers' organizations and associations. It would be interesting to know the method employed by which these figures were compiled or if they were merely the estimate of some individual or group of individuals.

The trade-union movement has found it impossible to compile figures of this character that would be found approximately correct, for the reason that in strike times a large percentage of men drift into other activities for temporary employment. Although known as strikers, these men are engaged in production or other useful occupations, and could not be included in the list above referred to. To illustrate: If 500 employees are on strike for four weeks that does not mean a loss to society of 2,000 days of production, because many of these workers secure employment elsewhere. Because of the temporary character of their employment and the constant shifting from one place of employment to another during this period we have not been successful in securing reliable statistics.

In support of our position and to show the unreliability of the figures issued by the National Industrial Conference Board I quote the following statement by the bureau of mediation and arbitration of the New York State Industrial Commission, published in the commission's monthly bulletin issued February, 1918:

"It may properly be mentioned in this connection that it has been customary in the reports of this bureau and of other bureaus of a like character to speak of the number of days' continuance of a strike as time lost, as a measure of the wages lost to the employees, and also as indicating, in a way, the economic loss to the employer. It is the experience of this bureau, however, that while the total of lost working days reported does show the seriousness of the strike in loss to the worker and employer, it is not an exact estimate of the real loss to either. During the continuance of a strike the bureau has frequently observed that many strikers have obtained temporary employment from another firm or person than the one involved in the dispute, returning to the old position upon settlement of the dispute, and it has also often occurred that one department of an industrial concern may be tied up temporarily by a strike, while the other departments continue in absolutely normal operation, without lessening of the production of the plant as a whole. The great majority of industrial disputes, however, result in material loss to both employer and employee and affect injuriously a community in which they occur."

Yours, very truly,

FRANK MORRISON,
Secretary American Federation of Labor.

The letter from Mr. Gompers, president of the American Federation of Labor, is dated April 13, 1908.

DEAR SIR—

Then there is a complimentary reference to myself, and I will omit the first paragraph of the letter. He mentions the sabotage bill and the discussion last week, and then continues:

Am I right in assuming that the vote of the Senate, reversing the decision of the Presiding Officer of the Senate, was not indicative of opposition to the features of the bill discussed, but rather as a matter of parliamentary procedure? At least I hope so.

Surely when there was such a divergence of views expressed as to the necessity for incorporating section 3 of the bill, the Congress should retain it, for you know, as many Senators know, how the interests and rights of the workers have been subverted on account of interpretations by the courts of laws which the Congress had not the slightest notion should apply to the normal, natural activities of wage earners. Either section 3 should be restored or the so-called Cannon amendment stricken out.

Yesterday I addressed a letter to Hon. LEE S. OVERMAN, member conference committee of the Senate and House, upon the above bill, and it seemed to me that you ought to be in possession of a copy of that letter. I may say, too, that I furnished a copy of my letter to Senator OVERMAN and to each of the conferees on the part of the Senate and the House.

It is with a sense of regret I find that Senator SHERMAN should, at least by indirection, call into question the loyalty of the American Federation of Labor or myself. More than a month before our country entered into the war I issued a call to the representatives of organized labor of America to meet in conference at Washington. That conference was held on March 12, 1917, and, after a thorough discussion, a declaration was unanimously adopted. Permit me to quote the few concluding paragraphs of that document:

"We, the officers of the national and international trade-unions of America in national conference assembled in the Capital of our Nation, hereby pledge ourselves in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.

"In this solemn hour of our Nation's life, it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and the burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

"But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict, we, with these ideals of liberty and justice herein declared, as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against its enemies whomsoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service.

"Issued by American Federation of Labor, American Federation of Labor Building, Washington, D. C."

That declaration was reported to the convention of the American Federation of Labor, held at Buffalo, N. Y., November, 1917, and it was indorsed by a unanimous vote of all the delegates to that convention.

It has been my purpose and that of my associates to do everything physically possible to prevent interruptions of work.

Under date of April 8, 1918, I addressed a circular to all the organizations of workers of America. May I presume upon your patience and ask you to read a copy of it, which I take pleasure in inclosing?

For nearly a year, in conference with the Secretary of the Department of Labor and members of the Advisory Commission of the Council of National Defense, I have cooperated for the purpose of first reaching agreements by which industry would be continued without interruption. As the result of these conferences, the employers' associations and the undersigned as representing the workers, appointed committees representative of both sides, and they in turn selected two high-minded citizens of our country representing the public; that they agreed upon principles and standards, and also upon machinery or instrumentality by which these principles and standards and methods of adjustment or prevention of disputes might be put into operation, and that these have been established by the proclamation of the President of the United States. I do not undertake to question the figures quoted by Senator SHERMAN, but I venture to express my judgment that the men engaged in the strikes to which he has referred were largely unorganized.

This fact must be borne in mind, that among the unorganized workers employers have for years had full sway to determine wages, hours, and conditions of the workers, and the former have not failed during all these periods to take full advantage of the impotency of the workers to defend or protect their rights and interests, and that within this past year opportunities had opened up to the workers which they utilized in securing some improvement in their conditions.

Of course, you know that there are no workers in this country under my jurisdiction. There is no power vested in me or even in the American Federation of Labor itself to act more than in an advisory capacity to our fellow workers. That course as advisors we have consistently and persistently pursued, and under it the organized, as well as the unorganized, have almost generally, and particularly in this recent past, conformed. Should section 2 be retained in the bill and section 3 rejected, the influential, advisory character of the American Federation of Labor and me would be minimized or destroyed.

I have some understanding of men and the causes which prompt them to action, particularly as to their action as wage workers, and it is because of that knowledge that I aim to call the attention of Congress to the wholly hurtful effect which would result should it retain section 2 and reject section 3 of the bill.

It is gratifying to me to see in the utterance of Senator SHERMAN that the differences which exist between us he is perfectly willing to lay in abeyance, particularly at this time. I sincerely reciprocate that expression on my part. I am endeavoring by the light that is given me and by every effort I can put forth help our country and our allies to as quickly as physically possible bring this war to a triumphant conclusion for our common cause. If the time should arrive when greater sacrifice may be necessary to win for these great principles, the working people of America will not be found wanting, and while we are fighting for the safety of our Republic and the freedom of the world, we should at least not unnecessarily sacrifice justice and freedom at home. It is something not yet fully understood how perfectly safe is freedom.

Concluding with another complimentary reference, he signs himself:

I have the honor to remain,
Yours, very respectfully,

SAM GOMPERS,
President American Federation of Labor.

The circulars are short, are in printed form, and together with the copy of the letter to the Senator from North Carolina [Mr. OVERMAN], I presume may be printed in the RECORD without reading. I am sorry to take up the time of the Senate to this extent, but I felt that these letters ought to go into the RECORD.

The PRESIDING OFFICER (Mr. GERRY in the chair). Without objection, the matter referred to by the Senator from New Hampshire will be printed in the RECORD. The Chair hears no objection.

The matter referred to is as follows:

APRIL 8, 1918.

To the TOILEES OF AMERICA:

BROTHERS: Will the battle line of freedom hold against the onslaughts of autocracy's military machine? Upon that line hangs the destiny of the world for decades to come. The line can hold back the offensive and drive the invaders out of the Republic of France only if it is the concentrated expression of national determination unflinchingly supplying men, munitions, food, and every accouterment required.

Workers of America, the safety of that battle line in France depends mainly now upon us. We must furnish the majority of those in the trenches. We must build the ships that carry the troops and munitions of war. Regardless of hidden dangers we must maintain the life line of ships on the high seas which connect the fighting front with our national bases of supplies. We must make the guns, the munitions, the aeroplanes. We must have ready food, clothing, blankets. We serve in the great industrial army that serves overseas with the fighting forces.

We must do all these things because a principle is involved that has to do with all we hold dear.

We are fighting against a government that disregards the will of the governed; a government that prides into intimate relations of life and extends its supervision into smallest details and dominates all of them. We are fighting against involuntary labor; against the enslavement of women and the mutilation of the lives and bodies of little children. We are fighting against barbarous practices of warring upon civilian populations, killing the wounded, the agents of mercy, and those who bear the white flag of truce.

We are fighting for the ideal which is America; equal opportunity for all. We are fighting for political and economic freedom, national and international.

We are fighting for the right to join together freely in trade-unions and the freedom and the advantages represented by that right.

Our country is now facing a crisis, to meet which continuity of war productions is essential. Workers, decide every industrial question fully mindful of those men—fellow Americans—who are on the battle line, facing the enemies' guns, needing munitions of war to fight the battle for those of us back at home, doing work necessary but less hazardous. No strike ought to be inaugurated that can not be justified to the men facing momentary death. A strike during the war is not justified unless principles are involved equally fundamental as those for which fellow citizens have offered their lives—their all.

We must give this service without reserve until the war is won, serving the cause of human freedom, intelligent, alert, uncompromising wherever and whenever the principles of human freedom is involved.

We are in a great revolutionary period which we are shaping by molding everyday relations between man and man. Workers of America as well as all other citizens have difficult tasks to perform that we might hand on to the future the ideals and institutions of America not only unimpaired, but strengthened and purified in spirit and in expression, thus performing the responsible duty of those intrusted with the high resolve to be free and perpetuate freedom.

Fraternally, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

AMERICAN LABOR'S POSITION IN PEACE OR IN WAR.

WASHINGTON, D. C., March 12, 1917.

A conference of the representatives of the national and international trade-unions of America, called by the executive council of the American Federation of Labor, was held in the American Federation of Labor Building, March 12, 1917, in which conference the representatives of affiliated national and international trade-unions and the railroad brotherhoods participated.

The executive council of the American Federation of Labor had the subject matter for three days under advisement prior to the conference and submitted a declaration to the conference. The entire day was given over to a discussion of the recommendation and such suggestions as were submitted. After a thorough discussion the following document was adopted by a unanimous vote:

"We speak for millions of Americans. We are not a sect. We are not a party. We represent the organizations held together by the pressure of our common needs. We represent the part of the Nation closest to the fundamentals of life. Those we represent wield the Nation's tools and grapple with the forces that are brought under control in our material civilization. The power and use of industrial tools is greater than the tools of war and will in time supersede agencies of destruction. A world war is on. The time has not yet come when war has been abolished.

"Whether we approve it or not, we must recognize that war is a situation with which we must reckon. The present European war, involving as it does the majority of civilized nations and affecting the industry and commerce of the whole world, threatens at any moment to draw all countries, including our own, into the conflict. Our immediate problem, then, is to bring to bear upon war conditions instructive forethought, vision, principles of human welfare, and conservation that should direct our course in every eventuality of life. The way to avert war is to establish constructive agencies for justice in times of peace and thus control for peace situations and forces that might otherwise result in war.

"The methods of modern warfare, its new tactics, its vast organization, both military and industrial, present problems vastly different from those of previous wars. But the Nation's problems afford an opportunity for the establishment of new freedom and wider opportunities for all the people. Modern warfare includes contests between workshops, factories, the land, financial and transportation resources of the countries involved; and necessarily applies to the relations between employers and employees, and as our own country now faces an impending peril, it is fitting that the masses of the people of the United States should take counsel and determine what course they shall pursue should a crisis arise necessitating the protection of our Republic and defense of the ideals for which it stands.

"In the struggle between the forces of democracy and special privilege, for just and historic reasons the masses of the people necessarily represent the ideals and the institutions of democracy. There is in organized society one potential organization whose purpose is to further these ideals and institutions—the organized labor movement.

"In no previous war has the organized-labor movement taken a directing part.

"Labor has now reached an understanding of its rights, of its power and resources, of its value and contributions to society, and must make definite constructive proposals.

"It is timely that we frankly present experiences and conditions which in former times have prevented nations from benefiting by the voluntary, whole-hearted cooperation of wage earners in war time, and then make suggestions how these hindrances to our national strength and vigor can be removed.

"War has never put a stop to the necessity for struggle to establish and maintain industrial rights. Wage earners in war times must, as has been said, keep one eye on the exploiters at home and the other on the enemy threatening the National Government. Such exploitation made it impossible for a warring nation to mobilize effectively its full strength for outward defense.

"We maintain that it is the fundamental step in preparedness for the Nation to set its own house in order and to establish at home justice in relations between men. Previous wars, for whatever purpose waged, developed new opportunities for exploiting wage earners. Not only was there failure to recognize the necessity for protecting rights of workers that they might give that whole-hearted service to the country that can come only when every citizen enjoys rights, freedom, and opportunity,

but under guise of national necessity labor was stripped of its means of defense against enemies at home and was robbed of the advantages, the protections, the guarantees of justice that had been achieved after ages of struggle. For these reasons workers have felt that, no matter what the result of war, as wage earners they generally lose.

"In previous times labor had no representatives in the councils authorized to deal with the conduct of war. The rights, interests, and welfare of workers were autocratically sacrificed for the slogan of 'national safety.'

"The European war has demonstrated the dependence of the governments upon the cooperation of the masses of the people. Since the masses perform indispensable service, it follows that they should have a voice in determining the conditions upon which they give service.

"The workers of America make known their beliefs, their demands, and their purposes through a voluntary agency which they have established—the organized-labor movement. This agency is not only the representative of those who directly constitute it, but it is the representative of all those persons who have common problems and purposes but who have not yet organized for their achievement.

"Whether in peace or in war, the organized-labor movement seeks to make all else subordinate to human welfare and human opportunity. The labor movement stands as the defender of this principle and undertakes to protect the wealth producers against the exorbitant greed of special interests, against profiteering, against exploitation, against the detestable methods of irresponsible greed, against the inhumanity and crime of heartless corporations and employers.

"Labor demands the right in war times to be the recognized defender of wage earners against the same forces which in former wars have made national necessity an excuse for more ruthless methods.

"As the representatives of the wage earners we assert that conditions of work and pay in Government employment and in all occupations should conform to principles of human welfare and justice.

"A nation can not make an effective defense against an outside danger if groups of citizens are asked to take part in a war though smarting with a sense of keen injustice inflicted by the government they are expected to and will defend.

"The corner stone of national defense is justice in fundamental relations of life—economic justice.

"The one agency which accomplishes this for the workers is the organized-labor movement. The greatest step that can be made for national defense is not to bind and throttle the organized-labor movement but to afford its greatest scope and opportunity for voluntary effective cooperation in spirit and in action.

"During the long period in which it has been establishing itself the labor movement has become a dynamic force in organizing the human side of industry and commerce. It is a great social factor which must be recognized in all plans which affect wage earners.

"Whether planning for peace or war, the Government must recognize the organized-labor movement as the agency through which it must cooperate with wage earners.

"Industrial justice is the right of those living within our country. With this right there is associated obligation. In war time obligation takes the form of service in defense of the Republic against enemies.

"We recognize that this service may be either military or industrial, both equally essential for national defense. We hold this to be incontrovertible that the government which demands that men and women give their labor power, their bodies, or their lives to its service should also demand the service in the interest of these human beings of all wealth and the products of human toil—property.

"We hold that if workers may be asked in time of national peril or emergency to give more exhausting service than the principles of human welfare warrant, that service should be asked only when accompanied by increased guarantees and safeguards, and when the profits which the employer shall secure from the industry in which they are engaged have been limited to fixed percentages.

"We declare that such determination of profits should be based on costs of processes actually needed for product.

"Workers have no delusions regarding the policy which property owners and exploiting employers pursue in peace or in war, and they also recognize that wrapped up with the safety of this Republic are ideals of democracy, a heritage which the masses of the people received from our forefathers, who fought that liberty might live in this country—a heritage that is to be maintained and handed down to each generation with undiminished power and usefulness.

"The labor movement recognizes the value of freedom, and it knows that freedom and rights can be maintained only by those willing to assert their claims and to defend their rights. The American labor movement has always opposed unnecessary conflicts and all wars for aggrandizement, exploitation, and enslavement, and yet it has done its part in the world's revolutions, in the struggles to establish greater freedom, democratic institutions, and ideals of human justice.

"Our labor movement distrusts and protests against militarism, because it knows that militarism represents privilege and is the tool of special interests, exploiters, and despots. But, while it opposes militarism, it holds that it is the duty of a nation to defend itself against injustice and invasion.

"The menace of militarism arises through isolating the defensive functions of the State from civic activities and from creating military agencies out of touch with masses of the people. Isolation is subversive to democracy; it harbors and nurtures the germs of arbitrary power.

"The labor movement demands that a clear differentiation be made against military service for the Nation and police duty, and that military service should be carefully distinguished from service in industrial disputes.

"We hold that industrial service shall be deemed equally meritorious as military service. Organization for industrial and commercial service is upon a different basis from military service—the civic ideals still dominate. This should be recognized in mobilizing for this purpose. The same voluntary institutions that organized industrial, commercial, and transportation workers in times of peace will best take care of the same problems in time of war.

"It is fundamental, therefore, that the Government cooperate with the American organized-labor movement for this purpose. Service in Government factories and private establishments, in transportation agencies, all should conform to trade-union standards.

"The guarantees of human conservation should be recognized in war as well as in peace. Wherever changes in the organization of industry are necessary upon a war basis, they should be made in accord with plans agreed upon by representatives of the Government and those engaged and employed in the industry. We recognize that in war, in certain employments requiring high skill, it is necessary to retain in industrial service the workers specially fitted therefor. In any eventuality when women may be employed, we insist that equal pay for equal work shall prevail without regard to sex.

"Finally, in order to safeguard all the interests of the wage earners organized labor should have representation on all agencies determining and administering policies for national defense. It is particularly important that organized labor should have representatives on all boards authorized to control publicity during war times. The workers have suffered much injustice in war times by limitations upon their right to speak freely and to secure publicity for their just grievances.

"Organized labor has earned the right to make these demands. It is the agency that, in all countries, stands for human rights and is the defender of the welfare and interests of the masses of the people. It is an agency that has international recognition which is not seeking to rob, exploit, or corrupt foreign governments, but instead seeks to maintain human rights and interests the world over, nor does it have to dispel suspicion nor prove its motives either at home or abroad.

"The present war discloses the struggle between the institutions of democracy and those of autocracy. As a nation we should profit from the experiences of other nations. Democracy can not be established by patches upon an autocratic system. The foundations of civilized intercourse between individuals must be organized upon principles of democracy and scientific principles of human welfare. Then a national structure can be perfected in harmony with humanitarian idealism—a structure that will stand the tests of the necessities of peace or war.

"We, the officers of the national and international trade-unions of America in national conference assembled in the Capital of our Nation, hereby pledge ourselves in peace or in war, in stress or in storm, to stand unreservedly by the standards of liberty and the safety and preservation of the institutions and ideals of our Republic.

"In this solemn hour of our Nation's life, it is our earnest hope that our Republic may be safeguarded in its unswerving desire for peace; that our people may be spared the horrors and the burdens of war; that they may have the opportunity to cultivate and develop the arts of peace, human brotherhood, and a higher civilization.

"But, despite all our endeavors and hopes, should our country be drawn into the maelstrom of the European conflict, we, with these ideals of liberty and justice herein declared as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States of America against its enemies whomsoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, freedom, and humanity to devotedly and patriotically give like service."

Issued by American Federation of Labor, A. F. of L. Building, Washington, D. C.; Samuel Gompers, president; Frank Morrison, secretary.

APRIL 11, 1918.

Hon. LEE S. OVERMAN,
Member Conference Committee,
Injury to War Material Bill,
Senate Office Building, Washington, D. C.

DEAR SIR: The legislative committee of the American Federation of Labor brought to my attention the fact that after consideration by the Senate of the conference report on the "protection of war material and war transportation facilities bill," the conference report was rejected and a motion adopted that the Senate insist upon its disagreement to the amendments of the House and requesting further conference.

It appears that the discussion on conference report centered about section 3 of the bill, which expressly stipulates that the provisions of the bill were to be interpreted as not preventing workmen from ceasing their work in disputes solely over wages and conditions of employment. Apparently the conference report was recommended for the purpose of making an effort to eliminate this section.

Labor, as those most vitally affected, interposed no serious objections to this bill as originally drafted, but, during its consideration in the House, Mr. CANNON, of Illinois, offered and the House adopted the following amendment:

"Whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both."

To this amendment, without any qualifications, labor has very serious objections. Labor has had some sorrowful experiences in the interpretation of statutes.

In order that there might not be any question as to the meaning of the statute, an amendment was offered to this bill making it clear that the section above referred to did not apply to the normal and legal activities of workmen. The amendment offered, and which was accepted by the House, is as follows:

"That nothing herein shall be construed as making it unlawful for employees to agree together to stop work, or not to enter thereon, with the bona fide purpose of securing better wages or conditions of employment."

This bill, upon its passage by the House, went to conference. The conferees agreed to a change in the amendment and inserted the words "sole and," so that the provision would read:

"That nothing herein shall be construed as making it unlawful for employees to agree together to stop work, or not to enter thereon, with the sole and bona fide purpose of securing better wages or conditions of employment."

There would have been no occasion for the introduction or the passage of the amendment last referred to had it not been for the adoption of the so-called "Cannon amendment."

The elimination of section 3 and the retention of the Cannon amendment would be a direct challenge to labor. Such a policy would be unjustifiable and discriminatory against human beings and the granting of power and special privileges to private employers over their employees, and would be so interpreted by the great mass of the workers of our country.

No one disputes the fact that the workers generally of our country and the American Federation of Labor have given indispensable service, and the failure of the Congress to retain the amendment above quoted would bring about its reaction among the wage-workers of our country and would nullify all the efforts made by the organized-labor movement. A challenge of this character will destroy the cooperative spirit of the workmen of our country, and thus retard rather than accelerate our necessary industrial activities in the conduct of a successful war.

Depriving workmen of their inherent and constitutional rights can have no other effect than to create in an intensified form the spirit engendered and developed by those who covertly desire to see the issues of this war result in failure. It is my earnest hope that no legislation will be enacted that will retard the successful prosecution of the undertaking in which we are now engaged, and I sincerely trust that in the

final determination of this bill either it will remain in the form reported by the conferees or that both the Cannon amendment and section 3 be stricken from it.

Realizing that you will give this matter most serious consideration, I am,

Very respectfully, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

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

Mr. McCUMBER. Mr. President, I want to know what the conference report means before I agree to it. I do not know when it was brought in here. I have not heard any statement as to just what has been done and the changes agreed on by the conferees. I should like to have the Senator from North Carolina explain it.

Mr. OVERMAN. Mr. President, the Senator from North Dakota was not present, I am sorry to say, when the conference report was brought in. The Senator from Colorado [Mr. THOMAS], who was the chief opponent of the conference report as previously presented, took the floor and explained it. Therefore I did not say anything about it. The Senator from Colorado explained it fully and stated why he would vote for it.

What was known as the Cannon amendment and section 3, which was debated long and fully here, the conferees agreed to strike out. That was done in agreement between the conferees of the House and the Senate. The House conferees stated that section 3 would not have been adopted had not what was known as the Cannon amendment been adopted. I presume that the Senator from North Dakota is familiar with the Cannon amendment and does not desire that I shall read it.

Mr. McCUMBER. I know what the Cannon amendment is.

Mr. OVERMAN. The conferees agreed to strike out section 3 and the Cannon amendment. We had before us the general conspiracy statute of the United States, which is found in the Judicial Code and which made it a crime for anyone to conspire to do anything denominated a crime by the laws of the United States. It was stated that that statute would cover this situation, anyway, and we made a compromise agreement on that basis. The House was willing to strike out section 3 if the Senate conferees would agree to strike out what was known as the Cannon amendment, because they said that the adoption of the Cannon amendment was the reason for the adoption of section 3 by the House of Representatives. We agreed to strike out everything about labor, and so those two amendments were stricken out.

Mr. McCUMBER. Mr. President, the Senator from North Carolina refers to some other section of existing law, and states that that other section of the law covers the same question.

Mr. OVERMAN. The Senator from North Dakota is doubtless familiar with the general statute.

Mr. McCUMBER. Is the Senator from North Carolina certain that the situation is covered by the general statute?

Mr. OVERMAN. That is what I thought, and I understand the Senator from Colorado, in the statement which he made here, said that he was going to support the conference report, because he had examined the statute and was satisfied that it covered the situation.

Mr. McCUMBER. I know, but one would suppose that every Senator on the conference committee would himself examine the statute and would pass his own judgment upon it.

Mr. OVERMAN. We had the statute before us, and what I have stated was the judgment of every member of the committee, without exception.

Mr. SHERMAN. Will the Senator from North Dakota permit me to interrupt him a moment?

Mr. OVERMAN. I will read the statute for the Senator from North Dakota in a moment.

Mr. SHERMAN. The Senator from North Carolina refers to the general conspiracy statute, I presume?

Mr. OVERMAN. Yes, sir.

Mr. SHERMAN. Prosecutions have been had under that statute several times, particularly in the Indiana cases which were prosecuted under the general conspiracy section. I think that is the section to which the Senator from Colorado alluded?

Mr. McCUMBER. Yes; but was not a demurrer sustained in those cases?

Mr. SHERMAN. Some convictions have been had and some of the defendants are in the penitentiary.

Mr. McCUMBER. For doing what? Will the Senator from Illinois tell me what the particular crime charged was?

Mr. SHERMAN. Indictment was brought under the general conspiracy act, which prohibits the doing of any unlawful act to the injury of the United States, and in the Indiana cases the specific charge was because of fraud committed at an election in which Members of Congress were voted for. I refer to what is known as the Roberts case, growing out of prosecutions in the

district of Indiana. The acts were committed in Terre Haute. The act was sustained in the circuit court of appeals.

Mr. McCUMBER. I want to ask the Senator from Illinois a question. This section provides:

That whoever * * * shall conspire to prevent the erection or production of such war premises, war material, or war utilities shall upon conviction thereof be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

Have we any law upon the statute books to-day that is practically the same as this provision which has now been stricken out by the conferees?

Mr. SHERMAN. I think we have. I think the section for which the Senator from North Carolina is looking would be violated by such an act.

Mr. OVERMAN. Mr. President, we have had expressions of opinion from the Senator from Illinois [Mr. SHERMAN] and the Senator from Colorado [Mr. THOMAS], and they think the situation is covered by the existing statute. That is all I can say. As soon as I can find the statute I will read it to the Senator. I have not yet had time to find it, as I do not remember it specifically by number.

Mr. McCUMBER. While the Senator from North Carolina is looking for the law to which he refers I wish to present another letter to the Senate and to have it read into the RECORD. The letter is one which is addressed to the Senator from Minnesota [Mr. NELSON], and he has authorized me to have it put into the RECORD. I desire the Secretary to read it. I especially want to call the attention of the Senate to the number of strikes which, according to this letter, have taken place between the 15th day of February and the 11th day of March, 1918, at a time in which it has been stated that labor difficulties had all been settled.

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

The Secretary read as follows:

SEATTLE CHAMBER OF COMMERCE AND COMMERCIAL CLUB,
Washington, D. C., Office, March 11, 1918.

MY DEAR SENATOR NELSON: I hand you herewith an incomplete record of strikes which have occurred in the United States since February 15 of the present calendar year. I find that I am unable at this time to tell you just what has caused all of them or how long they were in effect. A great number of them have been called to force the "closed shop" and reduction of hours of labor to eight:

NEW ENGLAND STATES.

Fall River, Mass., cotton mills	3,000
Lynn, Mass., shoe factories	8,000
Sanford, Me., textile mills	450
Pawtucket, R. I., textile mills	
Portland, Me., biscuit factory	
Chelsea, Mass., clock makers	
Bristol, R. I., shoe factory	2,000

In addition there has been a number of strikes in nonessential industries and continued threatened strikes in textile, garment, shoe, and machine shops.

NEW YORK AND MID-ATLANTIC STATES.

New York, longshoremen	2,000
New York, cotton-duck factories	1,000
New York, chemical workers	600
Allegheny, Pa., machinists	100
Shamokin, Pa., coal washers	200
Kensington, Pa., weavers	4,000
Buffalo, N. Y., turbine-engine workers	200
Chester, Pa., munition workers	300
Baltimore, Md., shipbuilders	600
Cohoes, N. Y., shoddy mills	200
Hog Island, Pa., ship carpenters	300
Mount Carmel, Pa., coal miners	150
Conshohocken, Pa., boiler makers	500
Buffalo, N. Y., shipbuilders	900

Also a number of strikes, such as elevator men, teamsters, section hands, cigar factories, etc. A continued threatened strike of all the marine workers of New York.

SOUTHERN STATES.

Alabama, general coal mine	
Birmingham, Ala., metal trades	5,000
Ensley, Tenn., coal miners	
Louisville, Ky., Avery farm implements	500
Waco, Tex., street car strike	

Number of threatened strikes in southern shipyards.

MIDDLE WEST STATES.

Kansas City, general, sympathy laundries	22,000
St. Louis, Mo., general	18,000
Chicago, Ill., airplane workers	800
Martins Ferry, Ohio, sheet-metal workers	
Pekin, Ill., gunstock factory	
Chicago, Ill., carriage workers	1,200
Peoria, Ill., all structural iron workers	
Chicago, Ill., garment workers	1,000
Elyria, Ohio, aero-engine workers	
Springfield, Ill., munition plant	
Gary, Ind., switchmen, trainmen	
Peoria, Ill., boiler makers	
Murphysboro, Ill., steel plant	
Fort Wayne, Ind., freight handlers	
Marine, Ill., mill workers	
Denver, Colo., shop mechanics	
Great Falls, Mont., general	1,500

A great many minor strikes, including teamsters, garment workers, electricians, woodworking plants, clerks, waiters, etc.

PACIFIC COAST STATES.

Generally quiet, excepting small strikes in Spokane, North Yakima, and Toppenish, Wash., and pipe fitters on ship construction at Oakland, Cal.

NOTE: This list includes about 80,000 men who have quit work for one reason and another. The Buffalo shipyard strike was caused because the company would not discharge the assistant superintendent, who had been active in reporting the men for slacking. A strike occurred in a Raleigh, N. C., shell plant because two nonunion men were not discharged; and, as stated before, a great number of them are for closed shop.

Trusting these figures may be of some use to you, I am,
Very sincerely,

J. E. BARNES,
828-830 Woodward Building, City.

Mr. McCUMBER. Mr. President, that shows a very serious situation existing to-day in the matter of construction of war material. I have looked over that list of strikes, and I find that out of 43 strikes occurring in those few days, 17 were in shipyards or in industries closely allied to the shipbuilding and construction business. At this period of the war and in the present critical situation I want to appeal to Senators that it is time that we take this matter up and meet it honestly and fairly.

No one is attempting to condemn Mr. Gompers or any other of the labor-union leaders; on the contrary, we all desire to pay to Mr. Gompers our highest tribute for his wisdom and his patriotic efforts ever since the war began; but, notwithstanding his efforts, notwithstanding the strong efforts of Mr. Morrison, it is, nevertheless, true that the labor situation has gotten away from the labor leaders and they have not been able to sufficiently control it or to secure for the Government of the United States more than 50 per cent efficiency in the construction of war material and in that particular branch of industry that means so much to this country to-day, ship construction.

Mr. OVERMAN. Mr. President, I desire to say that the reason I could not readily find the statute which I desired to read was that I was handed the wrong volume. I find that the old statute is section 5440 of the Revised Statutes, and section 37 in the criminal code. It reads as follows:

Sec. 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

Mr. SHERMAN. Mr. President—

Mr. McCUMBER. Mr. President, notwithstanding the assurance that has been given me by Senators who undoubtedly have given the matter greater consideration than have I, I am very doubtful if that statute would apply to this case. If to-day, without any just cause, anyone should organize a conspiracy to get men to quit their work upon the construction of a ship that is greatly needed for war purposes, I do not believe that that character of conspiracy would be covered by this particular law. I do not believe the section read would meet the strike situation. I now yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I wish to state, in addition to what the Senator from North Dakota has had read, that on yesterday 350 men quit their work at Sparrows Point without any apparent cause. The press report in regard to that matter is as follows:

BALTIMORE, April 15.

About 350 men employed in the shipyards at Sparrows Point went on strike this afternoon without giving the management of the company any reasons for their action or without stating any cause of grievance.

Then the details follow. This only goes to prove what the Senator from North Dakota has stated—that the labor situation is getting away from the labor leaders. They are patriotically trying to hold the individual workman to his duty, but in numerous places in the United States—I note as many as I can from the press reports—strikes are occurring with alarming frequency, and they are impairing our ability to prepare for our whole duty in this war. They are reaching that point, Mr. President—and I particularly wish to add this to what the Senator from North Dakota has stated—that unless there is already some law which, taken in connection with this bill, will curb them, they will weaken us so that we can not utilize our resources.

I think, if the Senator will permit me further, that section 5440 of the General Statutes, which has been read by the Senator from North Carolina [Mr. OVERMAN], can be construed to punish a strike where it is willful. If a number of men, in pursuance of a common understanding, quit work on a Government contract or in a shipyard, and under that concerted action go out leaving work undone, I believe that that is a conspiracy to the injury of the United States.

If the Senator will permit me, that statute, as I have said, was construed in a case arising in Indiana by the circuit court

of appeals for the seventh circuit. That case specifically involved a violation of the election laws; it was a case of conspiracy to procure the fraudulent election of certain candidates for Congress. The first time the statute was applied was in that case. It was doubted whether Congress had in mind at the time it enacted this statute the question of elections, and so it was only by construction that it could be held to cover elections. The circuit court of appeals sustained the interpretation put upon it by the trial court, and held that a conspiracy to obtain fraudulent votes in the election of an officer of the United States was a conspiracy that resulted in the injury of the United States and was a violation of section 5440.

I do not think it would be any more violent a construction of the statute—and I wish to invite the Senator's attention to this, because it may be an open question; I am only giving my opinion, as the Senator from Colorado and as the Senator from North Carolina have done—to say in war times that concerted action to cease work on a Government contract or in a shipyard where ships are in the course of construction is a conspiracy of itself when proven that it is to the injury to the United States. I think the Seventh Circuit Court of Appeals would not have to make so violent a construction of the statute, if the contrary could even be contended by those representing the defendants, as has already been made in the interpretation and the application of this statute.

This is what leads me to favor the adoption of this report: I believe the prosecuting attorneys and others who have to do with the interpretation and enforcement of the law when this bill is applied and construed with section 5440 will conclude that it will furnish a remedy.

Mr. McCUMBER. Mr. President, recognizing the fact that Congress has from time to time indicated its desire that labor unions should not be held to the same strict accountability for breach of law as unions of capital and as individuals, I am rather inclined to believe that the court would pause a long time before it would conclude under that statute that it was the intention to punish anyone who would incite a strike in a Government shipyard, even though the very life of the Nation depended upon the rapid construction of ships. I think we ought to have a law at this time to govern cases of that kind. If Mr. Gompers or Mr. Morrison were the absolute dictators of the labor unions, I have no doubt that we would be freed entirely from strikes, but in view of the strike the Senator from Illinois has just read about, the account of which was published in the press this morning, it appears, unhappily, that they can not control the situation, and unhappily there is in many of the labor unions a large element of the I. W. W., which in some instances controls the union; and where it does not control, it is an element of disloyalty, an element that has prevented construction in so far as it could and has rendered construction work in our shipyards up to the present time, on the average, not more than 50 per cent efficient. At this particular time we ought to have some method to deal with the situation of that character.

The Senator from New Hampshire [Mr. HOLLIS] in his address, I think on the 10th of April or about that time, stated that without any law we had come to an agreement with all the labor organizations. I drew from his statement the conclusion that he did not believe there was now danger of any further strikes, and yet right in the face of this belief comes information of a strike in one of the shipyards, for which no reason on earth is given.

The Senator from New Hampshire made a speech the other day, as I remember, which was strongly in defense of labor unions. Certainly those unions have had no man in the Senate who has been more friendly to their interests than the Senator from New Hampshire, and I think sometimes that he carries that friendship so far that to a certain extent he does an injustice to the Government. Criticizing those who did not agree with him, he stated—

It is not desirable to take the laboring men out and shoot them at sunrise.

Mr. President, that statement has been iterated and reiterated several times upon the floor of the Senate, and it seems to me that it needs some attention. I do not think that the labor element of the United States ought to look upon Congress as its enemy; I know of no one in the Senate or in the other House who has ever advocated any injustice of any character toward honest labor. I have never heard of anyone advocating a low-wage scale. I know that it is the consensus of conviction of every Member of the Senate, and I have no doubt also of the other House, that the greatest liberality should be allowed in the matter of wages for our laborers, especially during this war, to the end that every laborer may feel that his service is recognized and appreciated by the American Republic, and when any Senator condemns sabotage, when any Senator con-

demns slacking in this most serious situation, I insist that it is hardly just to accuse him of a desire to have laboring men "shot at sunrise."

I want the Senator from New Hampshire to look also upon the other side of this question, and I want if possible every man who performs labor in the United States to-day to look upon the other side of the question. The Senator says that it is not desirable to shoot the laborers at sunrise. God knows that is true, and it is not desirable, either, through the slacking of any American laborer or any other American that our soldiers over in France should have their throats cut at sunrise. That is a matter I think that the labor unions and every other citizen of the United States should think of for a moment. I read from a written report by Adj. R. G. Starboard, who has charge of the Salvation Army work in France. This is what he says:

I visited a base hospital recently and had this story from a sergeant who had passed through one of the raids. The sergeant was horribly wounded by grenades, and was passed by the Germans as dead. Before the sergeant lost consciousness, however, he saw a dozen Germans overpower three American boys and cut their throats from ear to ear. The sergeant said the murder of the third American was most horrible. Four Germans held him while another fairly severed his head from his body.

Mr. President, suppose it had been the son of the Senator from New Hampshire or the son of some good mother whom the Senator knows in his State—

Mr. THOMAS. As these men were the sons of good American mothers.

Mr. McCUMBER. Yes; they were the sons of good American mothers. Reports come to us almost daily of horrible atrocities inflicted upon American and British prisoners. If we had had the Army that we proposed to have in France before the last German drive, which may prove fatal to our allies, that drive never would have been made. If we had had 1,500,000 well-armed American boys to put into the breach at that time beside their British and French allies, this war would have been well on toward the last stages to final victory. We did not have them there. Why? Secretary Baker said in the early winter: "I have 1,500,000 men whom I could ship to France to-day, but I have not the ships. The crux of the whole situation is ships, and I do not know where to get them."

The ships could have been built if, first, the Shipping Board had done its duty and, second, if labor connected with the shipping had faithfully performed its duty. I will not lay the blame all on one or all on the other; it was due to the delay of the Shipping Board, due to profiteering on the part of those who had things to sell to the American Government for the construction of ships, and due even to a greater extent, after we began our shipbuilding program, to the inefficiency and the slacking of labor in the shipyards.

It is problematical whether, with all the ships that we can bring to our support, even when Great Britain is denying her people food that they ought to have in order that her few remaining ships may be put into the service of the United States to take our soldiers to the front, it will be possible for us to get over a sufficient number of soldiers to stem the tide and to be able to save the situation in France to-day; but we are bending every possible effort to do so, and in this critical situation it is our moral duty—the duty of Congress, the duty of every American citizen, I do not care whether he is a laborer or a millionaire, or who he may be—to do everything in his power to see that there is not one minute of delay in our ship construction. That is all that patriotic American citizens are asking for, and I am certain we are asking none too much of our laboring men.

If one son stays at home, what right has he to slack in his work while he sends his brother over to the trenches to face an army? And yet the work of the former is just as essential to final victory as the work of the brother who holds the gun.

It is even more important, because it not only is necessary to support the boy who is at the front, but it is also necessary to support those who must go to his assistance if he is to make his work at the front successful. The workman here is receiving from \$5 to \$8 per day. The strikes are not for greater wages. I would not complain if they were even greater, though I fear that our extravagance to-day is such that we will bankrupt the Government before we ever get into this war. But be the wages what they will, there is one thing that we have a right to ask of the workman, and that is an honest day's work for the wage that is paid; and, as a matter of fact and truth, no one will deny that nearly every one of these strikes has been because those who employed the workmen would not yield to their demands to make their places closed shops. They were not strikes for higher wages or better conditions.

One of the Senators read this morning a letter indicating that the reason why men were required to say either that they would

become members of the labor union or that they were members of the labor union before they were sent out to the West coast was that they might be assured of work. I do not complain of the Government doing that; but is it not also true that the Government forced every establishment in the West to go under the rule of a closed shop before it would allow it to take any contracts? That is the information that I have.

Mr. HOLLIS. Mr. President—

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

Mr. McCUMBER. I yield to the Senator.

Mr. HOLLIS. The letter I read from the Secretary of Labor stated that the agreement was between the private shipbuilding plants and their employees; that it was a contract that had been in existence since long before the war, which the Government did not advise and which the Government had no power to change. If a man went out there who was not a labor-union man, he could not be employed, under the private contract between the shipbuilding plants and their employees.

Mr. McCUMBER. Yes; that is what I understood was in the letter which the Senator read, and I think that was proper under those conditions. I think we have a right to complain, however, when the Government says to another shipbuilding yard that is running under an open shop, "Unless you close your shop and take in only union laborers we will cancel our contract with you." Now, I may be mistaken; the information which comes to me may be erroneous, but I have it from many sources that that has been done.

Mr. HOLLIS. Mr. President, will the Senator permit me to interrupt him again?

Mr. McCUMBER. Certainly.

Mr. HOLLIS. In all those cases there is an agreement between labor and capital, to which the Government is a party, that where there has been an open shop it shall continue an open shop until the war is ended, and where there has been a closed shop it shall continue a closed shop until the war is ended. I am very confident of that.

Mr. McCUMBER. I hope, Mr. President, that that is the case.

Mr. THOMAS. Mr. President—

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

Mr. McCUMBER. I yield to the Senator from Colorado.

Mr. THOMAS. I know the Senator has kept very closely in touch with these conditions for some time and will correct me if the statement which I am about to make is erroneous. I have been informed that the hull of a large vessel was constructed on the Pacific coast and launched, the work being done by nonunion labor; that it was towed to the proper place in San Francisco Bay, or some harbor in the vicinity of that bay, to receive the installation of its engines, but that because this vessel had been constructed by nonunion labor the trades-unions refused to place in the vessel the machinery necessary to equip her and make her seaworthy, and that no other labor could be secured for that purpose. I am also informed that that condition still prevails, and that that splendid hull, new and otherwise seaworthy, is rendered useless to the Government because another class of labor absolutely refuses to make her seaworthy and efficient by the installation of the machinery. If that be so, then, in my judgment as a man and a Senator, the situation in these times borders very closely upon treason.

Mr. McCUMBER. Mr. President, if the Senator will peruse the January and the March numbers of the Sunset Magazine he will find not only that there is one but that there are four or five of those hulls lying idle out on the west coast to-day that can not be used by the Government because the Government can not get the men to put the boilers and the engines in them, the hulls having been constructed by nonunion labor.

Mr. SHERMAN. Mr. President—

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

Mr. McCUMBER. I yield to the Senator.

Mr. SHERMAN. I will ask the Senator to permit me to supplement that statement with another fact: That on the Pacific coast the shipbuilders' union has adopted and is enforcing a rule that no member of less than one year's continuous standing shall be employed as a riveter in shipyards, although the supply of riveters is grossly insufficient.

I should like to add to that the further statement that at Newark, N. J., where there is a shipyard, the local union has fined members of the union from \$100 to \$1,000 apiece for working with nonunion men who have been assembled on the emergency to put together the fabricated portions of ships, that being an assembling plant.

Mr. McCUMBER. And if the Senator had investigated the subject a little further, he would have found that according to the reports any active man can become a good riveter in a

month's time, notwithstanding the fact that under the union rules he must hold a card showing that he has worked a year before he can be employed as a riveter.

Mr. SHERMAN. Mr. President, the average village blacksmith can learn the trade in 30 days—a man that is used to pounding hot iron.

Mr. McCUMBER. The Senator is correct.

Mr. President, there is not a man in the Senate or in the House who realizes the present precarious situation in this war, who realizes the dire necessity for ships, who does not also realize in this hour of our need the effect of having a strike in our shipyards, the effect of delaying for a day or a month the construction of any ship necessary for the support of our Army. I can not but fear that this desire to eliminate the Cannon amendment displays a rather gross lack of courage, a subversion of our conscience, in the hope of receiving the votes of some particular organization, that we are willing to see the country's interest so jeopardized.

We talk about the courage of our soldiers. We laud and commend their wonderful courage. Their's is a courage to face death. Their's is to face bullets. Well, if that courage is so commendable, I submit that the Members of the Senate ought to have courage enough to face a paper ballot, even if it should be aimed at the Senator's political interests. We talk about having a Congress free from partisanship. We do not want partisanship to enter into our discussions. No; Mr. President, and we do not want anything but honest, patriotic Americanism in our discussions and actions during this conflict. That means we should do everything that is necessary to protect this country, everything that is necessary to win a victory; and what is most necessary for this country and for victory is to speed up the construction of war materials, to see that every man employed does an honest day's work for an honest wage, and, in addition to that, to see that every American is employed in some useful vocation. Nothing short of that is ever going to save this war, and, Mr. President, it does not need the courage that a great many Senators think it needs to do the right thing.

I know something about labor and laborers myself. I have been associated with them. I have been brought up with them. I have probably performed more physical labor between the ages of 8 and 22 than any of them performs in this age in a like number of years. I know that for the most part they have the same sentiments, the same conscience, the same respect for independence and patriotism that you have and that I have, and they are not led by their officials when it comes to the ballot. They vote their convictions exactly the same as you and I do, and I do not believe there is going to be one patriotic American labor vote polled against an American citizen because he believes that every laborer ought to perform eight hours of honest service. I should be perfectly willing to take my chances with them. There are a great many of the I. W. W.'s that would probably be against you, but would you not rather have them against you than for you?

Mr. THOMAS. They are against you, anyway.

Mr. McCUMBER. They are against anything that is in favor of honest government. They are against anything that does not wear the garb of the murderer and the robber and the thief; so we need not be afraid of that element. I believe with all my heart, Mr. President, that we ought to have left the Cannon provision in this bill. I regret very much that the conferees have brought in a report in which that has been eliminated, in order that they might eliminate that which would exempt labor unions from the operation of this most just law.

Just at the time when we ought to do everything in our power to encourage American labor, I confess we ought to have had the courage to strike out section 3 and leave in the bill the Cannon amendment, which in no uncertain words declared that any person who should conspire to prevent the construction of things necessary for the Government in this war should be subject to punishment. I think he should, and I would be willing to vote for it. I have just as much right to refuse to pay my taxes because I think they are heavier than they ought to be, as a laborer has a right to refuse to proceed to work upon a ship which the Government needs and which my taxes are to pay for, because the wage is not as much as he thinks he might get if he should organize a strike.

Mr. FLETCHER. Mr. President—

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

Mr. McCUMBER. I yield to the Senator.

Mr. FLETCHER. I merely wish to suggest to the Senator that section 37 of the Criminal Code fully covers the subject of conspiracy; but, further than that, there is a great deal

more in this bill than appears by reading sections 2 and 4. If the Senator will refer to the definition given at the beginning of the bill of war material, war premises, and war utilities, and the broad latitude covered by those definitions, and then keep in mind the fact that sections 2 and 4 merely make reference to those words, and they must be read together, the Senator will see, as I say, that there is a great deal more in the bill than there would appear to be from reading just sections 2 and 4.

Mr. McCUMBER. Let me ask the Senator a question for his candid judgment. Suppose this bill, as reported by the conferees, should become a law to-morrow, in its present form, and suppose day after to-morrow there should be a strike organized of the character of the one which was read into the Record just a few moments ago, in which laborers struck in a shipyard, giving no reason whatever for the strike, no claim that they needed higher wages or that they required better conditions. Does the Senator believe that those persons would be told by the Department of Justice, "You either go to work now and do an honest day's work for \$5 or \$8 or \$10 a day or you will be proceeded against in a criminal prosecution"?

Mr. FLETCHER. No; I do not, Mr. President.

Mr. McCUMBER. Neither do I.

Mr. FLETCHER. I do not think so, if those are the facts. Of course, each one of these particular strikes depends upon the facts in the case. For instance, the Senator read in this list of strikes that some 300 or more carpenters had struck at Hog Island. I happen to have information, which I think is absolutely reliable—it was reported by Admiral Bowles, as I recall—to the effect that that strike lasted about 30 minutes, and then the whole thing was over and every man went back to work. There was a disagreement about the amount of wages. Now, I do not know what the facts are in connection with the matter to which the Senator refers. As published, the statement is to the effect that the men stopped work without giving any reason. I think they have a right to do that, and I do not know how on earth you are going to prevent it.

Mr. McCUMBER. Mr. President, I really do not think they have a right to do it.

Mr. FLETCHER. I mean, a legal right.

Mr. McCUMBER. Well, I do not think that, Mr. President. Any individual has the right to refuse to perform personal services for another individual at any and all times, and there is no law that can compel him to do otherwise. That is one proposition.

Mr. FLETCHER. That is what I mean.

Mr. McCUMBER. On the other hand, we can pass a law making criminal in time of war a conspiracy to secure all the employees in a certain plant that is producing articles for the Government needs to stop work. That we have the power to do.

Mr. HARDWICK. Mr. President—

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

Mr. McCUMBER. I yield to the Senator.

Mr. HARDWICK. Does not the Senator think that we can go even further than that? Does not the Senator agree that we could prohibit strikes entirely in these munition plants producing war necessities?

Mr. McCUMBER. There could not be a general strike unless it was preceded by some kind of a talk which, in law, would amount to a conspiracy to bring on the strike; so it would be the same thing.

Mr. HARDWICK. All right; we will not quarrel about that. That is purely technical. I believe we could do that, and I want to go further; I think we ought to do that; but I think, whenever we do do that, there are two things we ought to do concurrently. We ought to be sure that we have limited the application of that extreme power to the real war necessities of this country, and that we have not applied it to the industries generally.

Mr. McCUMBER. I agree with the Senator. I think we should have more laws upon the subject than we have that will provide for a board of conciliation and settlement, supervised by the Government, and that the wages should always be most liberal.

Mr. HARDWICK. Yes. Secondly, let me say to the Senator that I believe it is an absolute necessity, whenever we enact legislation of that sort—and I think the time is coming, if it has not already arrived, when we must do it in order to supply the necessities of this Government and in order to prosecute this war adequately—whenever that time arrives, we ought to limit it to the war industries of the country entirely and strictly; and we ought also, at the same time that we take away from labor its only weapon, to provide authority of law

to see that labor is fairly treated in every respect by the Government; and those things ought to be done concurrently.

Mr. McCUMBER. We ought to protect labor. There is no question about that.

Mr. HARDWICK. That was one reason why I did not like the first conference report—because that proposition had not been carefully worked out. I think it ought to be carefully limited and carefully worked out along that line.

Mr. McCUMBER. I think myself that I have no right, even at my age, to fail to do what I can for the Government. I think the Government has a right to call on me for whatever I can do; and if I could be more efficient elsewhere than in the Senate of the United States, I would concede that in time of war the Government would have the right to select me and put me into that work. That is one duty that the citizen owes to the Nation in time of war, and no one has a right to be exempted from it.

Mr. President, I simply desired to express my opposition to any scheme that would make a conspiracy criminal if it was entered into by one class of American citizens, and make it legal if it was entered into by another class. I would not be concerned quite so much in times of peace, even though I deeply feel that there never ought to be a law upon the statute books which would recognize any class in American citizenship.

I ask, Mr. President, that this article on the last strike, which was published in the Washington Post of this morning, may be read into the Record. It is very short.

The PRESIDING OFFICER. Without objection, the article referred to will be read.

The Secretary read as follows:

[From the Washington Post of Tuesday, Apr. 16, 1918.]

THREE HUNDRED AND FIFTY QUIT WORK IN SHIPYARDS—NO REASON GIVEN BY MEN FOR THEIR WALK-OUT AT SPARROWS POINT.

BALTIMORE, April 15.

About 350 men employed in the shipyards at Sparrows Point went on strike this afternoon without giving the management of the company any reasons for their action or without stating any cause of grievance. General Manager Anderson, of the shipbuilding plant, said to-night that he knew of no reason for the men stopping work; that there had been no money troubles of any sort, no demands for increased pay, and no complaint about conditions of work.

"The men just walked out," he said, "without giving any explanation, and I have not the slightest knowledge of why they went out. The entire plant is now being operated under the direction of the Government, and if they had any grievances it would have been easy for them to have had them adjusted."

Judge Gray, of Wilmington, Del., is the referee for this district in any labor disputes, but so far as I have heard no complaints have been laid before any of the Government officials who have to do with labor difficulties.

The men out are principally riveters, platers, and calkers.

Mr. SHERMAN. Mr. President, I do not think the Senator from North Dakota is any more earnest in this matter than I am, so far as my private thoughts go. If I thought this conference report left matters where some adequate remedy could not be applied, I would oppose it by voting against it.

If we take section 5440 of the Revised Statutes of the United States and couple it with the provisions of the conference report, it seems to me that we have a proper remedy if this report should be adopted and the bill should mature into a law. Section 5440, under the title of "Crimes," is as follows:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than \$1,000 and not more than \$10,000, and to imprisonment not more than three years.

This is one remedy, I think, by a fair construction of the act, when a case is before a court provided by existing law. I believe the construction given by the Circuit Court of Appeals in the seventh district in applying the law to fraudulent elections, as I suggested a while ago, is not a more liberal construction even of a criminal statute—perhaps not as much so, when we consider the fact that we are now at war—than the interpretation of this same act, and applying it to strikes that limit or interfere with war munitions production in a way that amounts to an offense against the United States.

Mr. McCUMBER. Mr. President—

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

Mr. McCUMBER. Let me suggest to the Senator this difference: The injury must be one directly against the United States. The fraudulent election of an officer of the United States, of course, could well be construed to be an offense against the United States, affecting the United States in its governmental functions. But here is a private shipyard. The strike is not really and directly against the United States, but it is a strike organized against the employer.

The employer is not the United States, even though the United States is indirectly affected by the act. Now, I am fearful that the court will construe that to mean an act that directly, and not indirectly, affects the Government.

Mr. SHERMAN. I wish to read, in connection with that same section, and by way of enforcing what the Senator from North Dakota has said, paragraph 3 of the text of the war act of Great Britain of 1915, as amended by the act of Parliament known as the munitions of war act of 1916, which reads as follows: I read from page 64 of the volume entitled, "Employers and Workmen: A Handbook Explanatory of their Duties and Responsibilities Under the Munitions of War Acts, 1915 and 1916," by Thomas Alexander Fyfe:

Any rule, practice, or custom not having the force of law which tends to restrict production or employment shall be suspended in the establishment, and if any person induces or attempts to induce any other person (whether any particular person or generally) to comply, or continue to comply, with such a rule, practice, or custom, that person shall be guilty of an offense under this act.

Under that provision undoubtedly a strike, as we commonly understand it, is a penal act or any of the acts which tend to or do restrict production.

In connection with section 5440 of the Revised Statutes now in force we ought to read sections 2 and 3 of the conference committee report:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises—

And so forth.

This is an affirmative act of destruction of war materials. Then in the following section, section 3:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

These two provisions, section 2 and section 3 of the report, coupled with section 5440 of the statutes it seems to me furnish a remedy. The Government now has control of all shipyards, so as to be directly affected by a strike. If it should be found upon actual application that the remedy is not forthcoming under these provisions I would be very glad then to vote for a measure that in express terms and by as positive provisions as can be employed in the English language cover anything that will interfere with the production of war material or for the preparation of this country to bear its full part in the war.

Mr. McCUMBER. I think if the Senator will read it more carefully he will probably vote against this conference report. Section 37 reads:

If two or more persons conspire either to commit any offense against the United States, or to defraud—

And so forth.

Now, they must conspire to commit that which has been declared by law to be an offense. What it means is a criminal offense. The law has never declared a strike to be a criminal offense. Therefore the conspiracy to commit an offense against the United States is not fulfilled in a conspiracy to organize a strike which has not been declared an offense against the United States.

Mr. SHERMAN. I believe section 5440 is leveled against an offense committed against the United States so that it ordinarily must be a violation of some existing law. That evidently was in the mind of Congress when the original act was passed. But the interpretation of this act in applying it in the seventh district by the circuit court of appeals liberalized it considerably. It does not seem so restricted. It said that the fraudulent voting by persons, two or more, for an election of an officer of the United States, a Member of the House, was an offense against the United States. The election law does not specifically provide more than general declarations. It does not extend to a conspiracy for fraudulent or illegal voting or for the fraudulent or illegal election of a Member of the House. Still the court, in the liberal construction which they gave in order to advance the remedy that was intended by this section or other acts of the United States, found that it was a conspiracy, that the trial court properly instructed the jury on the nature

of the act that it constituted a conspiracy, and so sustained the conviction.

I believe it may be a fair interpretation of this section 2 to say that a strike that leaves property in a condition where it will be injured is within section 2, or willfully interfering with or obstructing the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States in preparing for or carrying on the war." That is one distinct offense: "Shall willfully injure or destroy or shall attempt to injure or destroy." Ordinarily that is an affirmative act. It must be some one who breaks up a meld, who destroys ship timber, who destroys a shipway, or some affirmative act of destruction, taking away something that the Government is using or will use when completed.

A strike occurs by which a hindrance to the completion, say, of a shipway is the direct and natural result—not a remote consequence, but which directly follows from it. I think, however, it is within section 2, so that when this bill is enacted it becomes an offense against the laws of the United States, even bringing it within the strict interpretation that an offense against the United States must be some violation of existing law. At any rate, it would not require any more liberal construction of the section that is now the law to declare it an offense against the United States to interfere with the preparation of war material or the building of ships, but that of itself in time of war is an offense against the United States, than was declared in the case I have referred to, decided by the circuit court of appeals.

I would go as far, I know, as the Senator from North Dakota to produce results. I think it is tolerably evident by this time that if we are to get anything speedily out of this legislation we had as well adopt this report.

The House is in one mind, it seems, and somewhat persistently of that mind, and the majority of the Senate is of another mind. This presents a real purpose of a conference committee to adjust differences. It is not an attempt to legislate originally, as we have recently prohibited by a very wise rule of the Senate. It seems to me, but it is an honest attempt to effect a settlement of differences, to the end that legislation may result rather than continued differences. In view of that I believe this conference report has accomplished some good results. It is a forward step.

I would go further, Mr. President, than possibly this conference report has gone if I were the sole judge of it, but I am not. There are 94 Senators here, and besides that there are 435 Members of the House who are to be consulted. Most legislation is a matter of adjustment of different opinions. The radical neither gets what he wants nor does the extreme conservative, and usually it is a sort of happy medium, and that has marked the advance of legislation for the time being.

Probably that is the condition in which this conference report finds itself, but it is an advance, to say the least of it, over present conditions; and if the wisdom of this law shall demonstrate upon its application the necessity of a further step or if the folly of those against whom it may be directed shall by their continuous folly make it demonstrated that further legislation is required, they by that act of folly will produce the necessary votes in this and the other body, if it is shown that no other remedy is adequate except to amend this law or to pass additional measures.

Mr. President, I wish to add before this is left a statement about the general course of labor unions. I think the officers of the American Federation of Labor are sincere, loyal, and patriotic in their efforts to control the local unions and the members who are essential in the preparation of much war material and of the merchant shipping that we must have. I think whatever differences they have had with employers or with lawmaking powers—such of us as have not altogether agreed with them at times—will be fused in a common loyalty with all of us. I am sure I have a spirit ever of meeting them upon a common ground for the production of the necessary results that will give us adequate preparation for this struggle.

I have never had any hostility to labor unions as labor unions. I think they have a right to exist. I would vote at all times and would support their right to organize and to exist as lawful bodies. I want the same degree of tolerance shown by them to others outside of the union that they have a right to ask for themselves. When we concede that they have a right to exist; that through lawful organization their purposes are good; that they have done many good things in remedial legislation and given them protection by court decisions as well as legislation, whatever some of their members may say to the contrary, then they themselves are in duty bound to exercise

the same liberal charity and the same broad toleration for other people who are not members of the union.

Nevertheless, Mr. President, it is true that there is a degree of narrowness on the part of some and some members of unions, a degree that would keep a man from earning a living in this world if he does not join a union. When it comes to that I have had frequent controversies with unions. I will have them as long as I live. They have no right to attempt to try to prevent my neighbor, because he is a member of a union or is not a member of a union, from earning his living. I am just as hostile to an employer who discharges a man because he is a member of a union as I am to one who discharges a man because he is not a member of a union. The right is correlative and mutual, and there can not be classes built up in this country based upon mere membership in any private organization. Because I may be a Free Mason or my neighbor may be a member of the Knights of Columbus is no reason for discriminating against each other in government. It is the end of civil government when that is permitted or tolerated in any country.

Nevertheless, official documents are in the possession of various persons in this country in private life coming from the departmental officers or heads of bureaus recognized by law as Government agencies, that provide before a man can get work in a certain part of this country, and I will be specific about it, on the northwest Pacific coast or the entire Pacific coast, every shipyard along the coast—before he can be sent to an employment agency from any part of the country under Government auspices he must signify that he will be a member of the union or is already a member of the union.

Mr. HOLLIS. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. HOLLIS. Does the Senator happen to know why that is?

Mr. SHERMAN. I know in one place, and I will reply.

Mr. HOLLIS. Not where it is, but why it is?

Mr. SHERMAN. In the Seattle district the yards are all union yards. The shipbuilding companies are union employers.

Mr. HOLLIS. Then what good will it do for the United States Government to send a man there who is not a union man? Will he not be out of pocket his expenses?

Mr. SHERMAN. He would not get work in that locality, it is true, but the documents to which I refer say that no man can go to the Pacific coast to work in a shipyard unless he is a union man or has signified his willingness to become a union man. There is a shipyard or there are yards in the Northwest, at Seattle, possibly at Portland, or near there, on the Columbia River. These comprise at least what is called the Puget Sound country, the northwest Pacific coast. Those are union yards. There is a yard at San Francisco, there is one at Los Angeles, there is one at San Diego, and these are open-shop yards. The Government does not, through its agents, represent the conditions as they are to the men who are asking to be taken to the Pacific coast for work. Those are open-shop yards below, but not in the Seattle district. So far as it applies to that district it is true, and the statements made by the Senator are strictly correct, but when applied to the entire Pacific coast they are not in accordance with actual working conditions, and that far the documents which are sent out are misleading and taking advantage of the closed-shop conditions in the Puget Sound country.

In addition to that, there is at Newark, N. J., a shipbuilding yard that is, I think, a successful experiment, so far as I have any facts. It is a yard that assembles fabricated material. They are making an experiment, the first of this kind in the world. They are taking farmers' boys, they are taking clerks out of dry-goods stores, they are taking blacksmiths and bartenders, and in a very short time, in from 30 to 90 days, they are turning them into shipbuilders under an intensive course of training, because a large part of the material comes to that yard fabricated or framed according to the blue prints before it is brought there. It is a question of putting it together after it is on the ground. It is an assembling ground, in other words, for these workmen. They are making remarkable progress there.

These men, coming from every walk in life, not skilled laborers at the beginning, have under the foreman who gives them the instruction learned to be efficient men. They have not joined the union. Some of these newly skilled workmen under this course of training I have referred to do not care to join the unions. When the war is over they will go back to their before-the-war occupation, whatever it is. They have gone into the shipyards just like my neighbors' sons went into the Army before the draft law. Many of them volunteered. My

own State and many of the Western States sent volunteers when there was no conscription law, sent them by the thousands, and they went, not because they wanted to be professional soldiers, but because they thought their country needed them. These men have left the farms and the blacksmith shops and the stores and have gone into the shipyards to give of their service because they think the country needs them. They will work 14 hours a day if the country needs them. They do not watch the clock. It is not their permanent occupation; they do not expect to be caulkers and riveters and hanger men all their lives. They expect, when the war is done and the ships are built and the treaty of peace has once more turned us back into our peaceful nation to return to their farms, their shops, and their blacksmithing—the things that they left when the war began and called for them. Under those conditions they do not join that union.

Let me call the attention of my friends who are the leading spirits of the American Federation of Labor to the fact that union men of patriotic sentiment who are loyal and who are listening to such manly, powerful appeals as the Senator from North Dakota [Mr. McCUMBER] has made here to-day have dropped their differences and have touched elbows, and their sweat has fallen on the same forge with the nonunion men.

They have been fined by their local unions all the way from \$100 to \$1,000 apiece for working with nonunion men. Against that I protest. Against that I wish Mr. Gompers with his official influence would level an edict of his and tell them to remit those fines, loosen their rule, and tell the men to go into shipyards or a shipbuilding plant and build ships as fast as their employers know how.

That is the reason why I complain here that some optimistic views that are taken are not justified. They may say that strikes are ended. I know that is not true, all the way from the coal miner, who is bringing the fuel out to furnish power, up to the riveter in the shipyards. I know that strikes are in constant progress and others are threatened. I know that the whole soft-coal mining belt in the Mississippi Valley to-day is on the edge of a volcano. Say what they please, I know that strikes are contemplated now, and if by merely anticipating or telling about it we can throw daylight in and ventilate it before it happens we will be justified in taking the few hours we have spent this afternoon on this measure.

I wish to read what I consider good authority. I do not criticize our beloved Chief Executive. I criticize his ministers sometimes. I think they lead him to commit errors which by a sort of vicarious atonement ought to be laid on them, not on the President, who has too much to do; he can not keep track of all these details.

In a time when he had fewer advisers and could use his own clear thinking faculties, at Cincinnati, Ohio, in 1907, he in an address delivered himself of these sentences:

There is another as formidable an enemy to equality and freedom of opportunity as it, and that is the class formed by the labor organizations and leaders of the country representing only a small minority of the laboring men of the country, quite as monopolistic in spirit as the capitalists and quite as apt to corrupt and ruin our industries by their monopolies. If we are to restore the purity of our law and the freedom of our life we must see to it—in all moderation and in all fairness—that no class whatever is given artificial privileges or advantages; that our life move free again of fear or favor from whatever quarter for whatever class. What we need is not a square deal but no deal at all, an old-fashioned equality and harmony of conditions—a purged business and a purged law.

We certainly need a purged business, and if existing law will not give us the required relief, then we need not only a purged law but an amended law. I wish my voice could reach the locals in these unions, not only among my own immediate constituency but everywhere in this country. I should like to look the workmen in the face by the thousands and say to them what I think here and say this afternoon, say to them that when Haig sent out the touching appeal to the free Governments of the world that the English Army is fighting now with its back to the wall it ought to make every workman in this country willing within the limits of his health and strength to go to his work and stay there, with union or nonunion men, without complaint, as many hours in a day and as loyally as lies within his ability.

Not only did Haig send out that appeal to the world, but we remember, Mr. President, that on the 9th day of April Lloyd-George, speaking to the House of Commons, said, "We must admit that it is a grievous disappointment that we have not the forces from the American Army, magnificent men as they are, that we had hoped"; and only yesterday in London, by a cablegram that came across, the foreign secretary, Mr. Balfour, said, "What is now most pressingly required is that the fighting forces of the United States should be brought as speedily as possible into the field."

In addition to that, in another part of his address, Mr. Balfour uses this language:

Perhaps the most important was because the German higher command were determined that the land struggle should come to an end before the United States could bring its forces to bear upon the western front.

Before this great struggle had come to a conclusive end America would prove its determination to bear its full share in the tremendous struggle.

Mr. FALL. Will the Senator state to whom Mr. Balfour was making that plea?

Mr. SHERMAN. It was to a delegation of laboring men representing the labor interests of his country. I wish that the magazine published by the American Federation of Labor, of which Mr. Gompers is the editor, would publish these words of appeal from the English Foreign Secretary; that it would publish the appeal of Gen. Haig, fighting with his back to the wall; that it would publish the appeal of Lloyd-George, voicing the disappointment that he inevitably must feel because we have not forces on the line sufficient to do what was necessary in resisting the army released from Russia and joined with the original line of Germany on the west front.

The day before Lloyd-George made the appeal the responsible censor, as already said on the floor of the Senate Chamber, while Lloyd-George was calling upon us to hurry, just the day before that, George Creel had said in the capital of this Republic, he thanked God we were unprepared when we went into the war. I have a stack of postal cards about that high [indicating], most of them sent out from my own State postmarked, that are all a part of the propaganda in which fortunately I feel a very sympathetic response, and it is much better than the slogan of George Creel. It was the last words spoken by Joseph H. Choate, "For God's sake, hurry up." I wish I could have that appeal put in Mr. Gompers's magazine and sent into every local of every union in this country—"For God's sake, hurry up."

Of course, it is fashionable to criticize Congress. What can we do? Pass laws. After they are passed I wish to remind Mr. Gompers of what he said; and that is why I criticized his statement on the floor of the Senate Chamber a few days ago, after we had rejected the former conference report, when he said in substance it did not make any difference what kind of a law Congress makes, we will not obey it. I want Mr. Gompers to obey the laws of this Republic and of the several States. I have sometimes feared he has spent more time breaking laws than he did in defending his country prior to our declaring war. I am glad now to join hands with him in a patriotic purpose, and to fuse with him some of the differences we may have had in the common design of defending our country. When peace comes I hope we may, with his help, work out under wise laws an industrial peace based on justice.

It is a doubtful method, though, of showing how one is devoted to one's country by saying in advance that if certain laws with which one does not agree are passed that it will not be possible to enforce them and they will be habitually disobeyed. It is a direct invitation to break such laws in the event of their enactment.

I do not wish to go any further, although at some opportune time we may discuss that question. The question now pending is the conference report. The main thing, after all, is for us to sink our differences. I shall vote for the conference report upon that ground and that only, and that we must at least make some forward step. Whether it be a long enough step or not I will not now stop to inquire. If we take this step, we can take a longer one when occasion requires. If it does not bring about the necessary result, we shall have to legislate further. One thing, however, is certain: The men who are losing priceless time, who are delaying the building of ships and the manufacture of material, who are obstructing and impeding our war program, if not by malicious intent by their overt omission to work, without any adequate cause, when a tribunal is furnished to adjust their differences by peaceful compromise and hearing—these men are not doing the lawful patriotic service to the country that we have a right to demand of them.

The Government can take every one of us who has not reached the age of 60 years, say, and can impress us into the service. I am like the Senator from North Dakota [Mr. McCUMBER]; whenever the Government can do better with my service some place else than it can here, it has a right to reach out and take me, and I will cheerfully go. If the Government sees fit to put me on the farm or in the field again, if it sees fit to make me an apprentice in a shipyard, I will work at whatever I can do; but I will not join a union to help my country. If I am a member of a union and wish to belong to one, I shall not leave it to help my country. I will fight just as hard for

my right to stay in a union as I will for the right of a man to stay out of a union and earn an honest living if he wishes to.

Mr. HOLLIS. Mr. President, my only excuse for saying a word further is that the Senator from North Dakota [Mr. McCUMBER] has seen fit to make me the special target of his remarks this afternoon. I wish to say to the distinguished Senator that it is not necessary for him to plead with me to try to make our Government, our Army, and our workingmen most efficient for winning this war. It is not necessary for the distinguished Senator to ask me to assume that I have a son in order to point the argument. I have a son. It is not necessary for the distinguished Senator to ask me to assume that that son is in the service of the United States. He is in the service of the United States. You will not find him sitting in a swivel chair in one of the departments; you will not find him in an easy and safe place. He is in the most difficult and most dangerous service of the United States Army; he is in the flying section of the Aviation Corps. That is no credit to me; he did not do it to please me; he did it of his own will; but I am as anxious as is the Senator from North Dakota or any other Senator to have him furnished with the best possible equipment, and to have this war speeded up and terminated as speedily and as successfully as possible.

The Senator wants more ships and I want more ships; but the way to get more ships is not to pass a law saying to the workingman that he shall not quit work, if the conditions are not what he thinks they should be. If I believe that passing a law would prevent strikes, would make this Government more efficient, then I would vote for it; we may come to that; but I believe the only way to get the greatest efficiency out of labor is to treat laborers as if they had intelligence and patriotism.

I am willing to join with the Senator from Illinois [Mr. SHERMAN] and urge Mr. Gompers to put in his official magazine and in his communications to the local unions "Hurry up"; I have no doubt Mr. Gompers is doing that now and has done it to the best of his ability since the war started; but you can not make men work by passing laws; you can not make men do unjust things by passing laws. I join with Mr. Gompers not as a threat, but as advice to Senators of the United States that if they pass a law forbidding peaceful strikes that law can not be enforced.

The conditions in the aircraft service are not due to labor. If there is a fall-down in the airplane program, it is due to the falling down of capitalists; it is not the fault of Congress. Congress acted promptly, and appropriated \$640,000,000 for airplanes. It turned it over to the captains of industry of this country, who enlisted the most efficient and the most famous engineers they could find in the effort to secure the best motor and the best airplane that could be obtained. I do not know wherein labor has delayed that program one day. The delay is not the fault of labor; it is the fault of the employers of labor, the captains of industry, of whom we hear so much.

It was only a few years ago that a distinguished man, now a justice of the Supreme Court of the United States, called attention to the inefficiency of the railroads. I think his statement was that if the railroads were properly run a million dollars a day could be saved. I have no doubt that was true of the railroads, and I have no doubt that it is true of business generally. We have got ahead in this country because we have not had to compete with other people; we have got ahead because of this very spirit of American labor—the spirit of freedom and independence, of working for themselves—but we have got to get down to earth now and require service not only of labor but of the men who employ labor—of capital. Senators stand up here and say how much they love labor and how much they are willing to give labor; but when it comes down to voting something that will help labor they are content with giving them three cheers and letting it go at that.

The Senator from North Dakota, with great industry, has produced a list of strikes in this country—not of to-day but of March 11—and, considering the greatness of the country and the number of men employed, it is a very short list. The strikes in this country to-day are inconsiderable. The Senator has had to go into the cloak room and dig among all the newspapers we have here to produce just one present instance of a strike in this country, and that is the most ridiculous report a man ever heard—350 men in a shipyard striking without any grievance. No one who gives it a moment's thought will believe it. It is an incorrect report, and can not be otherwise.

Hog Island was on the list of strikes. They have not lost a week's work at Hog Island on account of strikes. They had just one strike there, and it lasted 30 minutes; but that was put on the list, and it is figured out with a pencil and we are

told how many days and months and years of labor have been lost through that strike.

But, Mr. President, I have said all I want to say upon this subject. The Senator from North Dakota intimated at least that Senators voted a certain way because they wanted labor votes. I do not want a labor vote. There is no man in the United States who has less need for labor votes than have I. I never belonged to a labor union; I never was counsel for a labor union; I never advised a labor union; but I do feel that up to this time laborers have needed help more than have employers, and they have had less help. Labor is the side that is down and needs to be raised. If the time ever comes when labor unions are getting more than they are fairly entitled to and the poor employer is ground in the dirt, then I will take hold and help the poor employer just as hard as I have tried to help the poor laboring man in the past.

Mr. McCUMBER. Mr. President, I was not aware that my few remarks were directed to the Senator from New Hampshire entirely. I admit the fact that I was facing in his direction, and I paid my respects to the Senator's defense of the labor unions and insisted that he had been certainly a very good friend to labor organizations. Other than that, the cap which I was making was not especially fitted for the Senator, and I had not even invited him to put it on. If he did so, it was without any intent upon my own part.

The Senator says that the way to get men to work is to treat them right. I should like to know wherein the conditions have not been made right for the laborers since this war began. They have been paid from two to three times the wages that they have ever earned before. So far, therefore, as compensation is concerned, they never had such splendid treatment as they have had since this war began; and yet there have never been so many strikes in the history of the country or so many days lost by strikes as since the United States entered into this war, only a little over a year ago.

Mr. HOLLIS. Mr. President, will the Senator give his authority for that statement, or is it merely his opinion?

Mr. McCUMBER. My judgment, from all the sources of information that I can obtain, is that there have been more days lost because of strikes in the essential industries of the United States during the last year than in any other equal period of the history of the United States. They have not all been strikes of 350 men. Only a little while ago about 6,000 men, carpenters alone, struck in shipyards.

We have treated labor well. They have been treated well by Congress. They have not only been made the equals of any other class in the United States, but they have been made the superiors of any other class in the United States. We have put laws upon our statute books—I admit I voted against them—which would make an act if committed by the Senator from New Hampshire and myself a crime, but which if committed by two members of a labor union would not be a crime.

In view of those facts, I do not think the Senator from New Hampshire is justified in saying that labor does not have fair treatment in the Senate and the House of Representatives of the United States. Labor has always had more than fair treatment, if equality means fairness.

The Senator from New Hampshire speaks about the boys being conscripted. Mr. President, I would be ashamed if I had any relative within the serving age who was not in the Army or the Navy of the United States. I would not myself mention the fact that my son or brother or any other relative were in the Army or the Navy, because that is but a common duty, incumbent upon every son and every brother within the conscription age. I would disown a son that was not patriotic enough to enlist in his country's service in this great war. But, Mr. President, that has nothing to do with the question; that would be doing nothing more than a common duty, and I would not allow any boy of mine to even wait to be conscripted. I am not condemning those who have been conscripted, because there are many who would like to have enlisted could they have done so.

Mr. HOLLIS. Will the Senator permit me to say that my son volunteered and was not conscripted?

Mr. McCUMBER. Certainly; and so would the Senator himself have volunteered if he were within the age. Now, if the country has a right to call your boy to the colors to serve in the trenches of France, to face bullets, to battle 24 hours of the day, then the Government has a right to call upon his brother or his comrade in the United States to work at least 8 hours to furnish him with the material with which to carry on that warfare and to furnish ships to provide him sufficient support to enable him to meet the enemy on the field of battle.

We ought to be fair. I do not think the Senator is fair when he says that capital was responsible for the delay in the aircraft

production program. I wish the Senator or anybody else would tell me what capital had to do with it. I want to say frankly that labor was not responsible for that delay in any way; that was a delay unquestionably due to those who had the authority to go ahead and construct machines; but whether it was their fault or misfortune we must look to them alone, and we can not place the responsibility for their failure upon either capital or labor.

But the Senator and I both want the same thing; we want every American citizen to perform his duty in this time of war, and if anyone is slacking in the building of ships, he is committing a crime against his Government, and the Senator and myself both want him to cease committing that offense and to perform his duty. That is all I have to say, Mr. President.

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

The report was agreed to.

NATURALIZATION OF ALIENS IN MILITARY SERVICE.

Mr. HARDWICK. Mr. President, I will ask the Senator from North Carolina if he will agree again to lay aside temporarily the unfinished business in order that I may present an important matter which I think is vital.

Mr. OVERMAN. Mr. President, I realize the importance of the matter the Senator has in charge, and I therefore ask consent that the bill alluded to, which is now the unfinished business, be temporarily laid aside for the consideration of the bill in charge of the Senator from Georgia.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the unfinished business is temporarily laid aside.

Mr. HARDWICK. I ask unanimous consent that the Senate shall presently consider the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization. I will say by way of explaining the request that there are two great purposes sought to be accomplished by this bill: One is to provide for the naturalization of 123,000 soldiers of the United States whom we can not with either safety or justice to themselves send abroad until this is done. The second purpose, although hardly so important and hardly so pressing, is not unimportant, and that is to readjust our naturalization laws to meet war conditions. I hope the Senate will consent to consider this bill.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, which had been reported from the Committee on Immigration with an amendment to strike out all after the enacting clause and insert:

That section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, be, and is hereby, amended by adding seven new subdivisions, as follows:

"Seventh. Any native-born Filipino of the age of 21 years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who may be honorably discharged therefrom after an enlistment of not less than four years, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted or may hereafter enlist in the armies of the United States, either the Regular or the Volunteer Forces, the National Guard, or Naval Militia of any State, Territory, or District, or the State Militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than 20 tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is at war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts

specified in section 3 of the act of June 29, 1906, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings, and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service for the time required showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie rebuttable evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or District, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during 30 days preceding any election in the jurisdiction of the court. Any alien, who, at the passage of this act, is in the military service of the United States, including the Czecho-Slovak and Polish forces, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section 1750 of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section 11 of the act of June 29, 1906. Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section 10 of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section 15 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding any election in the jurisdiction of the court: *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

During time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section 13 of the act of June 29, 1906.

"Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: *Provided*, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March 4, 1915 (38 Stat. L., pt. 1, p. 1164, ch. 153), being an act to promote the welfare of American seamen.

"Ninth. That for the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization authority is hereby given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia, and to aid the local Army exemption boards and cooperate with the War Department in locating declarants subject to the Army draft and expenses incident thereto.

"Tenth. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding May 1, 1910, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to

the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

"Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: *Provided*, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after the written consent of the Commissioner or Deputy Commissioner of Naturalization shall have been received by the clerk of the court and exhibited to the court, and the petition shall be given no final hearing except in open court and in the presence of the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section 2171 of the Revised Statutes of the United States is hereby repealed: *Provided further*, That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to except natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies, and thereupon they shall have the privilege to apply for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of \$400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section 3679 of the Revised Statutes shall not be applicable in any way to this appropriation.

"Twelfth. That no person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, and the act (Public 55, 65th Cong., approved Oct. 5, 1917), is hereby repealed.

"Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or District for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law."

Sec. 2. That the following provisions of law be, and they are hereby, repealed: Sections 2166 and 2174 of the Revised Statutes of the United States of America and so much of an act approved July 26, 1894, entitled "An act making provisions for the naval service for the fiscal year ending June 30, 1895, and for other purposes," being chapter 165 of the laws of 1894 (28 Stat. L., p. 124), reading as follows: "Any alien of the age of 21 years and upward who has enlisted or may enlist in the United States Navy or Marine Corps and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps," and so much of an act approved June 30, 1914, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes," being chapter 190 of the laws of 1914 (38 Stat. L., pt. 1, p. 392), reading as follows: "Any alien of the age of 21 years and upward who may under existing law become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for reenlistment, or who has completed four years in the Revenue-Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval or revenue-cutter sources of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, Revenue-Cutter Service, or the Naval Auxiliary Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions"; and so much of section 3 of an act approved June 25, 1910 (34 Stat. L., pt. 1, p. 630), reading as follows: "That paragraph 2 of section 4 of an act entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, be amended by adding, after the proviso in paragraph 2 of section 4 of said act, the following: *Provided further*, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States, who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his

citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens.

That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect: *Provided further*, That as to all aliens who, prior to January 1, 1900, served in the armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding.

Sec. 2. That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention filed prior to September 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized.

Mr. HARDWICK. Mr. President, on page 3, line 8, before the word "District," I move to insert the word "the," and after the word "District" I move to insert the words "of Columbia," so that instead of reading "District" the text shall read "the District of Columbia."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 8, before the word "District," it is proposed to insert the word "the," and after the word "District" and before the comma it is proposed to insert the words "of Columbia," so that, if amended, it will read:

Or the District of Columbia, or the State militia in Federal service.

The amendment to the amendment was agreed to.

Mr. HARDWICK. Mr. President, I move the same amendment in connection with the word "District" on line 13 of page 5 as a committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 13, it is proposed to strike out the word "District," and in lieu thereof to insert the words "the District of Columbia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 6, lines 1 and 2, I move to strike out the words "including the Czecho-Slovak and Polish forces."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 6, lines 1 and 2, after the words "United States," it is proposed to strike out the words "including the Czecho-Slovak and Polish forces," so as to read:

Any alien who, at the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court.

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 10, line 19, I move to strike out the word "within" and to insert in lieu thereof the words "not less than two nor more than."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 10, line 19, it is proposed to strike out the word "within," and in lieu thereof to insert the words "not less than two nor more than," so that, if amended, it will read:

No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject—

And so forth.

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 13, line 2, in lieu of the word "District" in said line, I move to insert the words "the District of Columbia."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 2, it is proposed to strike out the word "District" and in lieu thereof to insert "the District of Columbia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. At the end of the bill, just before the amendment to the title, I move to insert the following words:

The word "District" in sections 4, 10, and 27 of the act which this act amends is hereby amended to read "the District of Columbia."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 18, after line 2, it is proposed to insert:

The word "District" in sections 4, 10, and 27 of the act which this act amends is hereby amended to read "the District of Columbia."

The amendment to the amendment was agreed to.

Mr. HARDWICK. That completes the committee amendments, and unless some Senator desires to question me about some of the details—

Mr. LODGE. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. LODGE. I do not desire to ask any questions. If the Senator is through, I have an amendment which I should like to offer to the bill.

Mr. HARDWICK. Yes.

Mr. LODGE. It is in the shape of an additional section. I send the amendment to the desk and ask to have it stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the amendments heretofore agreed to, the following:

No citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States.

Mr. LODGE. Mr. President, on the 1st of January, 1914, the German Government promulgated a law or decree that a subject of the German Empire might be naturalized in any other country and if he filed a statement with an official of the German Government he could retain his allegiance to the German Empire. That is, he could become a citizen of the United States by our process of naturalization and yet remain a German subject. It was one of those far-sighted things that Germany is apt to do. It was also one of those, I think, villainous things that she is apt to do, for this simple reason:

No man could possibly take naturalization in the United States and retain his allegiance to the German Emperor without committing perjury of the grossest kind. The oath which a foreign-born citizen takes is an extremely strong oath. It not only renounces all other allegiance, but it especially renounces allegiance to the sovereign of the country from which the alien comes; and this was a deliberate attempt to allow Germans to become naturalized in this country while they remained subjects of the German Empire, and held their allegiance to the Kaiser.

Mr. President, I think that is entirely wrong. I do not think we ought to permit men to be naturalized where they have the opportunity to commit this perjury and attempt this dual citizenship. No doubt there may be cases where they desire naturalization honestly, and do not file the certificate with the official, but we have no means whatever of knowing that—none whatever. It would be impossible to find out. The German could file a certificate in Germany before he left that country. He could file it with the consul here. We have no access to their records, and a man in this country who gives himself out and parades as a naturalized citizen, and who all the time is a German, is a dangerous citizen, and ought not to be admitted. I see no way of getting at it except by a general provision of this kind. It is quite true that at this moment Germans are alien enemies, and can not be naturalized, but it is just as well to prepare against the future.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield; certainly.

Mr. POMERENE. The Senator has just stated, and I think correctly, that German aliens could not now be naturalized.

Mr. LODGE. I understand not. They are enemy aliens.

Mr. POMERENE. That is my understanding about it, too. That being so, might it not be for the best to let this amendment rest until some time in the future? It certainly would do no good now, and a new situation may arise later on.

Mr. LODGE. It could do no possible harm now. I think, as a broad general proposition, that we ought not to admit the possibility of such a thing as that. We have always been the champions against the doctrine of indefeasible allegiance, and I do

not think we ought to allow our contention with respect to that doctrine to be impaired; and we have always held, as the necessary corollary of that doctrine, that where the man gave up his prior allegiance to the country of his origin, he became an American citizen. The thing is false from beginning to end.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield.

Mr. CUMMINS. I call the attention of the Senator from Massachusetts to the eleventh subdivision of the bill, on page 10. I want to ask him what effect, in his opinion, the proposed amendment would have upon that subdivision? It provides:

No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within seven years prior to the existence of the state of war.

That permits the naturalization of a German citizen who had filed his declaration of intention within seven years of our declaration of war. Then, further—

or was at that time—

I assume that the words "at that time" refer to the declaration of war, although that is not entirely clear—
entitled to become a citizen of the United States, without making a declaration of intention—

And so forth. Is it not true that so far as German aliens are concerned the amendment proposed by the Senator from Massachusetts would entirely destroy the operation of the parts of the bill which I have read?

Mr. LODGE. Mr. President, I had no such intention, and I do not think it does. My amendment can not be retroactive. These are people who have gained another status entirely.

Mr. CUMMINS. It would not be necessary for the amendment to be retroactive. The Senator's amendment would operate from now on, and the naturalization is to take place in the future.

Mr. LODGE. That is very easily met, Mr. President, by inserting the word "hereafter," if there is any doubt. I do not think there is. I had no desire to interfere with the class of people to whom this subdivision refers.

Mr. CUMMINS. I mention that because I think the amendment would interfere with them unless it were somewhat modified.

Mr. LODGE. I think the word "hereafter" will make it perfectly clear.

Mr. CUMMINS. Will the Secretary state the amendment with that change in it?

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. The Senator from Massachusetts modifies his amendment so that it will read:

No citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall hereafter be eligible for naturalization in the United States.

Mr. CUMMINS. I call the attention of the Senator from Massachusetts to the wording of his amendment. These naturalizations which are to take place under the eleventh subdivision are hereafter to take place. They have not yet taken place, and therefore the amendment which he has proposed, even with the modification—

Mr. LODGE. It is easy enough to put in "except as provided in subdivision 11."

Mr. CUMMINS. I think there ought to be some modification of that kind.

Mr. LODGE. I will modify it so that it will read "shall hereafter be eligible for naturalization in the United States except as herein provided in subdivision 11."

Mr. CUMMINS. I should like to ask the Senator from Massachusetts another question, and I ask it purely out of unfamiliarity with the subject myself. Wherein does the description of nations which have a regulation of the character referred to in the amendment differ in status from those nations which refuse to recognize the right of expatriation?

Mr. LODGE. Why, Mr. President, I think it is entirely different. For instance, France and Italy both claim that they have the right to military service even after their natives have become naturalized here. That we have always denied. It is a conflict of law. This is wholly different from that. They deny the right of their people to expatriate themselves and become Americans. Germany, in her law, does not deny that right; but she expressly invites them to become naturalized here, retaining at the same time citizenship in their own country. That is, she invites them to commit perjury in order that

they may pass as American citizens. To me, there is a broad distinction.

Mr. CUMMINS. The Senator can hold no greater abhorrence for the general view of the matter held by Germany than I do; but I think that those nations which deny the right of expatriation, and insist that an immigrant from their own sovereignty who comes here and becomes naturalized shall still be subject to allegiance to them, are just as reprehensible as far as we are concerned as those that have made a special regulation about it.

Mr. LODGE. I can not see it that way. The only nations that do deny the right of expatriation are Turkey and Russia.

Mr. CUMMINS. Yes.

Mr. LODGE. We are put upon notice that they deny the right of expatriation. Germany does not deny the right of expatriation. She says to her people: "You may go to the United States and be naturalized and expatriate yourselves, if you want to; but we give you the opportunity to retain your German allegiance, so that when war comes, or anything of that kind, you may consider yourselves Germans, if you choose." It seems to me very different from putting us upon notice, as those other countries do.

Mr. CUMMINS. One other difficulty would be that, no matter how much the alien desired to throw off the yoke of his native country, no matter how deep his resentment might be against his own country, simply because his own country had that kind of regulation he would be denied citizenship in the United States. It seems to me that you are visiting rather a severe penalty upon the man who really desires to change his sovereignty and his allegiance.

Mr. LODGE. Mr. President, I have referred to that already. I see the difficulty of that; but how are we to know? A man who will perjure himself when he renounces allegiance would not hesitate to perjure himself if he were asked whether he had made any reservation, or whether he had filed a certificate with the German Government. It seems to me to create a perfectly false class in this country—men who have a double allegiance. A man should have but one. I do not believe, myself, that such a thing can exist.

Mr. CUMMINS. If we should apply any such principle or rule to people who hereafter come from Germany into the United States it would meet with my entire approval. I shrink a little from visiting that penalty upon Germans who have already come to the United States, who are already here, who want to become American citizens, and who can be prevented from doing so simply because their own country, with which they have no sympathy whatever—I hope they have not; most of them have not—passed a law or makes a regulation of this kind.

Mr. LODGE. Those who are already here I do not want to cut off, as I have already said to the Senator. I do not want to cut them off. I will make it so that it can apply only in the future, so that no German coming from Germany now can be naturalized. You may confound the innocent with the guilty under that rule.

Mr. CUMMINS. I am willing to absolutely prohibit the immigration of any Germans—

Mr. LODGE. So am I.

Mr. CUMMINS. And make it applicable for a good many years to come.

Mr. LODGE. But, from the national point of view, how can we as a Nation admit the proposition of a double allegiance? It seems to me that it is impossible to expect us to admit it. I think the amendment should be modified, if the Secretary will make the change, so as to read, "subject to the provisions of subdivision 11."

Mr. HOLLIS. Mr. President, before the Senator takes his seat, let me ask whether the amendment has been read?

Mr. LODGE. It has been read three or four times. It is a very short one.

Mr. HOLLIS. Will the Senator state what it is? I have been trying to gather its import.

Mr. LODGE. The object is to prevent the naturalization of Germans in this country while they have a law, which has been promulgated in Germany, permitting them to become naturalized here and at the same time, by filing a certificate with some German official, retain allegiance to the Emperor.

Mr. HOLLIS. Then, might a German become a citizen if he did not file that certificate? Is that the point?

Mr. LODGE. If there was any way of finding it out.

Mr. HOLLIS. Then, would the Senator's amendment absolutely prohibit the naturalization of Germans?

Mr. LODGE. It would prohibit any German, after the war, from being naturalized here until they had this law in Germany changed.

I was about to say that Germany is the only country, so far as I am aware, that has ever attempted or thought of such a

provision as that. As I said to the Senator from Iowa [Mr. CUMMINS], Russia and Turkey deny the right of expatriation, and we are on notice with regard to that, which is a different thing entirely. Our laws operate in favor of those who are here; but in this case the German Government provides that her subjects may commit perjury and remain loyal Germans while apparently naturalized American citizens. That seems to me a very unwholesome situation, an unsound one from every point of view, and one that no nation ought to tolerate.

Mr. HARDWICK. Mr. President, I am in such thorough accord with the views of the Senator from Massachusetts on immigration and on sharply restricting immigration, and in such thorough accord with the general proposition that he has in mind when he presents this amendment, that I hesitate to differ with him about it; and yet I feel that justice to the department, to the Bureau of Naturalization, and to the committee that handled this subject requires me at least to state the difficulty that we see in his amendment. I will say that it was considered by the Committee on Immigration—not in these words, but the proposition was considered by the committee—because the Senator kindly gave me the benefit of his counsel, and I was much impressed by it, and submitted his suggestion to the committee.

In the first place, we must remember that the House bill which we are amending, and which we are passing in the form of a substitute, was a bill which provided that alien enemies who became such by virtue of the declaration of war of this country against the countries from which these aliens came, and who therefore could not prosecute their pending petitions for naturalization in the courts of the land, should be allowed to go on with their actions at law in the courts, provided the petitions were pending before the declaration of war. The Senate committee thought that was too broad and too dangerous a proposition to adopt without a great many limitations. The Secretary of War, as I remember, protested very earnestly against it, and said that there was very great danger that great harm might be done by it if the bill were passed in the form in which the House of Representatives passed it. So that as a substitute on that one question, for the action of the House, the Senate committee has proposed the eleventh subdivision, on page 10 of the printed bill, which I will read:

Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention within seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

In substance that would be, without the modification contained in the proviso, the House provision, but we put this additional safeguard around it:

Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after the written consent of the Commissioner or Deputy Commissioner of Naturalization shall have been received by the clerk of the court and exhibited to the court, and the petition shall be given no final hearing except in open court and in the presence of the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*—

The balance of the subdivision I need not read.

We took the House proposition, and we said, "Even if these petitions were pending at the time war was declared, and even if the legal rights of these people had accrued and were perfected prior to the declaration of war, still we will not permit them to become citizens of the United States by the process of naturalization unless the Government is satisfied of their loyalty and unless the Government has no objection to the proceedings." We thought that was a wise precaution in time of war.

Now, let us see where the amendment of the Senator from Massachusetts would lead us. We are informed by the Naturalization Bureau that there are many thousands of these people, so-called German-Americans, who are of undoubted loyalty to this country. It is the purpose of the Government to try to separate the loyal from the disloyal. They have ample appropriations and an ample force to make inquiries and to ascertain the truth in these cases. If the Senator from Massachusetts should secure the adoption of his amendment in such a form that it will apply to these aliens resident in the United States who came from Germany, and who are perfectly loyal, the fact that Germany—the Government that they want to repudiate forever, the Government that they want to leave for our Government—has enacted a law over there that they could not help will forever bar them and all of them from citizenship

in this country, although it is admitted that they are perfectly loyal.

Mr. LODGE. Mr. President, if the Senator will allow me, I am entirely in agreement with what he is saying—

Mr. HARDWICK. The Senator's amendment is not, though.

Mr. LODGE. And I have so amended the amendment that it excludes all those people.

Mr. HARDWICK. The Senator has done so?

Mr. LODGE. Yes. I have asked the Secretary to put in those words.

Mr. HARDWICK. I will stop now and ask the Secretary to read it in my time. I want to be sure on that point.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The Secretary read as follows:

Hereafter, subject to the provisions of subdivision 11 of this act, no citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States.

Mr. HARDWICK. I think that meets that particular objection. I think I ought to say, in behalf of the department and of the bureau, that the department contends that it already has ample machinery of law to meet this situation; that the courts have held, under existing statutes, that proceedings lie to cancel citizenship on the ground that the oath of allegiance was taken with a mental reservation, and that such proceedings have been had, and successfully had, by the Government in this country within recent months. They contend that wherever they can make out a case against one of these people for doing that sort of thing—and they say they have done it in a good many cases—they can cancel his naturalization by court proceedings. For that reason the bureau did not believe there was any necessity for quite so drastic a provision as this.

I want to say that generally I am in sympathy with the main proposition laid down by the Senator from Massachusetts. I do not believe in a divided allegiance. I want no citizen to swear loyalty to this country while in his heart he is loyal or partly loyal to some foreign prince or potentate.

I do not object to establishing a policy of that sort if it does not work a grievous injustice to many honest people. Let us see what might happen. I do not know what the immigration conditions will be after this war is over; but I expect when we face that question, if it is any part of my duty to face it, the Senator from Massachusetts will not be more anxious than I am to have as little foreign immigration into this country as is possible, and that no man in this Chamber on either side will possibly go beyond my position in that regard. I think one of the great troubles we have had in this country is that we have had too much undigested and indigestible foreign immigration already. But be that as it may, extreme as I am in my views on that question, I hesitate to penalize anybody who has honestly and wholeheartedly given up his allegiance to a foreign prince or a foreign potentate and who comes to this country with a whole-hearted desire to become and remain permanently an American citizen—

Mr. LODGE. Mr. President—

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

Mr. HARDWICK. I am glad to yield to the Senator.

Mr. LODGE. The Germans are not coming to this country now.

Mr. HARDWICK. And they ought not.

Mr. LODGE. They are excluded as alien enemies. The others to whom the Senator refers, who in the future would come here, in that way would be excluded from naturalization, but not from the country.

Mr. HARDWICK. But I do not think we ought to let anybody come here whom we do not intend to naturalize and take into the citizenship of the country except under treaty provisions about travel, and so on.

Mr. LODGE. We had some difficulty in drawing that line in the immigration bill.

Mr. HARDWICK. Yes, we did; I remember. I say to the Senator, those are the objections I have to the amendment, but as modified I do not think it will do any harm as to the future policy that it seeks to establish. While I can see some great merit in it, still I can see some great objections to it. But I want to get through with the bill. The Senator knows that I want to deal with candor with him. I am willing to accept his amendment and take it to conference if that will facilitate the measure, although I will not pledge myself to support it.

Mr. LODGE. That is perfectly agreeable to me.

Mr. CUMMINS. In the part of the bill the Senator from Georgia read I fear that, in his very proper anxiety to prevent

the possibility of naturalizing a disloyal citizen, he has subjected a judicial proceeding to the will of a bureau of the Government.

Mr. HARDWICK. Undoubtedly the Senator is right.

Mr. CUMMINS. I do not think that is wise, nor do I think it is fair. If we are going to carry forward naturalization proceedings in a court as we do, and ought to do, I think in these perilous times when one seeks naturalization papers under this provision the Government, the Department of Justice, or the Bureau of Naturalization—I care not what particular function of the Government—ought to be notified, but I do not think that the mere failure of the Government to appear in the proceeding and make objection ought to have the effect of denying the naturalization.

Mr. HARDWICK. It will not. The Government has to object.

Mr. CUMMINS. That seems to me to be very wrong.

Mr. HARDWICK. The Government has to object and continue to object in order to keep the case open.

Mr. CUMMINS. The bill provides in the first place:

That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, except after the written consent of the Commissioner or Deputy Commissioner of Naturalization shall have been received by the clerk of the court and exhibited to the court—

That is hard enough. Then the bill proceeds—

and the petition shall be given no final hearing, except in open court and in the presence of the representative of the Government from the Bureau of Naturalization.

If the Bureau of Naturalization does not present the case through a representative then the proceeding can not be opened.

Mr. CALDER. If the Senator will permit me, the language written in the bill was caused by the fact that in some parts of the country judges have been giving naturalization to citizens of any country without regard to the opinion of the bureau, and it was deemed wise to have a provision of that kind in the bill to safeguard the Government.

Mr. CUMMINS. Then we ought to give to the Bureau of Naturalization the naturalization of citizens and take it away from the courts. It is shocking to me to suggest that the Bureau of Naturalization can command the court, and say that it shall not issue these papers unless it is satisfied that naturalization ought to occur. It destroys the attitude of the court in the matter entirely. I do not like that sort of thing. It is simply another instance of destroying all the safeguards that we have heretofore set up for the American people, and as far as I am concerned I protest against it.

Mr. NELSON. Mr. President—

Mr. HARDWICK. I yield to the Senator, although I should like to answer the Senator from Iowa.

Mr. NELSON. I wish to call attention to the language at the top of page 3, commencing after the word "reenlistment," in line 2:

Or any alien or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted or may hereafter enlist in the armies of the United States, either the Regular or the Volunteer Forces, the National Guard or Naval Militia of any State.

And so forth.

Under that provision the cases of men who have been drafted into the National Army, as it is called, drafted men—and there are a good many of them—who have declared their intention, but who are willing to serve, and do not claim an exemption because they are not full citizens, would not be covered. I would be glad to have them encouraged, so that instead of insisting upon exemption they will go in for the sake of becoming citizens. So I suggest two amendments, after the word "enlist," in line 5, to insert the words "or enter," and then after the words "National Guard," in line 7, to insert the words "the National Army." I want the door open so that those who get into the Army through our draft law in that way may have the opportunities afforded by the bill.

Mr. HARDWICK. I have no doubt the Naturalization Bureau is in sympathy with that purpose, and I will say that personally I am in sympathy with it, and I have no objection to those amendments. I suggest to the Senator, however, to let us dispose of this other matter first. I will say to him I favor his amendments as far as I am personally concerned.

Mr. NELSON. Then I move to amend the bill.

Mr. HARDWICK. Just a moment. I have not yielded the floor. I want to get through with the objection made by the Senator from Iowa. Then I will say to my friend from Minnesota I think his amendment is a good one, and I do not see why we could not agree on it.

I realize the force of what the Senator from Iowa has said. Yet the Senator from Iowa must realize, as the Senator from Georgia was forced to realize when he considered this question fully, the unusual position we are in. It is an unusual position,

and I think I can say without any reflection on these people that this legislation is intended to protect a dangerous condition in most instances, to admit to citizenship at all during times of war alien enemies. It does not accord with the practices of nations, it does not accord with the usual and ordinary way with which nations treat each other, and it is not as a rule founded on safe considerations.

When the House of Representatives undertook by law to say that we would admit to citizenship of the United States men whose legal status to-day is that of alien enemies we thought it much wiser to put very rigid restrictions upon the exercise of that right. I would not subject any person except a person in the legal position of an alien enemy to any such a condition as that.

Mr. CUMMINS. I do not object to the rigorous test. My objection lies in subordinating a legal procedure to the will of an administrative bureau. I would be perfectly willing to strike out the court entirely and allow none of these people to be naturalized without the consent of the President. I am willing that he shall issue naturalization papers in such instances, or the Bureau of Naturalization, although I do not know what that is or who presides over it nor do I know how it is constituted. But it is entirely inconsistent with every conception which we have with free institutions to say that a man can file an application in a court to accomplish a certain end upon which he is called upon to prove certain things which will entitle him to the relief he asks, and then say that unless a subordinate officer of the Government, entirely unknown I think to most of us, gives his consent to the entry of a judgment of the court it can not be entered, and if he merely abstains from the court and does not see fit to go to the place of trial then there can be no action on the part of the court. It is to me as I said before so different from my notions of a trial of a case in a court that I can not contemplate it with any kind of toleration.

I would be perfectly willing to have the representative of the Bureau of Naturalization served so that he would be required to be present; I would be perfectly willing to take away from the court entirely the jurisdiction to issue naturalization papers to such a person, but I am not willing to combine the two authorities and give the superiority or the supremacy to at least a very obscure officer of the Government.

I know two or three men in my State who have lived there for 40 or 45 years, one of them for 50 years. They have been voting for not quite all of that time, but they have been voting at every election for 35 years. Two of them have held high offices in the State. They are among our foremost citizens, responsible and worthy in every way, and as loyal to the country as any human being can be, as earnest and as active in the work citizens now have to do in the prosecution of the war as any citizen can be. Yet owing to misinformation with respect to the law and to their right under the law they are not citizens of this country, and all of them are alien enemies. I have been interested in them somewhat, and I have assumed that under this statute they could be naturalized, but of course if some clerk in the Bureau of Naturalization can deny the court the opportunity of passing upon their fitness to become citizens and their loyalty and all other qualifications that are required, I would have no hope whatever of remedying the mistake, and it is only a mistake which they made and which those about them made in their early life. I do not like it. I do not believe the Senator from Georgia would like it any better than I do, and I do not think the exigency requires any such rigorous measure.

Mr. LODGE. Mr. President—

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

Mr. LODGE. Merely to ask a question.

Mr. HARDWICK. I yield to the Senator.

Mr. LODGE. I wish to ask a question of the chairman of the Immigration Committee. Is it not true that under our immigration laws a candidate for naturalization going into court has to present proof and show that he was admitted in accordance with our immigration laws and was properly admitted?

Mr. HARDWICK. Undoubtedly that answers the suggestion of the Senator from Iowa.

Mr. CUMMINS. Precisely, but it does not have to depend on the consent of the Naturalization Bureau.

Mr. LODGE. It depends on the consent of the Commissioner of Immigration.

Mr. CUMMINS. That is all. He is admitted by consent of the immigration officer, but no man can be naturalized in the United States who can not get the consent at that moment of the immigration officer.

Mr. LODGE. Previous consent. The immigration officer can come in and take him out and have him deported, if it is disclosed that he entered the country fraudulently.

Mr. HARDWICK. A part of the argument of the Senator from Iowa I do not sympathize with. The Senator says he is willing to give this power to the President. So am I, and yet there is not one whit difference between giving it to the President and giving it to the Naturalization Bureau, because that is the only way the President can exercise it, and the only way he would exercise it. That is the way all presidential power is exercised, or practically all of it, through subordinates, in the various executive departments.

Mr. CUMMINS. The difference, if the Senator will allow me, is that this gives a power without responsibility.

Mr. HARDWICK. I do not know about that. These people are officers of the Government. The commissioner is confirmed by the Senate; the head of the department is confirmed by the Senate. My guess would be that we have fully as much power to hold them responsible as we have to hold the President responsible if he should make a mistake. I can not sympathize with that part of the argument, although I do strongly sympathize, as the Senator from Iowa knows, with the proposition that it is, ordinarily, undesirable to see such tremendous powers given to the Executive authority over citizenship and its processes. Yet I must confess that in this moment of national stress, in this moment of national trial, when the very existence of this country may be at stake, and when we are proceeding to naturalize people who occupy at least the legal status of alien enemies, I feel that it is not wrong to give the Government that much authority. Now, that is the reason. It is not in accord with any principle I would apply in peace times to anybody, and it is not in accord with any principle I would apply in war times to anybody but an alien enemy.

To show you how the committee felt, there is another part of this proposition, and I wish to present it, and then I am going to ask the Senate to vote as soon as we can on this bill so that we may not be too long detained.

That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to exempt natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies.

That is the classification made by statute law.

Mr. CUMMINS. Why do you give him power to exempt an individual or class from the operation of the law?

Mr. HARDWICK. I will tell you. Because there are thousands and hundreds of thousands of perfectly loyal Americans in this country who have not been naturalized, like the Bohemians, who are furnishing thousands of the bravest troops that are enlisted under our banner, who are in this classification, and because it is necessary that those men should not be driven to the position of disloyalty when they are thoroughly loyal. That is all. The interest of the country requires it. Listen to what we provided about that:

That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to exempt natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies, and thereupon they shall have the privilege to apply for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of \$400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section 3679 of the Revised Statutes shall not be applicable in any way to this appropriation.

The moment the President relieves them by a proclamation, in individual cases or in classes, where loyalty is established to the satisfaction of the President, then by law they have a right to apply for naturalization just as aliens who are not alien enemies may apply.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. I do.

Mr. CUMMINS. You will then have the rather astonishing situation of the President exempting an individual from the operation of the law, assuming that he really ought to be naturalized, and the chief of the Bureau of Naturalization being able, by his absence from the court, to prevent him from being naturalized.

Mr. HARDWICK. But all the President can do is to relieve him from the operation of the alien-enemy act. Surely the Senator would not hesitate in war times to give that power to the President.

Mr. CUMMINS. I tell the Senator I am willing to give the entire power to the President of naturalizing or refusing to naturalize alien enemies.

Mr. HARDWICK. What difference does it make, then? Even if we have given it to the Naturalization Bureau, that is the bureau through which the President will exercise the power in any event.

Mr. CUMMINS. If the President is given the power, he will feel a sense of responsibility no matter to whom he delegates the power, and when he is appealed to he will decide the case, I assume, with confidence and with knowledge. If you give to the Bureau of Naturalization the authority to prevent the action of the court simply by staying away from court, you will have, in my opinion, an inoperative as well as an unjust statute.

Mr. HARDWICK. There is no need of arguing in circles. I believe that whatever power we give the President over this subject would be necessarily exercised through this bureau any way. So I am not especially concerned whether the bureau or the President is named. I hope we shall now have a vote on the bill.

Mr. FALL. Mr. President—

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

Mr. HARDWICK. I do.

Mr. FALL. I want to ask the Senator from Georgia if it would not meet the views of the committee, and at the same time allow some of us a little discretion in voting upon this proposition, if there were an amendment adopted on page 11, so that it would read that no hearing should be had upon any petition except after due notice given by the court to the commissioner or deputy commissioner to be present at a certain time, and that no final hearing should be had except on due notice to him to come in, and that it would be heard at that time?

Mr. HARDWICK. And that then it should not be heard if he objected?

Mr. FALL. That then it should not be heard if he objected.

Mr. HARDWICK. I do not object to that at all. I do not think that would impair what the bureau has in mind.

Mr. FALL. Then I suggest, after the word "after," that lines 3, 4, and 5 should be stricken out, and the words "due notice"—

Mr. HARDWICK. I do not think those three lines should be stricken out, if the Senator will pardon me.

Mr. FALL. I have made a mistake. If the Senator will listen to me I can give him my idea as to what I mean. I think the bill should provide for due notice to the Commissioner or Deputy Commissioner of Naturalization to be present instead of requiring his written consent. Why should the court not act except upon the written consent of the commissioner, when the commissioner may absent himself from the court and the court may therefore not be able to act?

Mr. HARDWICK. I agree with the Senator about that, and I am willing to modify the amendment so far as I have the power in that respect, because after the Government has a fair and reasonable opportunity to object and does not object, then I am willing for the proceedings to go on.

Mr. FALL. Then I suggest the following amendment—

The PRESIDING OFFICER. There is an amendment pending.

Mr. HARDWICK. An amendment was merely suggested in my time. It will be offered but is not now pending.

Mr. LODGE. I have an amendment pending.

Mr. HARDWICK. I beg pardon. The Senator from Massachusetts has a pending amendment.

Mr. LODGE. The chairman of the committee stated that he would accept the amendment, and I believe the Senate thought it had been disposed of.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FALL. I can suggest how I would have the language read:

Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after due notice to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued—

And so forth.

Mr. HARDWICK. I do not think that would change the meaning materially.

Mr. FALL. It would give the commissioner notice and allow him to come in and present his objections.

The PRESIDING OFFICER. Will the Senator from New Mexico send his amendment to the desk in writing or will he suggest it so that the Secretary may get it?

Mr. FALL. I think if I state it over again the Secretary will get it. In line 3, page 11, after the word "after," I move to strike out the words "the written consent of" and to insert "due notice to"; in line 4, to strike out "shall have been received by the clerk of the court and exhibited to the court" and to insert "to be present"; and in line 7, to strike out the words "in the presence of" and to insert the words "after such notice to."

The PRESIDING OFFICER. The Secretary will read the language as proposed to be amended by the Senator from New Mexico.

The SECRETARY. As amended the language will read:

Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing except after due notice to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Mexico to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. NELSON. I offer an amendment to the bill, in line 5, page 3, after the word "enlist," to insert the words "or enter."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota to the amendment reported.

The amendment to the amendment was agreed to.

Mr. NELSON. Then, in connection with that amendment, after the words "National Guard," in line 7, page 3, I move to insert the words "National Army."

Mr. HARDWICK. Let me suggest to the Senator that that is probably covered by the language in the line just above where it reads "Regular or the volunteer forces," is it not?

Mr. NELSON. No; we have three classes.

Mr. HARDWICK. Very well; I will not object to the amendment.

Mr. NELSON. One is called the National Army as distinguished from the Regulars and as distinguished from the National Guard of the States.

Mr. HARDWICK. I do not object to the amendment.

The PRESIDING OFFICER. The Chair desires to suggest to the Senator from Minnesota that he thinks the amendment should come after the words "volunteer forces" in line 6. The Secretary will state it in that way.

The SECRETARY. On page 3, line 6, after the words "volunteer forces," it is proposed to insert the words "the National Army."

Mr. HARDWICK. That is right.

Mr. NELSON. I accept that modification.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to the amendment.

The amendment to the amendment was agreed to.

Mr. POMERENE. Mr. President, I am not quite clear that I understood the amendment offered by the Senator from Minnesota. He moved to insert the words "or enter" after the word "enlist." Would that give the privileges herein set forth to aliens who have already entered the service?

Mr. NELSON. It is in the present tense—"to enlist or enter"—it relates to the future and not to the past.

Mr. POMERENE. I mean, does it apply to those who have already entered the service, so that they can have the privileges of naturalization?

Mr. NELSON. It does not cover them exactly. The word "enter" would have the same meaning as to time as the word "enlist." The Senator will observe in line 5 the words "or may hereafter enlist." My amendment is "or enter," so as to cover those who get in through the draft law.

Mr. POMERENE. But my thought was that it should apply to those who had already entered the service as well as those who might hereafter enter, and it occurred to me that the thought I had in mind would be met if we would insert after the words "who has enlisted" the words "or who has entered."

Mr. NELSON. Mr. President, I move to reconsider the vote by which the words "or enter" were inserted.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is reconsidered.

Mr. NELSON. I ask now to have that amendment rejected.

The PRESIDING OFFICER. The vote whereby the amendment was agreed to has been reconsidered, and, without objection, the amendment to the amendment will be considered as rejected.

Mr. NELSON. Then I move to insert after the word "enlisted," at the beginning of line 5, the words "or entered."

Mr. HARDWICK. That is the same amendment the Senator offered before.

Mr. NELSON. The same amendment, only it applies to those who are already in the service as well as those who afterwards enter the service.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. NELSON. I think it ought to apply to the future, and I renew my amendment to insert the words "or enter" in line 5, after the word "enlist," so as to apply to future cases.

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

The SECRETARY. It is proposed to amend so that the clause will read:

Who has enlisted or entered, or who may hereafter enlist in or enter, the Army of the United States.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization."

The PRESIDING OFFICER. It has been suggested to the Chair that the words "and for other purposes" should be added to the title.

Mr. HARDWICK. Very well. Let those words be added; but I think they make no difference.

The PRESIDING OFFICER. Without objection, the title will be so amended.

Mr. HARDWICK. I move that the Senate request a conference with the House of Representatives on the bill and amendment and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. HARDWICK, Mr. GORE, and Mr. DILLINGHAM conferees on the part of the Senate.

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 spent in executive session, the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 17, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 16, 1918.

REGISTER OF LAND OFFICE.

John A. Ross, of South Dakota, to be register of the land office at Bellefourche, S. Dak., his present term expiring May 21, 1918. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

William H. Edley, of Wyoming, to be receiver of public moneys at Lander, Wyo., his present term expiring May 13, 1918. (Reappointment.)

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICERS.

To be major generals with rank from April 12, 1918.

Brig. Gen. William P. Burnham, National Army.
Brig. Gen. Willard A. Holbrook, National Army.
Brig. Gen. James H. McRae, National Army.
Brig. Gen. George B. Duncan, National Army.
Brig. Gen. Ernest Hinds, National Army.
Brig. Gen. Charles H. Martin, National Army.
Brig. Gen. Charles S. Farnsworth, National Army.
Brig. Gen. James W. McAndrew, National Army.
Brig. Gen. Edward F. McGlachlin, jr., National Army.
Brig. Gen. LeRoy S. Lyon, National Army.

To be brigadier generals with rank from April 12, 1918.

Col. Robert H. Noble, Infantry.
Col. Arthur Johnson, Infantry.
Col. Charles Gerhardt, Infantry.
Col. William R. Dashiell, Infantry.
Col. Guy H. Preston, Cavalry.
Col. Frank M. Caldwell, Inspector General's Department.
Col. Lutz Wahl, General Staff Corps.
Col. John L. Hines, Infantry.

Col. Joseph G. Castner, Infantry.
 Col. Julian R. Lindsey, Infantry, National Army.
 Col. George H. Jamerson, Infantry, National Army.
 Col. Lincoln C. Andrews, Infantry, National Army.
 Col. Dwight E. Aultman, Field Artillery.
 Col. Ora E. Hunt, Infantry, National Army.
 Col. Adrian S. Fleming, Field Artillery.
 Col. Thomas W. Darrah, Infantry, National Army.
 Col. Johnson Hagood, Coast Artillery Corps.
 Col. Lytle Brown, Corps of Engineers, National Army.
 Col. Alfred A. Starbird, Inspector General's Department.
 Col. Edward T. Donnelly, Field Artillery, National Army.
 Col. Fred T. Austin, Field Artillery, National Army.
 Col. William I. Westervelt, Field Artillery, National Army.
 Col. Augustine McIntyre, Field Artillery, National Army.
 Col. Richard W. Young, National Guard.
 Col. George A. Wingate, National Guard.

To be brigadier generals with rank from April 15, 1918.

Lieut. Col. Robert E. Wood, National Army.
 Col. Hugh S. Johnson, General Staff.

TRANSFERS TO THE ACTIVE LIST OF THE ARMY.

CAVALRY ARM.

Capt. Louis R. Ball, United States Army, retired, to be major on the active list with rank from July 24, 1917.

INFANTRY.

Capt. George L. Byroade, retired, to be major with rank from July 1, 1916.

TEMPORARY PROMOTIONS IN THE ARMY.

INFANTRY.

To be colonel with rank from December 8, 1917.

Lieut. Col. George L. Byroade, additional officer.

To be lieutenant colonel with rank from August 5, 1917.

Maj. George L. Byroade, additional officer.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1918.

COLLECTOR OF CUSTOMS.

George H. Rowley to be collector of customs for customs collection district No. 12, with headquarters at Pittsburgh, Pa.

PROMOTIONS IN THE NAVY.

The following-named lieutenant commanders to be commanders:

Hugo W. Osterhaus and
 Byron A. Long.

Lieut. (Junior Grade) Zachary Lansdowne to be a lieutenant.

The following-named lieutenants (junior grade) to be lieutenants:

Augustine H. Gray,
 Warren L. Moore,
 Wadleigh Capehart,
 Melville S. Brown,
 George M. Cook,
 Frank H. Kelley, jr.,
 Dorsey O. Thomas,
 Miles P. Refo, jr.,
 Robert T. Young,
 Elmer K. Niles,
 Charlton E. Battle, jr.,
 Alfred G. Zimmermann,
 Ellis S. Stone.

Thomas S. King, 2d,
 Urey W. Conway,
 George F. Parrott, jr.,
 Norman Scott, and
 Jay L. Kerley.

Ensign Herbert K. Fenn to be a lieutenant (junior grade).

Asst. Surg. Charles S. Stephenson to be a passed assistant surgeon with the rank of lieutenant.

The following-named passed assistant paymasters to be paymasters with the rank of lieutenant commander:

Lewis W. Jennings, jr., and
 William G. Neill.

Passed Assistant Paymaster Edward R. Wilson to be a paymaster with the rank of lieutenant commander.

The following-named assistant paymasters to be passed assistant paymasters with the rank of lieutenant (junior grade):

John B. Ewald and
 Samuel R. White, jr.

Assistant Paymaster Macdonough C. Merriman to be a passed assistant paymaster with the rank of lieutenant (junior grade).

Assistant Paymaster John D. P. Hodapp to be a passed assistant paymaster with the rank of lieutenant (junior grade).

Chaplain Eugene E. McDonald to be a chaplain with the rank of captain.

The following-named assistant naval constructors to be naval constructors with the rank of lieutenant:

Philip G. Lauman,
 Arthur W. Frank, and
 Ralph T. Hanson.

Lieut. Roland M. Comfort to be a lieutenant commander for temporary service.

Lieut. (Junior Grade) Herbert W. Jackson to be a lieutenant for temporary service.

Lieut. (Junior Grade) Clifton A. F. Sprague to be a lieutenant for temporary service.

Lieut. (Junior Grade) Thaddeus A. Hoppe to be a lieutenant for temporary service.

The following-named acting ensigns for engineering duties only to be lieutenants (junior grade) for engineering duties only for temporary service:

Joseph H. Currier,
 Isaac J. Van Kammen, and
 Ernest V. David.

Ensign Michael J. Wilkinson to be a lieutenant (junior grade) for temporary service.

Carpenter Herman R. Newby to be an ensign for temporary service.

The following-named warrant officers to be ensigns for temporary service:

Frederick W. Boldt,
 Horace L. Ham,
 George Berton,
 Alexander B. Provost,
 Harry A. Mewshaw,
 Chris Halverson,
 William G. Scott,
 Harry Bennett, and
 Elmer J. Tugend.

The following-named enlisted men to be ensigns for temporary service:

Morey H. Downs,
 Daniel E. Haskell,
 John C. Mayhew,
 Tom H. Williamson,
 Hubert K. Stubbs,
 Harold V. Andrews,
 Clarence V. Waggoner,
 Henry C. Flanagan, and
 Omer L. Brewington.

The following-named ensigns in the United States Naval Reserve Force to be ensigns for temporary service:

Cecil A. McKay,
 Nathan Young,
 Stuart Parker,
 Caleb Loring,
 William L. Hickey,
 Feustman B. Thatcher,
 Barnes Newberry,
 Bruce Burns,
 Charles H. Duell, jr.,
 John R. Haire,
 Donald M. Lovejoy,
 Edgar M. Queeny,
 Charles H. Sterrett, and
 Allen L. Welch.

The following-named ensigns in the National Naval Volunteers to be ensigns for temporary service:

Duncan W. Frick and
 Ralph J. Stern.

The following-named pay clerks to be assistant paymasters for temporary service:

Henry G. Conrad and
 Harry H. Bloxham.

POSTMASTERS.

LOUISIANA.

Lucien L. Prothro, Lenzburg.

MINNESOTA.

Margaret E. Gillespie, Carlton.
 Alfred J. Lamberton, Kasota.

OHIO.

John P. Cummings, Waynesville.
 William J. Evans, North Canton (late New Berlin).
 Sage P. Deming, Rocky River.

PENNSYLVANIA.

Flora C. Harwi, Hellertown.

SOUTH CAROLINA.

Frank P. Wilson, Due West.

WASHINGTON.

Maury C. Hayden, Lind.
 Petrus Neilson, Enumclaw.
 Grover C. Schoonover, Odessa.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 16, 1918.

The House was called to order at 12 o'clock noon by Mr. KITCHIN as Speaker pro tempore.

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

O Thou, who workest ever, in all and through all Thou hast made, animate or inanimate, creating, re-creating, and who art mighty to deliver, help us as rational beings, gifted with the power of choice, to open wide the portals of our souls that we may receive abundantly that power of spirit ever emanating from Thy heart to which we are so closely allied, that we may be strong to bear the burdens of life and be guided to a happy solution of its intricate problems and so become instruments in Thy hands for the fulfillment of Thy plans and good purposes, in the spirit of Him who said, "I must work the works of Him that sent me while it is day; the night cometh, when no man can work." Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. MADDEN. Mr. Speaker, I ask that Mr. JOHN W. RAINEY, Member elect from the fourth district of Illinois, be sworn in. His certificate of election is on file with the Clerk.

The SPEAKER pro tempore. The certificate has been filed in due form.

Mr. RAINEY appeared at the bar of the House and took the oath of office.

ELECTION CONTESTS.

The SPEAKER pro tempore laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
 CLERK'S OFFICE,
 Washington, D. C., April 16, 1918.

The SPEAKER,
 House of Representatives, Washington, D. C.

SIR: I have the honor to lay before the House of Representatives a list of contests for seats in the House of Representatives for the Sixty-fifth Congress of the United States, notices of which have been filed in the office of the Clerk of the House, and also transmit herewith all original testimony, papers, and documents relating thereto, as follows:

"James J. Britt against Zebulon Weaver, of the tenth district of North Carolina.

"Jacob Gerling against Thomas B. Dunn, of the thirty-eighth district of New York.

"James S. Davenport against Thomas A. Chandler, of the first district of Oklahoma."

The Clerk has opened and printed the testimony in all of the above cases. In compliance with the act approved March 2, 1897, entitled "An act relating to contested-election cases," such portions of the testimony in the above cases as the parties in interest agreed upon, or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest and the answers thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in each case have been mailed the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and contestee in each case has been complied with as far as possible upon receipt by the Clerk of said briefs.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement, which has been prepared by the Clerk, showing the number of pages of testimony and the present status of each contested-election case, and all the papers in connection therewith.

Yours, respectfully,
 SOUTH TRIMBLE,
 Clerk of the House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DALE of New York for two weeks, on account of important business.

COMMITTEE TO ATTEND FUNERAL OF LATE SENATOR STONE.

Mr. GARRETT of Tennessee. Mr. Speaker, in announcing the Stone funeral on yesterday the Speaker of the House [Mr. CLARK], of course, did not announce himself as a member of that committee. I think he ought officially to be a member of

the committee, and I ask unanimous consent that his name be added to the list.

The SPEAKER pro tempore. Without objection, the Speaker's name will be added to the list of the committee.

There was no objection.

TAKING OVER OF CERTAIN TRANSPORTATION LINES.

Mr. SAUNDERS of Virginia. Mr. Speaker, on behalf of the Committee on the Merchant Marine and Fisheries I ask unanimous consent that the bill (S. 3388), to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, be made in order after the disposition of the river and harbor appropriation bill. The chairman of the Shipping Board states that the passage of this bill will save the Government a large amount of money, and that this action is of immediate urgent necessity. Admiral Bowles has written to the same effect in relation to the necessity for the prompt passage of the bill. I would like to arrange by unanimous consent to take the bill up and agree upon a time for discussion, and have it in order to follow the disposition of the river and harbor appropriation bill.

Mr. SMITH of Michigan. Why is it that that proposition was stricken out of the housing bill? That right was given in the \$50,000,000 housing appropriation bill.

Mr. SAUNDERS of Virginia. It went out of the housing bill because it did not properly belong there under the rules of the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. MOORE of Pennsylvania. Are the various lines specified in the bill?

Mr. SAUNDERS of Virginia. No. It includes the lines necessary to be taken over in connection with the housing of the employees at work in our shipping yards, wherever located.

Mr. MOORE of Pennsylvania. The gentleman referred to a statement by Admiral Bowles, who is now in charge at Hog Island, and I desire to know whether the trolley lines are lines leading to Hog Island, and whether it is contemplated improving the transportation facilities to that point.

Mr. SAUNDERS of Virginia. The lines that will be taken over are those lines immediately necessary in connection with the housing proposition. Of course the phrasing of the bill is necessarily comprehensive.

Mr. SMITH of Michigan. How much does the bill carry?

Mr. SAUNDERS of Virginia. It does not carry anything.

Mr. MOORE of Pennsylvania. I have been making inquiries this morning concerning the housing problem and transportation facilities as far as Hog Island, and I am in doubt at the present time whether it is proposed to go on with the housing or whether it is proposed to substitute for housing improved transportation facilities, or whether we are to have both.

Mr. SAUNDERS of Virginia. The two lines of activity will go forward at the same time. A number of houses will be built, but the taking over of these lines will save the necessity for a great deal of construction. I will say to the gentleman from Michigan [Mr. SMITH] in this connection, that this bill does not propose to appropriate, but to save the necessity for appropriation. It is a money-saving, not a money-spending proposition.

Mr. MOORE of Pennsylvania. Then it means to curtail the housing construction?

Mr. SAUNDERS of Virginia. Yes; immensely.

Mr. MOORE of Pennsylvania. And to increase the transportation facilities?

Mr. SAUNDERS of Virginia. To the necessary extent, of course.

Mr. GILLETT. Has the bill been reported from the committee?

Mr. SAUNDERS of Virginia. Unanimously.

Mr. GILLETT. How long ago?

Mr. SAUNDERS of Virginia. Several days ago. Here is what Admiral Bowles says in this connection:

I have just received word of the passage of S. 3388, regarding transportation for shipyards. It is important to the Fleet Corporation, and I hope you can secure action by House.

Mr. Hurley writes more elaborately and strongly in relation to what will be accomplished by the bill.

Mr. MOORE of Pennsylvania. Could the gentleman put that in the RECORD before the bill is considered?

Mr. SAUNDERS of Virginia. Oh, yes; I am trying now to arrange for taking up the bill.

Mr. GILLETT. What is the gentleman's request?

Mr. SAUNDERS of Virginia. Why, that following the disposition of the river and harbor bill that this bill may be made a special order.

Mr. GILLETT. Well, I would suggest—I do not see a minority member of the committee present on the floor—that the gentleman postpone his request until they can be consulted.

Mr. SAUNDERS of Virginia. I will say to the gentleman that I left my committee considering another bill and came over in behalf of the committee to endeavor to make this arrangement.

Mr. GILLETT. Is it the unanimous desire of the committee?

Mr. SAUNDERS of Virginia. It is a unanimous report.

Mr. GILLETT. Is this the unanimous desire of the committee to have it taken up?

Mr. SAUNDERS of Virginia. I did not consult my colleagues particularly on that point.

Mr. GILLETT. I think they have the right to be consulted.

Mr. SAUNDERS of Virginia. Of course, if there was any question on my mind that there was anyone on our committee opposed to the proposed action, I would not have asked unanimous consent. But I know that this is their desire.

Mr. MOORE of Pennsylvania. I will oppose immediate action, I think, until those letters are published.

Mr. CARTER of Oklahoma. Is the gentleman making a unanimous-consent request?

Mr. SAUNDERS of Virginia. This will obviate the necessity of asking for a rule.

Mr. GILLETT. I do not think it will be necessary to have a rule.

Mr. SAUNDERS of Virginia. I think we can agree to take this bill up, and agree on terms of debate and everything else necessary for prompt action.

Mr. GILLETT. I do not think there will be any difficulty in making an arrangement, but inasmuch as there is no member of the minority of the committee present, if the gentleman will postpone his request until later—

Mr. CARTER of Oklahoma. The gentleman, of course, does not want to interfere with conference reports and other privileged matters?

Mr. SAUNDERS of Virginia. Oh, not at all. That would be made a part of the unanimous-consent request.

Mr. JOHNSON of Kentucky. Would the gentleman be willing to modify his request and provide that it shall not under any circumstances interfere with the transaction of District business next Monday?

Mr. SAUNDERS of Virginia. Yes. Certainly.

Mr. PADGETT. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. PADGETT. I want to ask the gentleman how long a time it is contemplated the bill will take. Speaker CLARK had agreed to recognize me to call up the naval appropriation bill following the river and harbor bill.

Mr. SAUNDERS of Virginia. Well, I can not see that this bill would possibly take over an hour, but of course I can not control that. This is a matter strongly favored by the entire committee. Of course the bill will pass when it is once taken up.

Mr. MOORE of Pennsylvania. Will the gentleman speak louder, we can not hear him over here.

Mr. PADGETT. I said that Speaker CLARK had said he would recognize me to bring up the naval appropriation bill following the rivers and harbors bill, and it was important to get consideration of that bill. I asked the gentleman how long it would take and he said perhaps not more than an hour. Of course, it is immaterial if it will take no longer than that. I want to say further that there is a bill that is very important as a war measure. It is for the enlargement of the facilities at the naval proving ground for the testing of our big guns. The operations of war on that line are being very much hampered, and while this is in the naval bill I have also introduced a special bill to try to expedite it, and the Speaker had told me that he would take care of that, and I do not want this to interfere with that.

Mr. MOORE of Pennsylvania. Will the gentleman from Tennessee yield?

Mr. SAUNDERS of Virginia. Let me make this suggestion: The regular naval bill, of course, will take a good deal of time. This other bill will not take very much time—

Mr. PADGETT. It ought not to take an hour.

Mr. SAUNDERS of Virginia. Let us agree to this, to take up the latter bill, if it will only take about an hour, and then let me come in between that bill and the regular naval bill.

Mr. PADGETT. I would be perfectly willing if it would take no longer than an hour.

Mr. MOORE of Pennsylvania. This involves the problem of congestion of men working at the shipyards, and that is an important war measure now.

Mr. SAUNDERS of Virginia. There is no more important war measure than this.

Mr. MOORE of Pennsylvania. It may also involve the question of profiteering in rents about the shipyards. That is the question that may involve some discussion. Will not the gentleman ask unanimous consent to put in the RECORD these communications to which he referred before he calls up the bill?

Mr. SAUNDERS of Virginia. I will.

Mr. MOORE of Pennsylvania. So that we may have this information to-morrow morning.

Mr. SAUNDERS of Virginia. I will put it in the RECORD.

Mr. MOORE of Pennsylvania. If the gentleman will do that it will save time.

Mr. RAYBURN. While these unanimous-consent promises are going around here I may say that the Speaker agreed several days ago to recognize me to ask unanimous consent for a little amendment, which, we think, will not take more than 30 minutes, to the war-risk insurance bill.

Mr. SAUNDERS of Virginia. Well, why can not this measure follow the consideration of your amendment? That would be entirely agreeable to me.

Mr. RAYBURN. This is very important at this time; not only as a war measure but as a peace measure.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question.

Mr. SAUNDERS of Virginia. I yield to the gentleman.

Mr. RAYBURN. I want to say further, Mr. Speaker, that probably this request will be put off to a later time in the day, and I think we should have an understanding that I may get in this little bill.

Mr. SAUNDERS of Virginia. Yes; that is agreed to.

Mr. GARNER. Mr. Speaker, what is the unanimous-consent request?

The SPEAKER pro tempore. There is no specific request pending before the House.

Mr. GARNER. Let us have one made, then.

Mr. SAUNDERS of Virginia. I will make a formal request if it is desired, that the Senate bill that I refer to, No. 3388, which has been unanimously reported from the Committee on the Merchant Marine and Fisheries as a war measure, may be taken up for disposition following the disposal of the bill referred to by the gentleman from Tennessee [Mr. PADGETT], the measure referred to by the gentleman from Texas [Mr. RAYBURN], and not in anywise to interfere with District-day business.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman from Virginia a question. There have been a number of railroads in the war activities plants commandeered by the Navy Department and by the War Department, and I would like to know if the gentleman from Virginia can say whether the bill he proposes to take up for consideration will cover all the cases on which separate action has been taken and make one action of all, or whether this is in addition to the things that have already been done and will complicate the situation more than it is now complicated?

Mr. SAUNDERS of Virginia. It will not complicate the situation. I will read what the bill undertakes to do.

Mr. SMALL. Reserving the right to object, Mr. Speaker—

Mr. SAUNDERS of Virginia. I read from the bill:

To take possession of, lease or assume control of, any street railroad, interurban railroad, or part thereof wherever operated, and all cars, appurtenances, and franchises or parts thereof commonly used in connection with the operation thereof necessary for the transfer and transportation of employees of shipyards or plants engaged or that may hereafter be engaged in the construction of ships or equipment therefor for the United States.

Mr. THOMPSON. Reserving the right to object, Mr. Speaker—

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

The SPEAKER pro tempore. Is there objection to the unanimous-consent request?

Mr. THOMPSON. I object.

The SPEAKER pro tempore. Objection is made.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the river and harbor bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. BYRNS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consid-

eration of the bill H. R. 10069, the river and harbor bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

St. Joseph Harbor and River, Saugatuck Harbor and Kalamazoo River, South Haven, Holland, Grand Haven, Muskegon, White Lake, Ludington, Manistee, Portage Lake, Arcadia, Frankfort, Charlevoix, and Petoskey Harbors, and Grand River, Mich.: For maintenance, \$70,500.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to offer an amendment on page 12, line 20, after the words "White Lake" insert the words "Pentwater."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 12, line 20, after the word "Lake," insert the word "Pentwater."

Mr. SMALL. Mr. Chairman, does the gentleman from Michigan wish to be heard?

Mr. McLAUGHLIN of Michigan. I understand the chairman of the committee is not opposed to the amendment. In that case, I do not ask for time.

Mr. SMALL. There is no objection to the amendment.

Mr. THOMPSON. Mr. Chairman, I desire to be heard.

The CHAIRMAN. Does the gentleman from Michigan yield the floor?

Mr. McLAUGHLIN of Michigan. Yes; if I may have it later.

Mr. THOMPSON. Mr. Chairman, if the gentleman will yield, I would like to have recognition. I objected to the unanimous-consent arrangement proposed a moment ago by reason of the fact that it did not take care of conference reports. I think one of the most important matters before the House at this time is the Senate amendment to the Agricultural bill which fixes the price of wheat at \$2.50 for the year 1918. The Senate has adopted the conference report. That report was made to the House last Saturday. It should have been taken up here on Monday. It was not taken up yesterday. It has not been taken up to-day. My reason for reserving the right to object was—

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. CANDLER of Mississippi. I will state to the gentleman that my information is that that report will be taken up to-morrow.

Mr. THOMPSON. If the gentleman had made that statement and had gotten that agreement I would not have objected.

Mr. CANDLER of Mississippi. The gentleman from Virginia [Mr. SAUNDERS] had stated, in making his request, that he did not want the bill to interfere with conference reports.

Mr. THOMPSON. He did not make that statement generally, but he made it specifically as to the Indian appropriation bill in answer to a question by the gentleman from Oklahoma [Mr. CARTER], chairman of the Committee on Indian Affairs, who asked him particularly as to the conference report on the Indian bill. I want that applied to the Agricultural bill conference report.

Mr. CANDLER of Mississippi. I understood he made it general. As a matter of fact, it would not interfere with conference reports anyway.

Mr. THOMPSON. I do not know whether that is so or not. The fact that the gentleman from Oklahoma [Mr. CARTER] asked if it would interfere prompted me to make the reservation of an objection, so that I could find out whether it applied to the Agricultural bill, so that they could take up that conference report as it applied to \$2.50 wheat.

Mr. SMALL. Mr. Chairman, I must object to further discussion along this line.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I did not yield to the gentleman from North Carolina. I had five minutes.

Mr. SMALL. The gentleman is talking out of order.

Mr. THOMPSON. If the gentleman makes that point, we can consume more time this afternoon than five minutes.

Mr. CARTER of Oklahoma. If the gentleman will allow me a moment, I think we can end the discussion and save a little time. The gentleman from Virginia [Mr. SAUNDERS] stated that he did not expect the measure he presented to displace conference reports and other privileged business.

Mr. THOMPSON. I think if you will examine the Record you will find that it was not as broad as that. It only applied to the inquiry of the gentleman from Oklahoma [Mr. CARTER], chairman of the Committee on Indian Affairs, as to his conference report.

Mr. CARTER of Oklahoma. No. I asked him the question whether it would displace conference reports and other privileged business, and his answer was it would not.

Mr. THOMPSON. If conference reports generally can be considered to-morrow, of course I have no objection to proceeding.

Mr. CARTER of Oklahoma. Conference reports are privileged anyway.

Mr. THOMPSON. If it is understood we are to consider the conference report on the Agricultural appropriation bill to-morrow I shall not object. It is very important that the matter be not delayed.

Mr. WALSH. Mr. Chairman, if it will not infringe upon the proprieties, I would like to ask a question with reference to the amendment which has been proposed by the gentleman from Michigan [Mr. McLAUGHLIN]. I should like to ask the gentleman from Michigan whether or not the item for this improvement was left out through inadvertence or whether it was a new project.

Mr. McLAUGHLIN of Michigan. I believe it has not been left out by inadvertence, neither is it a new project. Pentwater is a harbor on the shore of Lake Michigan, upon which something like a quarter of a million dollars has been expended, but concerning which there is, or has been, some disagreement among the engineers, and those in charge now have not thought favorably of the proposition of spending the money at this time. I have conferred with the chairman of the Committee on Rivers and Harbors, and he agrees to have the word "Pentwater" inserted, with the idea of calling the matter again to the attention of the engineer, so that he may, if he wishes to do so, expend a portion of the money on this harbor. It is for maintenance—

Mr. WALSH. May I ask the gentleman from Michigan further what the work of maintenance would consist of—dredging or protecting the work already done?

Mr. McLAUGHLIN of Michigan. I think almost entirely of dredging.

Mr. WALSH. Deepening the channel, or extending it a greater distance?

Mr. McLAUGHLIN of Michigan. Not extending the channel at all. I think the work would be entirely that of dredging, for the purpose of restoring the depth of the permanent or regular channel, to make it accessible to ships that will enter the harbor.

Mr. WALSH. May I further inquire whether this channel is 4 feet deep, or 30 feet deep?

Mr. McLAUGHLIN of Michigan. It has been maintained generally at a depth of from 12 to 14 feet.

Mr. WALSH. And this project is simply to deepen that channel?

Mr. McLAUGHLIN of Michigan. To maintain it at a reasonable depth.

Mr. WALSH. Mr. Chairman, the gentleman from Michigan has given the information which I, of course, appreciate, was within the possession of the chairman of the committee. I notice there are a great many projects included in this item, and apparently the maintenance of Pentwater Harbor would not to any alarming extent decrease the opportunity for maintaining the work done in these other more or less important ports in the great State of Michigan. So I shall not oppose the amendment, although I arose for that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 12, line 22, strike out "\$70,500" and insert "\$75,500."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this amendment is offered for the purpose of making available money for the maintenance of the harbor to which the preceding amendment refers, if in the discretion of the Chief of Engineers such use of the money be deemed advisable. As I stated in answering the inquiry of the gentleman from Massachusetts [Mr. WALSH], this harbor at Pentwater has been constructed and maintained for many years, the aggregate of money expended being in excess of \$250,000. I do not remember the exact amount.

It is a harbor constructed and maintained for many years by the engineers under appropriations made by the Congress.

In 1909 this Congress, pursuant to a very favorable report on this harbor and a harbor, the name of which immediately precedes it in the paragraph, White Lake, appropriated \$101,000 for the maintenance of these harbors. The expenditure of that money was discretionary with the Chief of Engineers. Before the time came for expending the money on these two harbors, White Lake and Pentwater, for which the \$101,000 was carried in the bill, there was a change of engineers in the district, and the report of the later engineer was unfavorable. The result was that the engineers refused to expend any part of the \$101,000 on either of the harbors. At the next session of this Congress, at my request, a provision was inserted in the river and harbor bill requiring the expenditure of the money theretofore appropriated for the maintenance of these two harbors, and for two or three years annually the sum of about \$5,000 was expended on each harbor.

Later—three years ago, I believe—there was enacted a law appropriating a lump sum of \$25,000,000, the entire amount of which was to be expended throughout the country in the discretion of the engineers, and that law contained a provision to the effect that the Chief of Engineers might take from the account or credit of any existing project any unexpended balance. In going through his books he found a balance of \$40,000 standing to the credit of these two little harbors, and he took that and made it a part of the \$25,000,00 and deprived those two harbors of the money intended for their maintenance. I took the matter up with the Chief of Engineers and called his attention to what had been done in his office. He evidently was in ignorance of it, and my impression was and now is that if his attention had been called to the matter at the time action was taken he would not have approved it. It was done by a subordinate, and he approved it without knowing the effect of it.

Naturally I objected strenuously to that action and asked him what he could do. He said he thought that later they would be able to take care of these harbors. I said it would be difficult to do so in the face of an unfavorable report to Congress. He said he would like to help the harbors if a way could be found to do so.

Later the Chief of Engineers recommended an appropriation for White Lake of \$5,500, as I remember, for each year for the next five years. His recommendation was approved by Congress, and the money has been appropriated and is now available. Pentwater stood in exactly the same position as White Lake. Its proportion of the \$40,000 fund was improperly taken away, inadvertently. This Congress by express action had insisted that the money theretofore appropriated should be expended, and, in my judgment, at the first opportunity that Congress has to review and correct the action of the Chief of Engineers it ought to provide that for the time being at least a portion of the money appropriated by the Congress and intended for this harbor should be made available and expended.

The law of 1909 carrying \$101,000 for these two harbors was the smallest rivers and harbors bill that this Congress has passed in a great many years, amounting to only \$9,000,000; and it carried appropriations only for the most deserving and necessary projects existing at that time in the judgment of the engineers then in authority. The recommendation for improvement and maintenance of the two harbors leading up to the appropriation in 1909 was clear-cut, positive, and very favorable, and in that bill carrying only \$9,000,000 Congress appropriated \$101,000 for these harbors. The failure to expend any part of it was due to the exercise of discretion by the engineers. That exercise of discretion was not approved by this Congress, because, as I have said, the very next session, at my request, the Congress inserted in the rivers and harbors bill an express direction to expend the money theretofore appropriated.

There is a difference of opinion among the engineers inspecting this harbor, so there is justification for exercise of judgment by the Committee on Rivers and Harbors and by Congress. Congress appropriated the money, the engineers refused to expend it. Congress directed after the refusal that the money should be expended, and there was \$20,000 remaining in the fund and credited to this harbor. It was unfairly taken away from the credit of the harbor; it was unjust, it would not have been done by the action of the engineer himself, but was done by a subordinate practically without his knowledge. I insist in all fairness to that harbor the small appropriation ought to be available.

If the sum now carried in the bill shall be increased, it does not make it necessary for the engineers to use it. The entire appropriation of \$70,000 or \$75,000, if my amendment is adopted, will be within the discretion of the engineers and they can use the money or not as they please. With the approval of the chairman of the committee the name of Pentwater has been in-

serted, but in order to make it effective, if the Chief of Engineers shall find it necessary and advisable to use the money at Pentwater, it is necessary and appropriate to increase the amount. It will not make necessary or mandatory the expenditure of the money, but it will make it possible for him for one year to correct the grievous error made and which did the harbor a serious injustice.

It is an important harbor, the only harbor on Lake Michigan, in the best fruit county in Michigan—the only harbor in that county from which fruit shipments can be made. Regular lines of steamers ply between the ports of Lake Michigan and Chicago, Milwaukee, and other points of Wisconsin, and they regularly stopped at that harbor when it was maintained, but when it was neglected and dredging was necessary and it was not done, boats failed to make their regular trips. Companies operating these lines of boats would like to renew their trips and that part of the State would have the advantage of this harbor if this appropriation was used by the engineers.

Mr. SMALL. Mr. Chairman, the committee of necessity must oppose this amendment; but before speaking to its merits, may I say just a word? While I desire to extend every courtesy in debate on the bill, it is exceedingly important to make progress and complete the bill to-day. I have been requested by many Members on both sides to ask that all debate be confined to the bill and that gentlemen as far as possible limit themselves to five minutes for discussion. The chairman of the Committee on Rivers and Harbors will, so far as he can, conform to the request he has made of other Members.

Now, Mr. Chairman, there are at least two reasons why the amendment ought not to be adopted. In the first place, it is in the face of the report of the Chief of Engineers, because he has made no recommendation for appropriation for this project for the next fiscal year. And if the Committee of the Whole should adopt this amendment and increase this appropriation you will be doing that which has not been done in any other amendment in the whole bill.

In the next place, there is the report of the Chief of Engineers in House Document 429, Sixty-fourth Congress, first session, recommending that Pentwater Harbor is unworthy of further continuance and maintenance and abandonment of the project and discontinuance of appropriation for the harbor is recommended. That report has never been adopted; but the committee did not object to including Pentwater in the paragraph, for the reason that in the last rivers and harbors act of August 8, 1917, there was an appropriation authorizing a survey. In order to give the people of the section an opportunity to present the merits of Pentwater Harbor it was thought not improper to add Pentwater to the paragraph pending the final report of the Chief of Engineers. So upon these facts I am sure that the Committee of the Whole will see that it would be entirely improper to adopt the amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it is true that the last report of the engineers is not favorable. It is true also that the report before that was very favorable. There is a difference of opinion between the engineers. It is also true that the last report, the unfavorable report, has not been adopted. Therefore Congress was not bound by it. It is also true, and this I say with emphasis, that no other harbor is in the same condition as this. The engineers at one time refused to use the money appropriated for the maintenance of the harbor, and when Congress learned of it, it passed a positive law requiring the use of the money, and the money thus made available was being used until the passage of the omnibus bill with \$25,000,000 and until the remaining money in this fund, \$40,000, was improperly extracted. That places this harbor on a different footing from any other in the long list of harbors that have received consideration by the House and the engineers. I feel in justice to this harbor that Congress should act now and make some appropriation. It is true the last rivers and harbors bill carried a survey of this harbor to be made this year or next year. What will be the result if the harbor is not maintained in the meantime? It will deteriorate, sifting sand will cause bars, there will be no business at the harbor, and it will be able to make only a poor showing when the engineers carry on the next survey.

It is only fair that the harbor should be maintained in the meantime in reasonable manner so that it will be at least in normal condition when the survey provided by Congress shall be made. I trust the amendment I have offered may be adopted. The money does not have to be used unless the engineers shall determine it is necessary and proper to use it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. McLAUGHLIN of Michigan) there were—ayes 26, noes 33. So the amendment was rejected.

The Clerk read as follows:

Ship channel connecting waters of the Great Lakes between Chicago, Duluth, and Buffalo, including St. Marys River, St. Clair River, channels in Lake St. Clair, and Detroit River, Mich.: For maintenance, \$50,000; completing improvement of fourth lock in St. Marys River, \$470,000; in all, \$520,000.

The Clerk read as follows:

Toledo, Port Clinton, Sandusky, Huron, Vermilion, Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, Ohio: For maintenance, \$50,000.

Mr. EMERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, line 12, after the numerals "\$50,000," strike out the period, insert a semicolon, and add the following: "for maintenance of the navigable channel in Cuyahoga River, to a depth of 20 feet, \$50,000; in all, \$100,000."

Mr. EMERSON. Mr. Chairman and gentlemen of the House, there are between 12 and 15 foundries, blast furnaces, and iron mills within 2 or 3 miles of Lake Erie on the Cuyahoga River. The iron ore that is brought down from the Lakes enters through this channel and is taken up to these blast furnaces, foundries, and iron mills. I am informed by a representative of the chamber of commerce that there are at least 12 of these factories manufacturing iron which is necessary and is being used every day in the manufacture of war material, and they feel that this river should be kept open to the depth of 20 feet to assist the vessels that come from the Lakes to enter this river and go up to these different blast furnaces and foundries.

Mr. WALSH. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. WALSH. Has the river ever been improved by Congress?

Mr. EMERSON. Yes; up to 4 or 5 miles, but I think in conjunction with the city.

Mr. WALSH. How long ago has it been since an appropriation was made for that purpose?

Mr. EMERSON. I do not know that. This is an appropriation for war emergency and ought to be done to assist in the manufacture of war essentials. There are millions of dollars' worth of war material being made in the city of Cleveland and we ought to do everything we can to facilitate that manufacture.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. MOORE of Pennsylvania. Is this the Cuyahoga River?

Mr. EMERSON. Yes.

Mr. MOORE of Pennsylvania. This is the river made famous by the former distinguished chairman of the Committee on Rivers and Harbors, Mr. Burton?

Mr. EMERSON. I expect it was.

Mr. MOORE of Pennsylvania. That was before the gentleman arrived in Congress?

Mr. EMERSON. Yes.

Mr. MOORE of Pennsylvania. I think for a time he sought to prevent appropriations being made on the ground that the river bisected the city.

Mr. EMERSON. It bisects the city. The city is about evenly divided on either side of the river, and on the river, near the lake, are these furnaces, and so forth. Of course, the river ought to be improved beyond the 5 miles, I suppose, a distance of 8 miles.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that I never could agree with the former distinguished chairman of the Committee on Rivers and Harbors that the Cuyahoga River ought not to have an appropriation, and that the city itself ought to take care of that river because it went through the city. That is a principle I do not agree with.

Mr. EMERSON. Of course the city has done a great deal of this work and spent a great many thousands of dollars upon it, but it can not do it at the present time without issuing bonds, and that would require a vote of the people, because the city's rate of taxation is about to the limit at the present time.

I am offering this amendment purely for the reason that there ought to be an improvement of this river to facilitate the passage of these vessels coming up from the Lakes to these foundries and rolling mills there.

Mr. LITTLE. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. LITTLE. If I were to support a measure of this kind and enable you to escape the issuing of bonds, would the gentleman favor a measure to repay Kansas City, Kans., \$2,000,000 it has expended to take care of the Kaw which runs through it?

Mr. EMERSON. I do not know; that question does not come in connection with my amendment.

Mr. LITTLE. It does, if the gentleman expects me to appreciate the force of his reasoning. The Kansas—or Kaw—River

was formerly navigable by steamers regularly up to Lawrence. An immense manufacturing business is carried on along its banks for several miles up. I doubt if eventually any of the smaller rivers will send out as great trade as the Kaw. This Government really ought to give it consideration. Long since Army engineers have reported on it favorably.

Mr. EMERSON. I put it in on the ground that it is a war emergency. If Congress does not want to do it, it is up to Congress, and the responsibility is off my shoulders. I think the amendment ought to be adopted.

Mr. SMALL. Mr. Chairman, I just wish to say this about the amendment. There is no favorable report on the project.

Mr. EMERSON. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. EMERSON. Did not Col. Newcomer state he felt that under the rules of the department—

Mr. SMALL. Oh, the gentleman's amendment does not contemplate a survey. The gentleman's amendment is to authorize an improvement, and there has been no favorable report.

Mr. EMERSON. It is true they have not had time to make a report.

Mr. SMALL. Then the gentleman admits that he is asking for an appropriation for an improvement upon which there has been no survey or no favorable report?

Mr. EMERSON. If the gentleman will pardon me, that may be true, but I am asking it because I think it is necessary and the Chamber of Commerce of the city of Cleveland thinks it is necessary. They have asked the city to do it, and the city has not funds with which to do it, and they say there are millions of dollars' worth of war material being manufactured in the city and the Government could do it quicker than the city could do it, and that is the only reason I am asking it.

Mr. SMALL. Now, Mr. Chairman, the gentleman is presumed to know as a member of the Committee on Rivers and Harbors that his amendment is inappropriate and unprecedented and has no place in the bill. It is absolutely without merit. It is a proposition for an improvement of a part of the Cuyahoga River which the city of Cleveland has always heretofore maintained. There is no favorable report.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. EMERSON. Mr. Chairman, I have another amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 12, after the numerals "50,000," insert: "And the Secretary of War is hereby directed to cause an examination and survey to be made of Cuyahoga River, Ohio, with a view to maintenance of the navigable channel in said river in cooperation with local interests, the expense of said examination and survey to be paid from the funds appropriated in this paragraph."

Mr. EMERSON. Mr. Chairman, this simply provides for a survey. I think the committee ought to put this in the bill.

Mr. SMALL. Mr. Chairman, I only desire to say this, that the committee after mature deliberation decided that it was not proper to have authorization for any surveys in this bill. If the gentleman was present at the time that conclusion was reached I think he voted for it. The gentleman is a member of the committee. He offered no amendment for this survey, and if the committee adopts this authorization for a survey it will be an exception, because not a survey is authorized in this bill nor has the Committee of the Whole on the state of the Union authorized one, so that I do not think the gentleman ought to insist upon it, and in any event it is certainly without merit. This matter was very carefully considered by the committee and the committee consulted with many Members on both sides of the House, and the reasons why we decided to have no surveys are fully set forth in the report of the committee. I shall not take the time to recapitulate them here, but the reasons should impress any Member who wishes to reach a fair conclusion, and I think they will be regarded as conclusive.

Mr. EMERSON. Mr. Chairman, I simply want to say in reply to what the chairman has said, I do not know whether I was present or not, but it does not make any difference anyway. The gentleman's objection to my first amendment was because it was not recommended by the War Department. The War Department can not recommend it without a survey. Now, I am complying with his objection to my first amendment by asking for a survey. At any rate, this amendment simply provides that we should have a survey, complying with the criticism of the chairman. I think we ought to have it, and I think the House ought to put it in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. EMERSON. Let us have a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—yeas 6, noes 27.

So the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Erie Harbor, Pa.; Dunkirk and Buffalo Harbors, Black Rock Channel and Tonawanda Harbor, and Niagara River, N. Y.: For maintenance, \$61,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, in reading the bill we have swung round the circle to western Pennsylvania and have reached the Erie Harbor, a harbor represented by my distinguished colleague from Pennsylvania [Mr. CLARK] and one well worthy of improvement. Like all Lake ports, it ought to receive careful consideration in these war times.

But I desire at this point to bring some new information to the House with regard to a question that has been discussed for several days—that of the relative importance of channel depths along the Atlantic seaboard. We have had some debate here concerning 40-foot channels that are being provided for certain ports along the Atlantic coast, and the question has been raised—and I think properly—as to the wisdom of bringing other ports doing an international business up to that standard, or sooner or later we may be compelled to fix a limit to which we will go in improving the harbors of the country. If one harbor finally obtains a depth of 50 feet and becomes supreme in the matter of international commerce, it may not be good for the other ports.

As showing the relevancy of the discussion at this time, when we are at war with a foreign country, and when every American desires that his coast lines shall be properly fortified and protected and made available for war service, I want to read into the RECORD a letter just received from the Acting Quartermaster General, Maj. Gen. Goethals. I read the other day that the Quartermaster Department had proposed to establish a large embarkation station at the port of Boston, a port which now has 35 feet assured depth of channel and on tide more than 40 feet; and I inquired of Gen. Goethals whether such improvements as were contemplated for Boston were for Boston only or whether they were to be carried to other points along the coast.

I am happy to say the General replies that other points are to be considered and that there is to be a distribution of this port work. I send to the Clerk's desk the letter and ask that it be read.

The CHAIRMAN. Without objection, the Clerk will read it.

The Clerk read as follows:

WAR DEPARTMENT,
GENERAL OF THE ARMY,
Washington, April 13, 1918.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: In reply to yours of the 12th inst., I beg to advise you that the statement relative to the equipment of an embarkation station at Boston, with the necessary docks and warehouse facilities, is correct. The cost is not yet determined, but will be in the neighborhood of \$21,000,000.

A site has been selected and arrangements made for taking over land necessary for similar facilities at Philadelphia, the plans for which are now in preparation. In addition to the foregoing, New York, Norfolk, and Charleston are to be provided with similar facilities.

Very truly, yours,

GEO. W. GOETHALS,
Acting Quartermaster General.

Mr. MOORE of Pennsylvania. It may not be wise to discuss this matter in detail, although I assume it is giving no information or comfort to the enemy, but this highly important information shows that the Quartermaster's Department is alive to the necessities of distribution. The fact indicated in this letter is that a \$21,000,000 establishment is being set up at Boston. I am glad it is. Boston has splendid harbor facilities and probably the best dry dock along the whole Atlantic seaboard. It is entirely proper that it should be considered in a matter of the embarkation of the troops and war supplies of the country.

It is proper that Norfolk be considered, because Norfolk is a great port. It is proper that New York should be considered, because New York has now, through the Ambrose Channel, a depth of 40 feet to the city, and if this bill carries it is assured of a 40-foot channel through the East River to Long Island Sound. This letter also throws some light on the Charleston situation, about which there has been some question in the House. I supported the Charleston proposition, because the committee supported it and because the President and the Navy Department wanted it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. And because it was supported by the Secretary of War.

Now, then, we may begin to understand why it is that Charleston is being considered in this general scheme of improvement along the coast. If we are to have a great dry dock at Charleston, which is below Cape Hatteras, well and good. The lower coast surely should have available for ships in distress at sea or ships needing repairs a dry dock somewhere south of Cape Hatteras, because there is urgent necessity for it. I am pleased, of course, to know that Philadelphia is included in this scheme for the construction of embarkation stations. There is no point along the Atlantic seaboard where the raw material is more available, where the labor market is better in hand, and where the fuel supply is more easily obtained. But, as I have pointed out, whereas Boston will have 40 feet, and New York will have 40 feet, and Charleston, under the provisions of this bill, will have 40 feet, and Norfolk has an assured 35 feet, there is still a big problem ahead of the Delaware River to attain a 40-foot depth. It is a matter of such consequence to the Nation and to the rest of the ports along the coast that I feel warranted in again calling attention to it.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Pennsylvania a question.

Mr. SMALL. How much time does the gentleman desire?

Mr. WALSH. Oh, probably two minutes. Will the gentleman state whether or not he has any information as to the situation with reference to the taking over by the Government of some canals, authority for which was carried in the last river and harbor bill? I think there is one somewhere up in the gentleman's region and another one down on Cape Cod.

Mr. MOORE of Pennsylvania. Yes; I know it troubles the gentleman very much and he has very great difficulty in remembering it, although the name is now a household word, even in Massachusetts. But there are two canals—

Mr. WALSH. The gentleman is facetious, and I am asking a serious question. I could not think of the name of the canal down in the gentleman's section of the country.

Mr. MOORE of Pennsylvania. If the gentleman has so easily forgotten it, I shall have to rack my brains a little bit myself; but the Cape Cod Canal, which cuts through a spit of land near the district represented by the distinguished gentleman from Massachusetts [Mr. WALSH], was provided for in the last river and harbor bill. That is to say, provision was made for an inquiry as to the advisability of taking over that canal for Government use. And I may say to the gentleman that that canal is used constantly by the Government of the United States. Small warcraft pass through it, and it is wise that they should do so, because it saves a tremendous risk in outside sailing in times of peace or when vessels are moving from one point to another for ordinary purposes.

The other canal to which the gentleman refers, and which I now recall, is the Chesapeake & Delaware Canal, one of greater importance than that at Cape Cod, because it connects up two of the greatest bodies of water in the United States—the Delaware and Chesapeake Bays.

Mr. WALSH. The gentleman misunderstood my question. I wanted to know how far the Government authorities had gotten toward taking over that canal, and what the situation was?

Mr. MOORE of Pennsylvania. So far as the Chesapeake & Delaware Canal is concerned, condemnation was provided for in the last bill, and I am advised by the Engineer office that negotiations are now pending with the owners of the canal, so far as they can be found. The owners of the canal consist very largely of estates and heirs and descendants of the original owners, who are difficult to find. I understand that negotia-

tions are pending and that in due course we may have some information on the subject. In all good faith I thank the gentleman from Massachusetts for making this inquiry.

Mr. CLARK of Pennsylvania. I move to strike out the last word for the purpose of stating that I have some official correspondence and some valuable data, as it seems to me, relating to the port of Erie, which I desire to present.

HARBOR.

The Erie Harbor is known as a landlocked harbor. Some 4 miles west of the central section of the city of Erie a peninsula joins the shore and runs out into the open lake beyond the city of Erie and curves in toward the shore. In some places this bay is a mile or a mile and a half in width and is approximately 7 miles in length.

Where the peninsula, known as Presque Isle, joins the mainland it is narrow and widens as it extends eastward. In area there are about 2,700 acres of land under the control of the United States.

I have often wondered why the Government at the present time has not made some use of this land. Across the narrow neck of this peninsula, west of the city, the storms made a channel last October about 11 feet wide, which has been enlarged by the storms sweeping down the lake since until now it is nearly 450 feet in width. Through this channel the waves of the lake run into the bay and there deposit sand to an alarming extent.

Some years ago, under expert engineering advice, it was deemed advisable to create a channel across this neck of the peninsula so that ships could sail directly into the harbor from the west and pass out of the harbor from the east. This channel was made and the result was most disastrous. The bay filled up so rapidly with sand that it became necessary to restore the peninsula to its original condition.

On November 1, 1917, I sent a telegram to the Hon. Newton D. Baker, Secretary of War, informing him of the breach across the peninsula, and at the same time I requested the Board of Commerce of the city of Erie to also bring this matter to the attention of the Secretary; this was done, and responsive telegrams received in due time, and the district engineer was ordered to investigate. Work was commenced last fall to repair the damage, but a severe storm destroyed what little had been accomplished.

The situation was investigated by the United States Engineering Department and an estimate was made of the amount of money necessary for the work and that sum was fixed at \$50,000. Col. Newcomer appeared before the Committee on Rivers and Harbors and stated that the harbor was quite important and that this amount was required for the improvement contemplated, but I am under the impression that the channel has been widened since Col. Newcomer appeared before the committee. His testimony may be found on page 146 of the hearings.

I fear that this amount is not sufficient, but as I am not an engineer I am not qualified to speak with precision upon the subject. In a letter received from Col. J. G. Warren, of the Corps of Engineers, the division engineer lakes division, with offices at Buffalo, N. Y., he speaks of this harbor as being "one of the best harbors of its size on the Great Lakes," and this opinion coincides with that of men engaged in the lake traffic, and is almost universally spoken of as the best harbor on the chain of lakes. Many vessels find a refuge there during the winter.

Running out of the city of Erie are several railroad lines which convey the traffic of the lakes into the interior and bring to the port coal, ore, and merchandise for shipment east and west.

TONNAGE.

Mr. James Thompson, in charge of the terminal facilities of the Pennsylvania Railroad at Erie, and likewise in charge of their freight traffic at the port of New York, furnishes me with the following data relating to the amount of ore received, covering a period from 1914 to 1917:

Statement of coal and ore handled at port of Erie during years 1914, 1915, 1916, and 1917.

Year.	Number of vessels.	Tonnage.	Total number vessels.	Total tonnage.
Y. & O. COAL DOCK.				
1914.....	380	1,389,643	1,417	3,729,450
1915.....	319	895,630		
1916.....	354	688,170		
1917.....	364	756,907		
P. E. R. CAR DUMPER.				
1914.....	57	185,339	635	2,878,250
1915.....	117	540,148		
1916.....	293	1,498,323		
1917.....	168	654,437		
Total both coal docks.....			2,052	6,607,700

Statement of coal and ore handled at port of Erie during years 1911, 1915, 1916, and 1917—Continued

Year.	Number of vessels.	Tonnage.	Total number vessels.	Total Tonnage.
E. & P. ORE DOCK.				
1916.....	26	184,000	65	332,314
1917.....	29	148,314		
P. & E. ORE DOCK.				
1914.....	40	260,991	133	4,239,991
1915.....	90	707,875		
1916.....	170	1,341,012		
1917.....	238	1,930,113		
Total both ore docks.....			603	4,572,305

Year.	Number of vessels.	Average per vessel.
P. & E. ORE DOCK.		
1914.....	40	6,525
1915.....	90	7,872
1916.....	170	7,889
1917.....	238	8,109

The Board of Commerce of Erie, Pa., through its secretary, furnished the following tabulated data:

	Year 1917.	Valuation.
RECEIPTS.		
Copper..... tons..	563	\$452,800
Fish..... do.....	4,258	510,960
Flour..... barrels..	1,000,531	11,003,951
Gravel..... tons..	13,520	20,280
Iron ore..... do.....	2,030,484	12,182,904
Limestone..... do.....	12,948	51,792
Lumber..... M. eet..	2,281,000	82,118
Merchandise..... tons..	33,250	6,650,000
Mill stuff..... do.....	12,670	443,450
Pulpwood..... cords..	53,089	849,424
Sand..... tons..	292,500	234,000
Shingles..... do.....	3,784	151,360
Wheat..... bushels..	304,821	673,665
Steel rails..... tons..	315	6,200
Total value.....		33,314,492
SHIPMENTS.		
Coal (anthracite)..... tons..	589,993	4,129,951
Coal (bituminous)..... do.....	722,713	2,890,852
Merchandise..... do.....	71,229	14,245,800
Total value.....		21,266,603
Entire total.....		33,314,492
Vessels entered, 1914.....		
Vessels entered, 1915.....	676	855
Vessels entered, 1916.....	966	948
Vessels entered, 1917.....	948	613
Vessels cleared, 1914.....	717	994
Vessels cleared, 1915.....	994	962
Vessels cleared, 1916.....	962	
Vessels cleared, 1917.....		

The following is a report of the tonnage of fish received during a period of years:

Year.	Tons.
1905.....	14,469
1906.....	2,100
1907.....	5,189
1908.....	No report.
1909.....	15,530
1910.....	15,930
1911.....	14,852
1912.....	15,471
1913.....	15,714
1914.....	15,052
1915.....	No report.
1916.....	3,701
1917.....	5,500

¹ Obtained from the records of the local customhouse.

² Owing to a strike during 1906, the fishing season was limited to just a few months.

³ Estimated, but based on report of the members of the Fresh Water Fish Producers' Association.

Roughly speaking, for the last year the tonnage approximates 5,000,000 tons.

Mr. B. B. Brown, the former collector of customs at this port, states that during 1916, 1,448 boats entered this harbor, many of them with cargoes of 15,000 tons. So it will be seen that the traffic is of considerable importance. Some of the ore that comes down from the upper lakes is used in the city of Erie and part of it is sent down to the furnaces south to Pittsburgh, to the Cambria Steel Co. and, as I am informed, to the Bethlehem Co. and other places.

The Pennsylvania Railroad Co. recently contemplated an expenditure of \$2,000,000 to increase its terminal facilities at this port, but I understand that conditions growing out of the war will postpone this improvement.

The appropriation is not asked for a new project, but for the purpose of immediately repairing the damage done. "A stitch in time saves nine" is a truth worth observing and is surely applicable to the present situation, for if the repairs are not now made a much larger appropriation will be required. Haste in this case is not waste.

The Clerk read as follows:

Olcott, Charlotte, Pultneyville, Great Sodus Bay, Little Sodus Bay, Oswego, Cape Vincent, and Ogdensburg Harbors, N. Y.: For maintenance, \$13,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 13, line 18, strike out the numerals "\$13,000" and insert in lieu thereof the numerals "\$43,000."

Mr. SMALL. Mr. Chairman, this amendment is based upon a letter from the Chief of Engineers, setting forth that recently a tug used in this improvement had been destroyed and that it was necessary to have this additional \$30,000 for the purchase of a tug. I will ask to have that letter read.

Mr. WALSH. Then, will the gentleman answer a question after that?

Mr. SMALL. Yes; with pleasure.

The CHAIRMAN. Without objection the clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1918.

Hon. JOHN H. SMALL,
Chairman, Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: Referring to the following item on page 13 of the pending river and harbor bill, "Olcott, Charlotte, Pultneyville, Great Sodus Bay, Little Sodus Bay, Oswego, Cape Vincent, and Ogdensburg Harbors, N. Y.: For maintenance, \$13,000," your attention is invited to the fact that the necessity for a greater appropriation for maintenance of these works has recently developed. Under date of March 7, 1918, the district engineer submitted a report setting forth the necessity of purchasing a tug for use as a tender to the dredge *Sodus*, which does the annual maintenance dredging required for the harbors on Lake Ontario. The tug *Brecceton*, which had been in this service, foundered in deep water in Lake Ontario during the storm of December 8, 1917. It was at first thought that it might be possible to secure a tug by transfer from some other district for next season's work, but this has been found impracticable and it has, therefore, become necessary to purchase a tug. An additional appropriation of \$30,000 is deemed advisable for this purpose. It is, therefore, recommended that, if practicable, the amount of the above item for maintenance be increased from \$13,000 to \$43,000.

Very truly, yours,

FREDERIC V. ARBOT,
Brigadier General, Engineers,
Acting Chief of Engineers.

Mr. SMALL. It is only necessary to add that this tug is used in all the Lake Ontario harbors, and it is absolutely essential that they should have another steam tug to replace the one destroyed.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. WALSH. Under what authority of law can the Chief of Engineers, or the War Department, or any other department, proceed to construct a tug costing \$30,000 out of an appropriation for maintenance of \$43,000 for specifically named harbors?

Mr. SMALL. There is a general authority in past acts appropriating for these harbors for the maintenance of a Government-owned dredge and an accompanying tug, and under that authority they could replace the tug that has been destroyed.

Mr. WALSH. Mr. Chairman, I assume that at some time or other this tug was authorized under a specific item in some river and harbor bill or some other measure. Now, the point I make is that under an item for maintenance it does not seem to me that we could build an entirely new craft from keel to masthead. If we desired to raise that tug from the bottom of the lake, repair it, and restore it to its former condition, I can see where it might be done under previous authority; but I do not know of any existing law which would authorize the building of an entirely new craft or the creation of a new agency under an item for maintenance unless some specific authority is carried in the law.

Mr. SMALL. May I say to the gentleman that his position would be correct if the authorization had been simply to purchase or to construct a specific tug; but the authorization here was general—to maintain at all times a tug. The same general authority was given for the maintenance of a dredge, so that

under that general authority if one is displaced or destroyed, as in this case, when the appropriation is made the authority will attach.

Mr. WALSH. I do not wish to be understood as quibbling, but I assert that maintenance, which refers to something that is in existence, can not comprehend the creation of a new agency or the construction of a new craft.

Mr. SMALL. I think the gentleman's inquiry was entirely appropriate.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

San Francisco, Oakland, Richmond, Monterey, and Humboldt Harbors, Redwood and Petaluma Creeks, Napa River, San Pablo Bay, Mare Island Strait, and Suisun Channel, Cal.: For maintenance, \$4,000; continuing improvement of Oakland Harbor, \$100,000; in all, \$104,000.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 15, line 7, strike out the words and numerals at the end of line 7, "in all, \$104,000," and insert in lieu thereof the following: "For improvement of Petaluma Creek, in accordance with report submitted in House document No. 849, Sixty-fifth Congress, second session, and subject to the conditions set forth in said document, \$20,000; in all, \$124,000."

Mr. SMALL. Mr. Chairman, this amendment is offered in accordance with the recommendation of the Chief of Engineers, based on conditions occurring since the bill was reported, and I ask to have the communication from the Chief of Engineers read.

The CHAIRMAN. Without objection, the Clerk will read the communication.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, March 22, 1918.

Hon. JOHN H. SMALL,
Chairman, Committee on Rivers and Harbors,
House of Representatives.

DEAR SIR: In response to your letter of March 16, 1918, addressed to the Acting Chief of Engineers, concerning the project for the improvement of Petaluma Creek, Cal., and the serious shoaling in San Pablo Bay, which obstructs the approach to this channel, I have the honor to state that the recent report from the district engineer, to which you refer, indicates that there is now a controlling depth of only 2 feet across the San Pablo flats outside the mouth of Petaluma Creek. The channel across these flats is not included in the existing project for Petaluma Creek, and the funds available for the maintenance of the latter can not therefore be applied to this channel in the bay. Petaluma Creek has a very substantial commerce, running over a couple hundred thousand tons a year, with a value of about \$16,000,000, and it is a matter of great importance that adequate facilities should be provided to accommodate this traffic.

Two reports on this locality recommending additional improvement have been submitted to Congress in recent years, one in House Document No. 118, Sixty-third Congress, first session, which recommends only extending the channel across the shoal in San Pablo Bay, and the other in House Document No. 849, Sixty-fifth Congress, second session, which, in addition to an approach channel in the bay, recommends four cut-offs at bad bends and a turning basin in the upper portion of the creek at an estimated total cost of \$82,600 subject to certain conditions of local cooperation. The latter report is the one which should apparently be approved in case Congress is willing to extend the project for this locality at this time.

The Chief of Engineers is of the opinion, in which I concur, that the provision of an adequate approach channel across the flats in the bay is a matter of sufficient importance, on account of the transportation interests involved to constitute an emergency which would bring the new project within the policy adopted by the committee in the formulation of the pending bill. An initial appropriation of \$40,000 is recommended in the project document, but it is believed that \$20,000 would be sufficient to meet the present emergency requiring additional depth across the shoal in San Pablo Bay. It is therefore recommended that the pending bill be amended so as to make an appropriation of this amount for the improvement of Petaluma Creek, Cal., in accordance with the report printed in House Document No. 849, Sixty-fifth Congress, second session, and subject to the conditions set forth in said document.

Very respectfully,

BENEDICT CROWELL,
Acting Secretary of War.

Mr. SMALL. Mr. Chairman, the controlling factor which makes this project an emergency is this: Petaluma Creek has been under improvement for some years. It is an important channel, as the communication of the Chief of Engineers states. It has 217,000 tons of commerce valued at \$17,000,000. The existing project only embraces the creek itself. It empties into San Pablo Bay and very recently shoals have formed in the bay at the mouth of the channel, so there is now only about 2 feet of water, a depth which virtually closes the entrance channel to commerce. So, unless we adopt this amendment, which provides for the removal of these shoals, we virtually permit an embargo to exist on this important commerce on Petaluma Creek. If it was simply meritorious, and that was its only virtue, the amendment would not be asked for, but it is an emergency because of the important commerce on Petaluma Creek, which is now practically closed to the entrance at San Pablo Bay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was considered and agreed to.

Mr. BRUMBAUGH. Mr. Chairman, I want to make a brief statement relating to the Los Angeles Harbor proposition in this bill. As chairman of the Committee on Railways and Canals, I do not intend to concede, waive, or yield any of the rights, privileges, or prerogatives belonging to that committee. Acting in response to the unanimous expressed desire of the members of that committee we intend to insist that all bills and measures that should properly be referred to that committee be so referred in the future. I recently became chairman of this committee, and I desire to state that we are a live active committee, having frequent meetings and giving prompt consideration to all measures referred to us, but, Mr. Chairman, regardless of our attitude as thus expressed, nevertheless I want to say that I believe that this item of the bill more justly and properly belongs with the Rivers and Harbors Committee, and therefore so believing I do not intend to make any point of order against this item of the bill.

The Clerk read as follows:

Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg., and mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance of Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg., \$250,000.

Mr. ESCH. Mr. Chairman, I was not present in the House when the item in reference to the Mississippi River was passed, and I beg the indulgence of the committee for five minutes to refer to the matter of experimental work on the upper river. I was instrumental in having incorporated in the rivers and harbors bill two years ago the amendment requiring the Chief of Engineers to experiment with tows and barges on the upper river, the navigable portion thereof, both with heavy and light freight. I did that because the original warrant for such experimentation was contained in the rivers and harbors act of 1910. In order to get results the amendment was offered and accepted.

In that amendment the two years provided for have about elapsed. The experimentation was undertaken by Col. Goltra last fall with barges loaded with coal to St. Paul, and with return cargoes of iron ore from St. Paul to St. Louis. I was in hopes that under the amendment of two years ago the experimental work might be more elaborate, that it might not be confined to purely engineering problems, but that it might cover questions of navigation. As to this the engineers might profit by the experience of the old pilots—might take a leaf out of the book of experience of other nations where rivers had been made navigable by the use of chains and cableways. There are stretches of the upper river where chains and cables might be made efficient. On the Elbe River, Germany, there is a stretch of 275 miles which is chained, and on the upper regions of the Rhine cables are in use. Through these instrumentalities the swift currents are overcome and commerce is expedited. That amendment of two years permitted the Secretary of War to do, through the engineers, this work, or through such board as he might appoint. It seems to me civilians might be called in to aid in making these experiments. The report presented to the Committee on Rivers and Harbors, as shown in the evidence of Col. Goltra, shows that we have got a navigable river on the upper Mississippi, a thing which those of us who have lived on the banks many years were aware of. I have with me the latest report made by Gen. Keller, based on the report made to him by Col. Mitchell, engineer in charge at St. Louis. I desire to have that made a part of the Record.

There is now being built a steamer at St. Louis by Government authority which will meet the conditions of the upper river navigation which were not met with by the *Nokomis* with her draft of 6 feet. It is hoped that when this vessel takes a tow up river she will not meet with the difficulties of the *Nokomis*. If this work is fully and successfully demonstrated, I am quite confident that the commerce of the upper river will be restored. I ask unanimous consent that the report of Gen. Keller be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The following is the report:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, April 1, 1918.

Hon. JOHN J. ESCH, M. C.,
Washington, D. C.

MY DEAR MR. ESCH: In accordance with the promise of my letter of March 21 I take pleasure in inclosing an extract from a letter just received from our district engineer at St. Louis.

Very truly, yours,

C. KELLER,
Brigadier General, Engineers, Secretary.

WAR DEPARTMENT
UNITED STATES ENGINEER OFFICE,
St. Louis, Mo., March 28, 1918.

Brig. Gen. CHAS. KELLER,
Secretary Committee on Inland Waterways,
601 G Street N.W., Washington, D. C.

MY DEAR GEN. KELLER: In response to your letter dated March 23, the following statement is submitted concerning the experiments made during the late summer and fall of last year in commercial towing between St. Louis and St. Paul:

In the early summer effort was made by the department to organize a transportation line, to be operated by the Government, with Government plant, to engage in commercial towing on the upper Mississippi River, to aid in relief of the general railway car shortage.

It was found, however, that this was impracticable, but that Government plant could be leased for such use to private parties, and arrangements were made to that end with Mr. Edward E. Goltra, of this city, as lessee, for the purpose of bringing Minnesota iron ore from St. Paul to the furnaces at St. Louis and to balance that traffic by towing coal from the Illinois beds near this city back to St. Paul. The only plant available for the purpose at that time were 2 towboats and 12 barges which had been borrowed by the Experimental Towboat Board from the Mississippi River Commission and from the St. Louis engineer district, and which were engaged at Keokuk during the spring and early summer in experiments under that board to determine the propelling powers of various types of towboat wheels and machinery. These vessels, therefore, were transferred to the lessee, although it was recognized that the towboats were too deep in draft and not well adapted to navigate the shoal channels of the upper Mississippi River during the low-water season.

Nearly 3,000 tons of coal were loaded by the lessee on six of the barges, which, in tow of the United States steamer *Nokomis*, started from St. Louis at the end of July. Although the usual low water season had begun and the stage of river was about that normal to the season, the boat made the upstream trip without difficulty or incident, arriving at St. Paul, August 14, with the heaviest tow probably that has ever been carried upstream on the upper Mississippi River.

The steamer took fuel from the barges on the way, also for the downstream trip, leaving about 2,200 tons to be sold at St. Paul. Previous arrangements having been made between the city of St. Paul and the lessee, a dock was prepared by that city at which the coal could be unloaded, but unfortunately it had not been completed at the time of arrival. Some delay was thus caused, during which the river steadily declined to a very unusually low stage and maintained that low stage continuously during the remainder of the season. This river condition reduced the channel depths approximately to that of the draft of the *Nokomis* and accounts for the difficulties of the return trip.

After unloading the coal the six barges were reloaded for return trip with ore, again about 3,000 tons, which made the draft and width of tow too great for the channel available, and to complicate matters further, through some misunderstanding the railroad brought in, at the last moment, 500 additional tons of ore, which the lessee was compelled to unload from the cars and place upon four small wooden barges hastily borrowed for that purpose from the United States engineer office at St. Paul. These extra barges were added to the already overloaded *Nokomis*, and the boat started south at the last of August with such an unwieldy tow and great draft of boat that the whole grounded upon nearly every bar on the way south.

So many difficulties were encountered that the tow was finally broken up and divided into the charge of other small towboats of the Rock Island engineer office, and finally reached St. Louis October 20.

This experience resulted in financial loss to the lessee, but developed conclusively the controlling depth, 4 feet, for a wide tow at low water throughout the entire distance of 700 miles between the two cities, to which depth any vessels expected to navigate that stream must conform in design that they may be controllable. In this connection it may be stated that the new barges soon to be built for this particular through traffic on the upper Mississippi River are designed with special reference to carrying large loads, about 850 tons each, of these low-grade freights on depths not exceeding 4 feet and at high water 2,500 tons each, drawing 8 feet, and the towboats, when drawing about 3 feet, are to have ample power to propel and fully control a tow of three such barges rafted into a tow in area (length and width) equal to that of the six barges of the *Nokomis* tow.

The lessee made attempt to send another tow of coal north October 4 to 20, but because of the trouble on the *Nokomis's* down trip, this was diverted to the Illinois River and the coal was discharged at the head of Hennepin Canal.

During all of this time the experiments of the towboat board, of course, have been stopped for want of floating plant and nothing further has been done by that board except the installation of new machinery and steam plant upon another large steamer *King*, at St. Louis, which will be used in continuing the wheel experiments or in towing, if equipment can be obtained. It is expected that this boat will be ready for service during the latter part of April, and it is hoped that another trip, towing coal to St. Paul and return with ore, may be made with this boat of great power with a much larger tow of barges than was possible with *Nokomis* at low water last fall. As the spring stage of high water will then prevail, it is expected thus to develop the high-water possibilities of the channel, which should present no difficulty to navigation on the scale intended.

Yours, sincerely,

WM. S. MITCHELL,
Assistant Engineer in Charge.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ESCH. I will.

Mr. GREEN of Iowa. What was the trouble with the first boat that went up, too deep draft?

Mr. ESCH. Too deep a draft. On her return trip she struck about every sand bar in the river.

Mr. GREEN of Iowa. Is there any necessity for using a boat of such a deep draft?

Mr. ESCH. No; the *King* will have a draft of 3 feet, with powerful engines and be able to take six barges in tow with a maximum capacity of 750 tons each.

Mr. GREEN of Iowa. I take it that it will be as effective as a towboat, notwithstanding it does not have as deep a draft?

Mr. ESCH. Yes.

Mr. GREEN of Iowa. One further question, if the gentleman will permit: The gentleman spoke about the chain system prevailing on the rivers in Europe. That is to overcome the swift current. Is there a very swift current on the upper Mississippi?

Mr. ESCH. There are certain regions where the current may be two or three miles an hour, but it is not as rapid as it is on the upper reaches of the Rhine.

Mr. GREEN of Iowa. I think not, but very much less. So that possibly it may not be necessary?

Mr. ESCH. It may not be necessary. In fact, Gen. Keller stated that the physics of flow on the upper Mississippi would make the chain or cable system impracticable.

Mr. TILSON. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ESCH. Mr. Chairman, I ask unanimous consent to proceed for one minute longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. I would ask if this experimentation of which the gentleman has spoken went at all to the question as to whether it would be at all practicable in a commercial sense to overcome the rapids by chains or cables or anything of that kind?

Mr. ESCH. No experiments in that direction were made.
Mr. TILSON. It is simply a question of whether it is physically possible to do it by means of chains and cables?

Mr. ESCH. They made no demonstration with reference to chains and cables.

Mr. TILSON. What was the nature of the experimentation that they made?

Mr. ESCH. It was as to the character of the tow and the barge, the lines of the barge, and the tow, the character of the wheel that should be used in the tow to propel it; and whether they should use the tunnel or the stern wheel type.

Mr. GREEN of Iowa. Mr. Chairman, a little further along that line. Is this line sufficiently supplied with terminal facilities, or is it affected in that kind of a way?

Mr. ESCH. St. Paul authorities constructed terminal facilities in order to unload the barges of coal brought up by the *Nokomis*, but their delay was one of the causes for Col. Goltra losing his \$10,000.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired, and the Clerk will read.

The Clerk read as follows:

Willamette River above Portland and at Willamette Falls, Yamhill and Clatskanie Rivers, Oreg.; Cowitz, Lewis, and Grays Rivers, Wash.: For maintenance, \$12,000; continuing improvement of Lewis River, including North and East Forks, \$13,500; in all, \$25,500.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 16, line 8, after the word "Yamhill" insert the word "River," and after the word "Clatskanie" change the word "Rivers" to "River," and add the words "from its mouth to the town of Clatskanie."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is this: The Government improved the lower river in 1902, and then later a subsequent proposal was adopted to improve the river above the bridge to the town of Clatskanie. The amount of money heretofore appropriated yearly for maintenance has only been applied to the stretch of the water from the town of Clatskanie down to the railroad bridge, leaving about 2 or 3 miles of the stream from the railroad bridge to the Columbia River without any money for its maintenance. The Government dredges go into the river and improve the upper portion of it, but they are not allowed, in passing in or out, to remove any obstruction that may exist in the lower river. Consequently the improvement of the upper river does not accomplish very much good in the movement of commerce. This amendment of mine does not increase the appropriation at all, but simply allows them to use on the entire stretch of the river the amount of money available for its maintenance.

Mr. SMALL. Mr. Chairman, from the reading of the amendment I am not sure that I get the purport; but, unless I misunderstand the gentleman, his amendment contemplates a modification of an existing project.

Mr. HAWLEY. I do not know whether that would be a correct interpretation or not. There is an existing project on the lower river of 40 feet in width and 6 feet in depth, and the engineers have reported, as the gentleman knows, a new project covering the entire river and making it into one project instead of two.

It now consists of two units instead of one and is a very short river. This would not be the adoption of a new project, but simply make available for removing small obstructions in

the lower river—which has been improved by the Government and on which there is an existing project—the moneys available for the improvement or maintenance of any part of the river.

Mr. SMALL. I may say to the gentleman that under existing law and under the provision carried in this bill any part of this appropriation may be applied to any improvement within the group. Any part of the \$25,500 carried for this group may be applied to any improvement named in this group of items.

Mr. HAWLEY. There is a balance for this river now on the books of the Treasury of \$1,154.27, which can be used for the maintenance of the channel from Clatskanie down to the railroad bridge. It is manifestly insufficient to improve the upper portion of the river unless the lower portion is maintained accordingly, and this amendment will allow the money to be used on the entire stretch of the river some 4 miles, so that there may be uniform depth of water, and boats seeking the upper river can go in there and get their cargoes and depart with an even depth of water in all places.

Mr. SMALL. Will the gentleman say whether that part of the river is at present under improvement, under existing projects, the part the gentleman wishes the money expended on?

Mr. HAWLEY. The lower part, which is the part I wish the money expended on, was a project completed in 1902—6 feet in depth, 40 feet in width. It is an existing project. Subsequent to that time an association engaged in dyking the lands agreed to maintain the river in connection with their dyking work, and they did that for a time. They have completed their dyking work and they no longer have any interest in maintaining the river.

The river now remains unmaintained in the lower portion, and this amendment would enable the money to be used for the maintenance of existing project completed in 1902.

Mr. SMALL. Then if the only effect of this amendment is to authorize the money to be used on a project which has already been adopted, the engineers already have that authority, and the amendment would be surplusage. On the other hand, if the amendment contemplates work which is not embraced in any existing project—that is, a project heretofore adopted by Congress—then it would be improper, and ought not to be adopted. So in one case it would be surplusage and in the other case it would be improper.

Mr. HAWLEY. The gentleman I think will agree that the balance now to the credit of this river of \$1,154.27, appropriated specifically for the maintenance of the river from the railroad bridge to the town of Clatskanie, can not be used for the maintenance of the lower part of the river unless that authorization is extended to cover the other project adopted and completed by the Government?

Mr. SMALL. Mr. Chairman, I ask unanimous consent, with the consent of the gentleman, of course, that we may pass over this amendment until the end of the bill, and in the meantime we will endeavor to understand it more fully.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the paragraph and amendment offered by the gentleman from Oregon be passed over. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 16, after line 11, insert a new paragraph, as follows:

"For improvement of the channel in the inner harbor of Coos Bay, Oreg., from the entrance to Smiths Mill, in accordance with the recommendation contained in House Document No. 325, Sixty-fifth Congress, first session, and in accordance with the conditions set forth in said document, \$130,000."

Mr. HAWLEY. Mr. Chairman, the people of Coos Bay, under the laws of the State of Oregon, organized a port district and created a port commission. This commission has the power to levy taxes and sell bonds. Under its powers the port commission sold about \$650,000 worth of bonds. This entire amount of money, and some more obtained from citizens who bought the material dredged out of the bay for the purpose of filling in their lots in the lower parts of the city, was expended in opening a channel 25 feet in depth from the entrance to Smiths Mill, of a suitable and convenient width, with two large turning basins opposite the towns of North Bend and Marshfield. Under the law the port commission is limited in the amount of indebtedness it may incur, and in the expenditure of this \$650,000 it has attained the limit of its power to incur an indebtedness. There is existing on the bay, or was before the commission undertook to improve the bay, a Government project of an 18-foot depth, and for a long period of years the Government maintained such a channel. But an 18-foot depth was not sufficient to accommodate the commerce of the place. The

water on the bar is ample to accommodate any vessel drawing 25 feet of water or more. During the last three years some portions of this channel built by the port commission have silted in. The bottom of the bay is, in part, of soft material, and the sides of the channel made by the port have silted in to some extent in places. There is a project favorably reported by the engineers, pending before the Committee on Rivers and Harbors and before the House for a 22-foot channel from the entrance to Smiths Mill, and that is the one I am advocating at this time.

The people have put about \$650,000 into this improvement. They ask the Government now to put up \$1 where they have put \$5 to maintain that improvement. They are sawing lumber on the bay at the rate, I should say, of about 600,000 feet at least per day. The greater proportion of that lumber is sent south to California, and a considerable part of it is used in the making of ships for the service of the Government in the war.

This is one of the best spruce sections of the West. The great spruce section runs from northern California to southwestern Washington, and this is one of the best parts of the spruce section. They are sawing spruce for the making of Government aeroplanes, and some of the finest spruce that ever has grown, I suppose, anywhere grows in this country. Now, unless they can ship out the other lumber cut from the logs—and only about 5 or 10 per cent of the spruce log goes into aeroplane stock by any possibility, and therefore it leaves 90 or 95 per cent of the log—and unless they can ship that out profitably they must discontinue the cutting of spruce. There is one other thing to be mentioned. Both the towns of North Bend and Marshfield have public docks to which the public has access and service at all times. Since the people have done this amount of work they now ask the Government to restore and maintain the channel constructed by them to a depth of 22 feet. The \$130,000 recommended by the engineers will make available the depth of water through the main channel necessary to accommodate for the present the great and growing commerce of that section. It seems to me that the proposition is a reasonable one, when \$1 is to be appropriated by the Congress is matched by \$5 expended by the community. I trust it will meet the favor of the committee.

Mr. SMALL. Mr. Chairman, this is a new project and does not come within the policy adopted by the committee for a new project. As I stated before, the committee have, after mature deliberation, determined to include no new projects in this bill except such as were intimately associated with the prosecution of the war and so recommended by the Secretary of War. This new project was not so recommended. It is not at all necessary in opposing this amendment to say anything in disparagement of the project. The gentleman from Oregon [Mr. HAWLEY], whom we all so highly esteem, came before the committee and presented this project, as well as several other new projects in his State. He presented them clearly and strongly and did all in his power to convince the committee that it ought to be included in the bill, and if the committee were inclined to yield to anyone they would certainly have been inclined to yield to the gentleman who now offers this amendment. I have here before me a large list of new projects in different sections of the country just as important, I may say, as the new project advocated by the gentleman. It would not be fair to them and to other Members and to other sections if any project were permitted to stay in the bill which does not come within this policy of the committee, and as we supposed and still believe to be a policy which has the approval of the House. With that statement, I hope the committee will vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 16, after line 11, insert the following as a new paragraph:

"For the improvement of the bar, entrance, and harbor of the Coquille River, Oreg., in accordance with the recommendation contained in House Document No. 207, Sixty-fifth Congress, first session, and in accordance with the conditions set forth in said document, \$64,000."

Mr. HAWLEY. Mr. Chairman, I say frankly to the committee that this is also a new project, but it seems to me to possess such merit that it merits a brief statement in the consideration of the bill.

The people of the Coquille River Valley have formed a port and created a port commission under the authority of State law, and for the improvement of the port and immediate entrance to the river have tendered to the Government dollar for dollar, and in addition to that they have already expended a consider-

able sum in the improvement of the river, and they intend to spend a considerable sum more in addition to this \$64,000 which they pledged themselves to spend to supplement the equal amount of \$64,000 to be furnished by the Government if this amendment is inserted in the bill.

There are a number of mills on the river. During this past summer, when they had some important spruce-cutting contracts with the Aircraft Board, a shoal formed about a thousand feet inside the mouth of the river, and the mills were compelled to close down their operations three days out of six several times. They could not ship the side cut of the lumber out of the river on account of this obstruction.

Now, the \$64,000 asked to be appropriated by Congress, to be used in connection with a similar sum or a larger amount to be furnished by the port commission, will remove this obstruction and prevent its recurrence by means of improvement at the mouth of the river.

It is important to the Government that it has this airplane stock. As I said in connection with Coos Bay, this section has some of the best spruce found anywhere. You can get a greater percentage of fine stock from spruce grown there than from that grown in almost any other section of the country, and it is necessary that the Government should have this airplane stock. The allies need it. There is a demand for it on the part of England and on the part of France. We can furnish it, but we must sell the side cut when we furnish the spruce for the airplane stock, and that is the reason why I take the time of the committee to submit this project for its consideration. It has merit. The people are willing to put in dollar for dollar with the Government, and more, showing their confidence in it. It is not a scheme to do anything in the nature of boosting a community. It is a plan to enable them to continue to do business profitably to themselves and to serve the country at this time. The proposed improvement is favorably reported by the engineers in House Document No. 70, Sixty-fifth Congress, first session, and describes at length the public advantages to be derived from the improvement.

Mr. GREEN of Iowa. Mr. Chairman, I am not sufficiently familiar with the project which the gentleman from Oregon [Mr. HAWLEY] has just presented to discuss that alone, but I want very much to commend the spirit of the vicinity and State which he represents in their plan of putting some money of their own into these projects.

I have long contended that the great objection to these river and harbor bills would be done away with if every community was required to put up dollar for dollar with the amount the Government was expected to put into the projects. It is a plan, however, that has not been adopted or insisted upon by the Government to any great extent. It has been done in some river and harbor bills, but so far as I know very few, and the result is that only in a few cases like this which the gentleman from Oregon has mentioned have the communities most benefited by the projects been willing to put any of their own money into them. They ought to be required in all cases to at least equal the amount that the Government supplies. If they were called upon in every instance to advance that amount, or to make good their power to produce it, when the Government puts its money into a project, there would not be very much trouble with these river and harbor bills. The good faith of the project and those who prompted it would be shown at the outset. There would be no doubt about the question whether it was in reality a scheme to get money out of the Government rather than to benefit the country at large. Of course, the country at large always benefits by the improvement of rivers and harbors, but the immediate community, the town itself, where the work is done, always benefits the most, and that community or that town, as the case may be, ought to be required to put up a similar amount of money, as in the case that the gentleman from Oregon has spoken of. I hope that that will commend itself to the further attention of the Committee on Rivers and Harbors.

An objection is sometimes made that this would not be practical in the case of the improvement of rivers flowing through different States, but in such cases the construction of terminal facilities could be required. We have spent millions on rivers like the Ohio, and then found that the river so improved was not used because the towns on its banks had no facilities to enable boats to use the river. We should require these towns to build suitable wharves, to provide machinery for loading and unloading and to make the wharves accessible. When we have done this and made the railroads connect with the water transportation, we shall have a system which will be a matter of pride instead of a disgrace.

Mr. SMALL. Mr. Chairman, I shall occupy only a moment. The gentleman from Oregon [Mr. HAWLEY] candidly admits that this is a new project and that it does not come within the

policy adopted by the committee, which I have just had the honor to state. What I might say about this project would simply be a repetition of what I expressed in the committee about the former amendment, and for these reasons we hope that the amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Oregon offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 16, after line 11, insert the following as a new paragraph:

"For the improvement of the Yaquina Bar, Bay, and Harbor, Oreg., in accordance with the recommendation contained in House Document No. 109, Sixty-fifth Congress, first session, and in accordance with the conditions set forth in said document."

Mr. HAWLEY. Mr. Chairman, I will say frankly this is a new project. The people on the Yaquina Bay and River have formed the port of Toledo and the port of Newport, and have submitted a proposition to the Engineer Department to supply half the money necessary to improve the bar entrance and harbor. They have, under the permission of the War Department, already undertaken this improvement. They entered into a contract with a gentleman formerly an engineer in the War Department to supervise the expenditure of the money provided by them. They have issued \$150,000 worth of bonds, and have sold them, I understand, and have let contracts for the beginning of the improvement at the bar. The improvement will cost about \$836,000, as recommended by the engineers. One-half of that the community will provide—\$418,000.

The purpose of this amendment, however, is not to appropriate any money at this time on the part of the Government, but it is for the Government to take over the project and to conduct the improvement under the supervision of the engineers, so that hereafter, if Congress should adopt the project—and I am confident it will—the community will be entitled to full credit on its proportion of the expenditure without question for all the money it is now expending. The Engineer's Office reports favorably on the project. There are about 30,000,000,000 feet of timber as one item for development there to furnish tonnage for the waterway, and the engineers, in House Document No. 109, Sixty-fifth Congress, first session, state at length the advantages to be realized from this improvement and favorably recommend it. But the point I rose to explain was that this amendment does not ask any money for the improvement. It merely gives authority to the engineers to take over and take charge of the improvement, so that the money now being advanced by the port for the improvement may be properly expended under engineering directions. It is a very worthy project, and the people of the locality have shown their good faith in providing so large a sum of money.

Mr. SMALL. Mr. Chairman, as the gentleman admits, this is a new project, which he presented to the committee along with several other Pacific coast projects, which the committee could not include in the bill under the policy they adopted and which they applied to every section of the country. We therefore hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I have been much interested in and desire to indorse the statements presented by the gentleman from Oregon [Mr. HAWLEY], who is the senior Representative in Congress of the great Northwest. The presentations he has made in behalf of important projects, and which technically are in reality projects under way at important harbors on the coast of Oregon, apply equally and with full force to the harbors on the extreme north Pacific coast of the United States, that is, the State of Washington, and to the harbors in the Puget Sound district. My colleague, Mr. HADLEY, and myself represent districts which include all of the Pacific Ocean coast of the State of Washington, and our districts together the whole of Puget Sound, except that part in front of and across the bay from the city of Seattle, represented by our colleague, Mr. MILLER. In addition, my district carries a large part of the Columbia River, while Mr. HADLEY's district carries the length of the straits of Fuca—in all, a great stretch of navigable water and many important harbors. At these harbors are improvement projects, some in abeyance and some coming under the head of new projects. My colleague [Mr. HADLEY] and myself have presented them to the Committee on Rivers and Harbors, and in accordance with the policy of that committee made necessary by the war, now refrain from pressing them on the floor.

We withhold our proposed amendments, inasmuch as our arguments would be along exactly the lines of those presented by the gentleman from Oregon [Mr. HAWLEY], and the answer of the chairman of the committee [Mr. SMALL] of course would be quite the same, and the action of the House the same. So neither Mr. HADLEY nor myself will take the time of the Members. We realize that our projects will be advanced exactly as will other new projects when war conditions permit. I desire to congratulate the Rivers and Harbors Committee on having drawn and presented a tight, economical, and proper war-time bill. The time will come, of course, when the committee will take in these meritorious so-called new projects on the north Pacific.

I was pleased to hear the gentleman from Iowa [Mr. GREEN] discuss the matter of local contributions. As the members of the Rivers and Harbors Committee know, nearly all of our newer and rapidly growing Northwest places have gone into the port commission plan, by which the people of all the community immediately benefited tax themselves to do their part of their particular river and harbor improvements, and then call upon the Government to help finish them on the Government's plan, and to contribute part of the maintenance.

I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Puget Sound and its tributary waters, Olympia, Tacoma, and Bellingham Harbors, Lake Washington Ship Canal, Snohomish and Skagit Rivers, Swinomish Slough, waterway connecting Port Townsend Bay and Oak Bay, Columbia River between Wenatchee and Kettle Falls, Wash.: For maintenance, \$10,000.

Mr. SMALL. Mr. Chairman, we have now completed section 1, which authorizes all the appropriations, with the exception of one item, the Ohio River, which by unanimous consent was passed over on yesterday. I now ask to return to the item for the Ohio River.

The CHAIRMAN. Without objection, the committee will now return to the item for the Ohio River, beginning with line 24, on page 10, and ending with line 25, on page 11. There is an amendment pending offered by the gentleman from Kentucky [Mr. BARKLEY] to strike out certain language and insert.

Mr. SMALL. Mr. Chairman, I ask the indulgence of the committee simply to say for the information of the committee that some question arose as to whether the language in the bill would modify unequivocally the existing project, and I stated to him with others that by the uniform construction of such language by the War Department it would not definitely modify the project, but would only give the War Department the opportunity of endeavoring by experiment to ascertain whether a stable 9-foot channel could be maintained below Lock and Dam No. 48 by open-channel work. But in order to relieve any fear upon that point, at the proper time, I shall offer an amendment which will read as follows:

Provided, That the modification of the existing project by omitting locks and dams below Dam No. 48, as herein authorized, shall not become effective until it shall be satisfactorily demonstrated that the project depth of 9 feet on that section of the river can be maintained by open-channel work.

I will say that I have submitted this amendment to the gentleman from Ohio [Mr. SWITZER] and also to the gentleman from New York [Mr. DEMPSEY], who interested themselves in the matter, and I think it has also been submitted to the gentleman from Illinois [Mr. MADDEN]. I just wish to make this statement at this time.

Mr. BARKLEY. Mr. Chairman, I do not know whether I am entitled to any further time in argument of this motion or not. Yesterday I occupied 10 minutes, or a part of 10 minutes, and if the Chair will recognize me now I shall not take very much of the time of the committee.

This language in the bill, in the proviso as it now stands, authorizes the Secretary of War to modify the Ohio River project by eliminating all locks and dams below Lock No. 48. In Gen. Black's recommendation or report to the Secretary of War he states that experience has demonstrated that it is very improbable, owing to the slackness of the water in the Ohio River between Lock 48 and the mouth of the Tennessee, that an open channel can be maintained by dredging. He goes far enough to state that it can not be demonstrated whether it can until they have experimented with the dredging of the river at that point, and he simply recommends that not only the locks and dams be held in abeyance but the question of whether to construct locks and dams or to maintain a channel by open-channel work both be held in abeyance until experience has demonstrated whether dredging is feasible, or which is more feasible than the other. Now, my motion was made to strike out this language because the power and authority ought not

to be given to the Secretary of War to determine whether this project shall be modified. Congress adopted this project in the beginning, and all that ought to be done, if anything is done, is to give the War Department power, if it has not the power now, to conduct experiments to determine whether it is feasible to maintain this 9-foot channel by open-channel work, and then report back to Congress their findings upon the subject, and allow Congress to determine whether the project shall be modified in accordance with these suggestions.

Gen. Black states that that is going to be done. It is not necessary to have further authority to do it. It is going to be done under the existing project for open-channel improvements. So this language is not necessary in the bill. It will in all probability be two or three years before they determine whether it is feasible to maintain it by dredging, and by that time Congress will have had the information and will not in advance give the Secretary of War the power to modify the project, because the Chief of Engineers states that it is very doubtful whether it can be done between Lock 48 and the mouth of the Tennessee River, although the circumstances may be more favorable below the mouth of the Tennessee River.

I hope the proviso will be stricken out of the bill. Evidently the War Department will go ahead, as it proposes to experiment and see whether it can be modified, and if they report back to Congress that it can be modified Congress can take the matter up and determine it for itself.

Mr. SMALL. Mr. Chairman, I ask the attention of the committee for two or three minutes. We are discussing a comparatively unimportant matter in the Ohio River and omitting a most important feature involved in this paragraph.

Criticism has been made in the past that commerce upon many of our interior rivers did not exist in sufficient volume to justify the appropriations which have been made by Congress and expended. There has been some ground for the criticism, and it is my purpose very briefly to point out the cause and the remedy.

The underlying cause has been that the country, including Congress, were of the opinion that the mere creating of a deeper channel which made the stream navigable would promote commerce. That is only one of the essentials. Universal experience has shown that a mere channel does not make commerce. The best students of the subject say that some of the essentials in addition to navigable channels are adequate boat lines, adequate water terminals, and a system for the interchange of traffic between the water lines and the railroads.

Every one of these essentials must be provided under our present scheme of improvements of rivers and harbors by the respective localities contiguous to the improved rivers. Unless we have boat lines of a proper type, unless we have water terminals, unless we have an interchange of traffic between railroads and water lines, we can not have a commerce which will be commensurate with the expenditures necessary for the improvement of the channels of these rivers.

The committee concluded to take the Ohio River as an object lesson. That river is 968 miles long from Pittsburgh to Cairo. In the river and harbor act of 1910 we adopted a project for the improvement of that great river, contemplating 54 locks and dams at a total cost of more than \$60,000,000.

It is a proper inquiry. Is the country going to get a return for its investment of \$60,000,000? It will not get that return unless there are boat lines, unless there are water terminals and interchange of traffic.

We requested the Chief of Engineers to detail an engineer of the corps to make an investigation of the Ohio River, of every city and considerable town, as to the existence of water terminals, and he made a report showing that there was not a city or town upon that river that had a municipally owned terminal, or a terminal of any kind which was adequate and sufficient to meet the demands of traffic which would be expected to develop when the improvement was completed.

The committee held up the appropriation of \$5,000,000 for the Ohio River for a little while until we could receive some assurance. These assurances were only partially satisfactory and complete. And, by direction of the committee, I wish to serve notice upon the cities and towns contiguous to the Ohio that if they wish this large annual appropriation of \$5,000,000 to continue they must get busy, and must submit to the committee in the formulation of the next bill assurances which will be satisfactory that they will do their duty; that they will put on boat lines of the proper number and type and that they will construct adequate terminals. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. If that is not done, the committee will not continue to recommend appropriations for this great river. Of course we understand that in this policy we are simply the servants of the House, and we ask the House for its approval.

Mr. BARKLEY. Will the gentleman yield?

Mr. SMALL. I will yield to the gentleman.

Mr. BARKLEY. I want to ask the gentleman how that proposition affects the amendment before the House. There is no effort to strike out that part of the bill that authorizes an investigation as to terminals. Therefore the gentleman's remarks are not appropriate to the particular proviso under consideration.

While I am asking that I would like to get an idea of what sort of terminal facilities the gentleman has in view. He says not a single city has a municipally owned terminal or a water wharfage sufficient to accommodate commerce that would justify this expenditure. What has the gentleman in mind by stating that railroad terminals must be constructed on rivers so as to bring about an interchange of commerce? I do not get what the gentleman has in view. There are many towns where they would have to move the entire depot or freight yards in order to comply with that condition.

Mr. SMALL. Mr. Chairman, may I ask unanimous consent to proceed for two minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, I have not the time now to explain what is an adequate water terminal nor its relationship to local traffic or through traffic, which means traffic going partly by rail and partly by water. When I presented this bill I had the honor of going into that somewhat fully, and if gentlemen will read those remarks when printed in the RECORD perhaps they may give some information.

I also commend to the gentleman from Kentucky the reading of the report of Maj. Stewart, which is printed in the committee hearings, and I also commend to gentlemen of the House the third volume of a Report on Water Transportation by Mr. Herbert Knox Smith, the former Commissioner of Corporations, in which is discussed in that volume the subject of water terminals. It is one of the most informing and useful publications which has ever been authorized by Congress upon the subject of water transportation.

Coming now to the amendment of the gentleman from Kentucky [Mr. BARKLEY]. I submit that if these six locks and dams below Lock and Dam 48 can be omitted and we can maintain a stable channel of 9 feet by open-channel work, it ought to be done.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In a moment. Under the language that is in the bill there is no doubt in the world that it does not eliminate locks and dams unconditionally, but only permits the Chief of Engineers for a few seasons to experiment and see if it can be maintained by open-channel work. In the meantime they will be occupied in the construction of locks and dams above Lock and Dam No. 48. I yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. I understand that the gentleman, in case the amendment of the gentleman from Kentucky shall fail, will offer the amendment which he read?

Mr. SMALL. That is correct.

Mr. ROBBINS. Mr. Chairman, I rise in opposition to the amendment. I wish to take exception at least to a part of the remarks made by the chairman of the Committee on Rivers and Harbors with reference to the fact that there are no terminal facilities on the Ohio River. At the city of Pittsburgh there is a very capacious wharf that is used entirely by steamers of the Ohio River, and the Monongahela River, and those that ply on the lower waters of the Allegheny River. There is a large wharf boat maintained there for the use of those steamers.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. SMALL. A very general misconception exists on that point. My old and good friend Col. Vance wrote me a letter in which he said they have terminals on the Ohio. I heard the distinguished gentleman from Ohio [Mr. LONGWORTH] yesterday suggest that Cincinnati was provided with terminals. I have heard other gentlemen dispute that, but I am content with the verdict of any gentleman who will give study to this matter and reach a final conclusion. The kind of terminals necessary for commerce on our interior rivers do not exist upon the Ohio River at any city or town.

Mr. ROBBINS. Mr. Chairman, that just raises the question suggested by the gentleman from Kentucky as to the character of terminals that the Committee on Rivers and Harbors are going to require, that must be provided.

In former days when the Ohio River was a great highway of commerce and before the railroads were constructed, so as to take away that river commerce, this wharf that is now open in the city of Pittsburgh from the point at the junction of the two rivers clear up to Smithfield Street along the river front was lined with boats plying upon those rivers. There are but three or four lines of steamers plying down the Ohio River and but two or three plying up the Monongahela River now, but that wharf is still there, nearly a mile in length, extending from Water Street clear down to the low water of the Monongahela River, and there is a large wharf boat maintained there, and the same facilities are there for developing the commerce that always have existed ever since Pittsburgh was first a navigable port. But if you are going to insist that you must establish in the midst of a populous city like Pittsburgh terminal facilities which carry with it a rail connection, with a wharf boat into which freight can be discharged, then you are setting up an impossible condition; it can not be done. You have got to go outside of the city of Pittsburgh, just as you would have to go outside the city of Wheeling, or the city of Steubenville, and get a point where the railroad can be built down to the river and where a wharf boat can be maintained and transfer facilities built up and freight transferred direct from a boat on the river into a railroad car. That can not be now built in the city of Pittsburgh, but it can be built, I submit, either up the Monongahela or up the Allegheny, at which point the various railroads of the country run along and extend along down either bank of the river. There seems to be a mistaken impression that there is not now an increase in the commerce on the navigable rivers of western Pennsylvania. That is farthest from the truth. Let me read statistics from Locks 3 and 4 on the Monongahela River, taken on the 1st of April, this year, for the month of March. Through Lock 3, one end of which is located in my district, there was passed 1,392,400 tons of coal in the month of March, as against 1,073,000 tons last year, or an increase of 318,000 tons, exceeding all prior records.

There was also locked through at the same time 43,500 tons of coke, 69,460 tons of sand and stone, and there were 1,260 lockages through that lock in the month of April, and for three days it was closed on account of high water. Through Lock 4, which also has one end on one side of the river in my district, there passed 2,599,000 bushels of coal during that month, 1,658,000 bushels of coke, 47,000 cubic feet of lumber, and there were 1,061 lockages, showing larger increase in every part of the tonnage of the Monongahela River, and yet it is lined with a railroad on either bank. The wharves in most of the small towns have been occupied by the railroads, and all these towns and ports need along the river in order to develop them and bring back a return of this commerce is to improve this Ohio River so that you can get somewhere with the commerce developed on these rivers which form the Ohio.

The city of Pittsburgh has preserved for the use of navigation on the Monongahela and Allegheny Rivers, which join within the city limits and form the Ohio, long stretches of river front or wharfage, and this has been kept and preserved especially for the use of boats plying on the Ohio, Monongahela, and Allegheny Rivers and their tributaries. Large amounts of coal, sand, stone, lumber, and other material are handled from these docks at the present time. Steamers regularly plying on the Ohio and Monongahela Rivers carry passengers, freight, farm produce, and a great amount of the manufactured commodities from the Pittsburgh mills.

There is more coal moved down the Monongahela River than any other similar stream of water in the world. But it must be remembered that the Ohio is navigable only a portion of the year, hence it is not possible to develop a steady, regular river business between Pittsburgh and the lower river ports because of the frequent interruption on account of low water in the Ohio. The improvement of the Monongahela has shown steady and continued increase in coal and other freight, and that is because it is constantly open and ready for use. Transportation of coal, coke, stone, and other freight over the Monongahela River is one-third to one-half less in point of cost than transportation of the same commodity by rail and very much quicker and more regular and in greater volume.

Much of the greatness of Pittsburgh is due to the early river traffic coming up the Ohio and down the Monongahela and Allegheny and being transferred at Pittsburgh into larger boats for the lower river traffic.

A study of the situation and the possibility of water-borne commerce in and around Pittsburgh has convinced everyone who has given it serious and thorough attention of this fact, that as soon as the Ohio is so improved that commerce will move all the year freight will develop in abundance on the Ohio River. It has even been the subject of a special report of

the Government engineers at Pittsburgh that by the improvement of the Youghiogheny River, at a cost of considerably less than \$1,000,000, a large transfer wharf could be established at Suterville, 28 miles above Pittsburgh, at which point the Baltimore & Ohio, the Western Maryland, the New York Central, and the Pennsylvania Railroad all come down to the water's edge of that river. This would relieve the congestion in Pittsburgh on the railroads by enabling them to send their freight south and west by water through this transfer point, and freight could be brought by the river up to this point, relieving Pittsburgh of its congested condition for eastbound traffic, and transferred from boats to cars and sent east over these three trunk-line railroads. Now that the Government has control of both the rivers and the railroads, this plan is entirely feasible, and in the opinion of the Government engineers will relieve the congestion existing in and around Pittsburgh on the railroads and in the first pool of the Monongahela River.

Therefore I am strongly in favor of completing the improvement of the Ohio River by the erection of the remaining locks and dams therein required to carry slack water to Cincinnati.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. I desire to say at this point that I most earnestly hope and believe that the House will give hearty support to the program as outlined by the chairman of the committee. I come from the city of St. Louis, and those from that section will remember many hard-fought battles on this floor for the saving of any appropriations for the Mississippi and Missouri Rivers. The experiment referred to a while ago by the gentleman from Wisconsin [Mr. Esch] has been sufficiently successful thus far very materially to silence those who have said that transportation was forever impossible on those upper rivers. I not only believe, but I feel I absolutely know, that those rivers will come back to their rightful place of service in the Mississippi Valley commerce. St. Louis, and I may say Kansas City and some of the other cities, but St. Louis has taken well the point made by the chairman of this committee some two years ago. The city of St. Louis realized that if we did have the commerce we did not have the modern facilities with which to handle this freight and the purchase of the line that is to be run along by the river, the installment of new and modern loading and unloading devices are being pushed as rapidly as can be. It will mean much to the men who represent the districts along those rivers if they will see to it that in their municipal campaigns in the years that are just before us, this be made a part of the municipal policy for the cities and that dockage fronts and freight transportation and things of that sort shall be brought back once more to the attention of the cities and receive their support. It has been a matter of education and agitation in St. Louis. A few years ago when you talked about reviving river transportation you were laughed at even there in the city, but in the last few years the people have begun to believe that it is possible, that it is practicable, and the appropriations have begun to come from the city treasury and the support has begun to come more strongly from the organizations throughout the city generally. I only want to say at this time that we realize that the chairman of the Committee on Rivers and Harbors is a gentleman with a rather stiff spine and when he says something must be done he generally means just what he says. I hope that the men, especially from along the river districts throughout the entire Nation, shall see to it that the Committee on Rivers and Harbors shall have the most loyal support by going back to their municipalities and to their districts where these docks and harbors and freight stations are to be placed and not only urge upon them but demand that these municipalities shall make the greatest endeavor and shall come across with their part of the expenses before they can be expected to support these appropriations as they come in the committee. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

Mr. SMALL. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

After the words "Provided further," in lines 5 and 6, page 11, insert the following: "That the modification of existing projects by omitting locks and dams below Dam No. 48 as herein authorized shall not become effective until it shall be satisfactorily demonstrated that the project depth of 9 feet on that section of the river can be maintained by open-channel work: And provided further."

Mr. BARKLEY. Mr. Chairman, I desire to offer a substitute for the amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, line 1, after the word "Provided," strike out the remainder of the proviso and insert in lieu thereof the following: "That the Secretary of War is hereby authorized to conduct experimental open-channel dredging below Lock No. 48,

with a view to determining whether the projected 9-foot channel can be maintained by that method to greater advantage than by constructing locks and dams, in accordance with the report submitted in House Document No. 1694, second session, Sixty-fourth Congress; and he is directed to report to Congress annually the progress and result of such experiments."

Mr. BARKLEY. Mr. Chairman, just a word. The gentleman from North Carolina [Mr. SMALL] states that the object he has in view in his amendment and proviso is to give the department authority to make this experimental dredging, yet his amendment carries with it the proposition that the Secretary of War shall have final authority to modify this project without ever coming back to Congress or making any report about it. My substitute simply authorizes the department to go ahead with this experiment below Dam No. 48 to determine whether it is feasible to substitute that method for the lock-and-dam method and then to report back to Congress the progress and result of that experiment. I think that is the better way to do it, because it keeps Congress not only advised, but it leaves it in the hands of Congress to determine later by reason of these experiments whether the project shall be modified or left as originally enacted into law by the original canalization act. I hope the substitute to the gentleman's amendment will be adopted. I regret that the committee did not strike out the entire provision about modifying the original project; but as that could not be done, my substitute would leave the matter in a better situation and ought to be adopted.

Mr. ROBBINS. Will the gentleman yield for a question? Where is Lock 48—just at what point on the Ohio River?

Mr. SMALL. It is 6 miles below Henderson, Ky.

Mr. ROBBINS. What is the stage of water at that point that would warrant the change of this method of improving the channel?

Mr. SMALL. That varies, of course, with flood conditions and the amount of water coming down the river, but the adoption of this project simply authorizes an experiment in open-channel work with a view of obtaining the project depth of 9 feet below Lock 48 to the mouth of the river, and ascertain if it is possible thereby to avoid the large expenditure necessary in the construction of locks and dams. Mr. Chairman, just this expression about the substitute offered by the gentleman from Kentucky: The substitute is both improper and unnecessary. It is unnecessary because the same purpose which the gentleman has in view by his substitute is accomplished by the language in the bill, and if there is any doubt whether the language in the bill accomplishes it, then unequivocally it is done by the amendment which I have offered by direction of the committee, so that the purpose the gentleman has in mind in his substitute is fully accomplished by the provision in the bill plus the committee amendment which I have offered. Now, the gentleman's substitute is improper for these reasons. This report which we adopt here gives the Secretary of War the authority to substitute a fixed dam at or near Emsworth, Pa., for the old Locks and Dams No. 1 and 2. It also authorizes the Secretary of War to substitute fixed for movable dams wherever in his judgment it may be advisable to do, and, third, it gives him the right to experiment with a view to substituting open-channel work below Lock and Dam No. 48. Therefore the amendment of the gentleman in striking out this report here which it is proposed to adopt takes out two of the most valuable features which are recommended.

I would like to say to the gentleman and also to others that he misconstrues the language in the amendment as reported in the bill of the committee. The language there conforms to the usual verbiage and adopts as a part of the law the recommendations in the report. The word "modify" there has no further effect than to refer to the report itself, and the modification is limited by the recommendation in the report. It would be unfortunate if the gentleman's substitute should be adopted, and his purpose is accomplished by the provision in the bill plus the amendment which the committee has submitted.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. DIXON. Do I understand your interpretation of your amendment is that this provision is limited absolutely to the dams below 48, and that it in no way modifies the project of the other locks and dams above No. 48?

Mr. SMALL. Absolutely; and in addition to that, if I should be a Member of the House—and I say it now, binding this committee as far as I can—if they can not get a project depth of 9 feet below Lock and Dam No. 48 by open-channel work, you will find the committee anxious and willing at any time to provide for the construction of locks and dams, because we are under promise to complete this improvement, provided always, of course, we are going to get some commerce there adequate to the expenditure when the improvement is completed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Chair will ask the gentleman from North Carolina if it is the purpose to take up the Oregon item now?

Mr. SMALL. It was my purpose to return to the amendment offered by the gentleman from Oregon after we had completed the other sections.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. Where separate works or items are consolidated herein and an aggregate amount is appropriated therefor, the amount so appropriated shall, unless otherwise expressed, be expended in securing the maintenance and improvement according to the respective projects adopted by Congress after giving due regard to the respective needs of traffic. The allotments to the respective works so consolidated shall be made by the Chief of Engineers as authorized by the Secretary of War. In case such works or items are consolidated and separate amounts are given to individual projects, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Chief of Engineers and the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so in order to inquire of the chairman of the committee if this section is identical with the existing law?

Mr. SMALL. Section 2 is the one the gentleman is referring to?

Mr. WALSH. Yes.

Mr. SMALL. I will say it is.

Mr. WALSH. Then I would like to ask the gentleman as to the first sentence on page 17:

In case such works or items are consolidated and separate amounts are given to individual projects, the amounts so named shall be expended upon such separate projects, unless, in the discretion of the Chief of Engineers and the Secretary of War, another allotment or division should be made of the same.

That means that if we appropriate for specific items in a paragraph the Chief of Engineers or the Secretary of War can disregard that specific item?

Mr. SMALL. Yes. May I say to the gentleman it means a little more than that? Take one of these groups here, containing seven improvements, say. For four of those improvements recommendations or estimates of appropriations are made; for the other three estimates are not submitted, either because no work of maintenance is necessary or because the available balance on hand is assumed to be sufficient. Now, we will assume that the gross amount recommended for the four items of improvement is \$40,000, or \$10,000 each.

The Chief of Engineers, through the district engineer, will expend \$10,000 on each of the items, unless in the meantime conditions shall change, so that more than \$10,000 is necessary on one of the items, or if the amount available on some item for which no estimate was made turns out to be insufficient, then the Chief of Engineers has the right to make a reallocation out of the gross appropriation in order to meet the contingency subsequently occurring.

Mr. WALSH. The gentleman has explained why a lump-sum appropriation is made for a group of items. Take for instance an item on page 7, Mobile Harbor and Bar, where for maintenance \$160,000 is appropriated, and for continuing improvement \$100,000 is appropriated for the same item. Now, does that mean that if, for continuing the improvement, the department should need more than \$100,000, they could take \$60,000 of the maintenance and put it into the appropriation for continuing the improvement, and have only \$100,000 left for maintenance?

Mr. SMALL. Ordinarily the line of demarcation between maintenance and further improvement is plain, but sometimes it becomes confused. By the usual interpretation of the Chief of Engineers the amount appropriated for maintenance would be confined to maintenance, and the amount for further improvement under the projects heretofore adopted would be confined to further improvement. That would be the ordinary plan. But sometimes maintenance may be at the same time in continuation of the improvement on a project. Where there is that confusion the expenditure is made regardless of whether it is appropriated for maintenance or for further improvement, but usually the distinction is made.

Mr. WALSH. Of course, when that transfer is made, when that is done, it appears in the annual report submitted to Congress?

Mr. SMALL. Yes.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 3. That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, the sum of \$200,000 is hereby appropriated.

Mr. WATSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATSON of Pennsylvania: Page 17, line 12, after the word "appropriated," strike out the period, insert a semicolon and the following: "And so much of this sum as may be necessary is hereby authorized to be expended for a survey of the Delaware River from a point opposite Allegheny Avenue, Philadelphia, Pa., to Trenton, N. J., with a view of deepening the channel for war purposes."

Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. Mr. Chairman, in order to emphasize the importance of my amendment I asked for a few extra minutes so that I may have an opportunity to describe one of the Government shipyards; and if the ambition of the Shipping Board is realized, then this yard will be one of the model plants of the world, and I do not hesitate to say that Bristol on the Delaware will be the home of the greatest shipyard of the world.

It is admirably situated. It is bounded on the north by a rich and fertile agricultural district, where the thousands of employees and their families may be served with food at normal prices. The plant is within very few hours by rail of the coal fields and the steel industries of the great State of Pennsylvania. Through the property passes the line of the Pennsylvania Railroad from north to south, and just beyond the railroad is the Delaware division of the Pennsylvania Canal. The street called Radcliffe Street was the old post road in the Revolutionary times between New York and Philadelphia. While passing, will the committee permit me to relate a bit of local history?

In 1824 Lafayette, in his triumphal tour in America, passed along Radcliffe Street, and I recall that when I was a boy one of the old judges of my town, who was an eyewitness of the occasion, described to me that Lafayette was a handsome man; that he rode in a barouche drawn by six buckskin-colored horses; and that Lafayette bowed and smiled to the thousands of men, women, and children who lined either side of the highway to see the great general pass by—a man who perhaps did more than any other general to assist Washington in establishing our Republic. [Applause.] Only a few weeks ago I read that Pershing went to the grave of Lafayette and said, "Lafayette, we are here." [Applause.]

The lines on the chart which I show you represent the 12 ways that are now completed. In three of them the keels are laid. The Government has contracted for 60 transports to be built at this yard. Each vessel is to be 9,000 tons, 410 feet long, 56 feet beam, and 2,750 horsepower. Eighty per cent of these ships are standardized. A machine shop 1,000 feet long has been completed, where the steel plates will be curved to fit the bows and sterns of the ships. In September, when the contract was entered into, the estimated cost of each vessel was \$1,305,408, but since then the prices of material have advanced, labor has increased, thus each vessel will cost about \$300,000 more than the estimate in September. Under no conditions, however, will the shipbuilding plant at Bristol make more than \$64,000 on each vessel, and not less than \$50,000. If the boats are completed for less than the estimated cost, then the amount saved will be divided as follows: One-third to the Government, one-third to the Merchant Shipbuilding Corporation, and one-third to the workmen, but under no circumstances will the contractor make more than 4 per cent upon the contract. Thirty-five to forty per cent of the cost of the vessels will be returned to the Government in the way of taxes.

In January in all the waters of the United States there were about 3,051,000 tonnage carrying the American flag, which included 684,000 tonnage of the German and Austrian ships that were interned. Recently we have added 560,000 tonnage belonging to the Dutch. We have to-day not more than 5,500,000 tonnage of ships in all waters of the world. The Shipping Board has contracted with 160 different corporations for 1,299 boats,

with a tonnage of 7,846,000. To-day on the Atlantic Ocean we have but 2,486,000 tonnage carrying the American flag.

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. WATSON of Pennsylvania. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Will the gentleman state how far Bristol, at which this shipyard is located, is above the city of Philadelphia?

Mr. WATSON of Pennsylvania. It is 22 miles above Philadelphia. I will come to that in a moment.

Mr. MOORE of Pennsylvania. Some gentlemen here have asked me, and I wanted them to know that this plant is above Philadelphia, which is about 100 miles from the sea.

Mr. WATSON of Pennsylvania. Yes; it is above Philadelphia.

Mr. MOORE of Pennsylvania. Toward Trenton and New York?

Mr. WATSON of Pennsylvania. Yes. Now, when we realize that it takes seven tons of shipping to take care of each soldier in the trenches, that means if we want to send 1,000,000 men to the trenches we must have 7,000,000 tons of shipping. To-day we have only five and one-half million tons, and we can not get our boys to Europe as fast as we wish, therefore I believe that the American people should understand and appreciate the seriousness of the hour. Now, when we estimate that there were about 10,000,000 tons of shipping in the trans-Atlantic trade one year ago, and that 7,500,000 of that tonnage was sunk by the U-boats, and that only 4,800,000 tons were added last year, it will not take a very great mathematician to solve the problem of how many years it will require when there would not be a boat on the Atlantic Ocean. We can not aid our allies unless we have ships, and if Germany forces France and England to terms of peace, it is a possibility that future battles will be fought over here. Thank God we are one people. Never in our history has our bond of union been so close as it is to-day. We are a unit, a complete entirety of the whole. We will win. We can not be beaten. [Applause.]

Now, I want to speak for a moment on the importance of my amendment.

The basin opposite the ways will be dredged by the Shipping Board. Of course they have no authority to dredge the channel between Bristol and Philadelphia. These boats when completed will draw 20 feet of water, and 12 feet without ballast. From this point to the 35-foot channel at Philadelphia the mean depth of the channel is only 12 feet at low tide and 18 feet at high tide. Therefore these boats can be floated to Philadelphia if they have no ballast.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his colleague may have five minutes more. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. There is only \$59,000 in the Treasury for the purpose of taking care of this channel from Trenton to Philadelphia. This channel, like all other channels, will fill up with sand bars, and after the \$59,000 is expended this board will not have one dollar left in 1919 to maintain the channel in order to get these boats when completed to the sea.

It is the intention of the Government at this yard to build boats over 500 feet long, drawing 22 feet of water. The ways are constructed for the purpose of building these large boats. Just beyond this plant 1,200 acres have been purchased by a corporation, and just below here is another shipyard where 30 boats are being constructed. Therefore I urge and call upon the wisdom of the committee to permit my amendment to become a law, in order that next year in 1919 the engineers after making their survey may see proper to ask the Rivers and Harbors Committee to report an appropriation for deepening this channel.

I think I have explained the importance of getting these boats to the sea. I have explained the importance of providing a channel deep enough to meet the growing commerce of the upper Delaware. While it is not deep enough now, yet if we expend the \$59,000 this summer we will not have a dollar to dig out the channel in another year.

Mr. BROWNING. Will the gentleman yield.

Mr. WATSON of Pennsylvania. Yes.

Mr. BROWNING. Why do you say it is deep enough now, when you have only 18 feet in high water and vessels draw 22 feet?

Mr. WATSON of Pennsylvania. Because the vessels will not draw but 12½ feet without ballast. They will have the machinery in them and be sent to Philadelphia without ballast, and will be floated down at high tide. There is not a harbor

in the world where the channels do not have to be kept open, and the channels of the Delaware River are no exception to the rule.

Mr. SMALL. Mr. Chairman, I do not know whether the gentleman insists on his amendment or not.

Mr. WATSON of Pennsylvania. I do.

Mr. SMALL. The amendment proposes a survey, and there are no surveys authorized in the bill. Quite a number of Members have advocated surveys before the committee. I think it would be unwise to adopt this amendment authorizing a survey of this specific locality. Besides, I do not think any greater depth is necessary for the immediate utilization of this shipyard.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. This section makes an appropriation of \$200,000 for examinations, surveys, and contingencies.

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Does that contemplate new examinations and surveys?

Mr. SMALL. No. The explanation is that this authorization for examinations and surveys in past rivers and harbors bills will require a larger expenditure than the existing appropriation, and this appropriation of \$200,000 in this bill is simply to meet increased costs of former authorizations for examinations and surveys.

Mr. MOORE of Pennsylvania. It is in the nature of a deficiency appropriation and does not contemplate new surveys?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Otherwise, I should think the motion of the gentleman from Pennsylvania [Mr. WATSON] would be in order.

Mr. SMALL. Otherwise, there would be no necessity for the paragraph. The original estimate was \$300,000, but the committee reduced it to \$200,000.

Mr. WATSON of Pennsylvania. Mr. Chairman, the distinguished chairman of the committee knows that this is not a new survey. The department has surveyed the river and has a chart of it. It will cost us very little money. The report of the committee is as follows:

Again, it was not thought advisable during this critical period of the war to authorize any additional surveys unless it could be shown that they were essential as being associated with the prosecution of the war.

Certainly the getting our battleships to the sea is one thing that is very essential to the prosecution of the war. It is not a new survey, it is taking up an old project, and therefore I can not understand why the distinguished chairman of the committee should not be in favor of this amendment.

Mr. FREAR. The chairman and gentlemen will remember that when the representatives of the Shipping Board were before us they said they had authority to dredge out in front of the shipyards to a sufficient depth for the vessels to be taken out. They will take care of that. They said they had authority to do that under the authorization.

Mr. WATSON of Pennsylvania. It is true that they have authority to dig out the basin, as I explained it, but they have not the authority to dig out the channel 20 miles long.

Mr. FREAR. That is not the length of the channel. It is only 16 miles. But here is the fault of the argument, in my judgment. It is a dangerous thing to build a boat drawing 22 feet of water on a stream that only has 12 feet of water.

Mr. WATSON of Pennsylvania. There is water enough to get the boats down at present.

Mr. SMALL. Mr. Chairman, the evidence before the committee was to the effect that there was sufficient water in the Delaware River channel opposite Bristol and the shipbuilding plant to accommodate these ships after they were built, but there was not sufficient water between the main channel and the shipbuilding plant. As to dredging the basin there the Shipping Board said they would undertake to do that work.

Now, the existing project on the Delaware River from Philadelphia to Trenton is 12 feet. That depth exists in that part of the river opposite Bristol. Any authorization for examination and survey would of necessity contemplate a greater depth. It would introduce into the bill an amendment which has been denied to Members in other sections of the country, and I think to that extent would be unfair. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WATSON].

The question was taken; and on a division (demanded by Mr. WATSON of Pennsylvania) there were—16 ayes and 24 noes. So the amendment was rejected.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 12, after the word "appropriated," strike out the period and insert a comma and the following: "\$5,000 of which sum, or so much as may be necessary, shall be used for making a survey of the power sites on the Missouri River in South Dakota."

Mr. DILLON. Mr. Chairman, this bill does not carry an appropriation for the Missouri River above Kansas City. I want to take a few moments' time to tell you about our contemplated improvement of the Missouri River as a State project. When the ice breaks up in the river we frequently get ice gorges which throws the water out of the river banks, and thousands of acres of land are flooded.

Again, when the June rise comes, we also have floods, caused by the melting of the mountain snows. These floods in March and June are doing a vast amount of damage to the property along the Missouri River, sometimes running into hundreds of thousands of dollars. The banks are caved in and eaten away, so that whole farms are sometimes devastated by the cutting of the banks. A few years ago Congress made numerous appropriations for revetment work, but during the last five or six years these projects have been abandoned. I think the time will ultimately come when a new plan will be adopted in reference to preventing these floods by dikes and dams along these rivers that come from the mountains; by so doing the waters may be impounded and used for irrigation purposes, and thus the waters may be withheld during the flood periods, which causes the destruction of property. Recently the legislature of my State, in session in 1917, proposed an amendment to the constitution, which reads as follows:

SEC. 10. The State may purchase, own, develop, and operate plants for development of power upon the streams of this State and at coal mines upon land owned by this State, and may transmit such power and supply the same to the people of the State. The State may pledge such plants and accessories thereto to provide funds for such purchase and development, anything in the constitution to the contrary notwithstanding. The legislature, by a two-thirds vote of the members elected to each house, shall provide by law for carrying the provisions of this act into effect.

This proposed constitutional amendment will go to the people of my State at the next November election. I want here at this time to accord my hearty approval of this provision, which will permit us to engage in State internal improvement. I think our State will adopt this constitutional amendment; if so, we will engage in constructing dams across these rivers, thereby giving us power sufficient to run all of the machinery in the State, creating light, heat, and power for our homes and machinery and bring to our people a wonderful development of our industries.

Along the Missouri River are some ten or twelve power sites. We have a fall of 317 feet. We can generate power to the extent of 552,000 horsepower, which can be readily, cheaply, and easily developed, because the bed of the river in certain places where these power sites are located is a rocky bottom. I call attention to simply two of those power sites—at Little Bend and Big Bend. We were in hopes that the Government might adopt Little Bend or Big Bend for the nitrate plant that was recently established, but not so. At Big Bend there is a bend in the river winding 24 miles, and which curves back, forming a neck of only $1\frac{1}{4}$ miles across.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. DILLON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DILLON. At Little Bend the curve is about 18 miles in length, coming back to a narrow neck which is only $1\frac{1}{4}$ miles across, so that we have these power sites by which the drilling of a sewer, so to speak, will give us vast resources of power. We are going to engage in these internal improvements, as I believe, and we will be here asking you to help us in a way, not that we want you to do it all, but we want a little help. We would like for you to show your good faith by allowing us to have a little money for this survey.

BIG BEND.

The detour at Big Bend is from mile 286 to mile 310 being a distance of 24 miles. The distance across the neck is $1\frac{1}{4}$ miles and the height of the hill in the gorge is, according to Nelson's survey, 298 feet. The water level on the south side is 1,421 feet and upon the north side 1,441 feet, making the net fall across the bend 20 feet, as shown by the contour map of the Chief of Engineers, United States Army, for 1889. As will be seen from an examination of the contour map published herewith there is a wide flat area on the north side of the river on the upper side of the neck of Big Bend. That flat has been produced by the slow progress of the river in cutting away the gorge, so that all of the area, fully 5 miles wide, now a magnificent sub-irrigated meadow, is former river bed, across which it would be impracticable to build a dam. Consequently about the only practicable

method of development for power purposes at Big Bend will be by tunnel of sufficient capacity to divert and carry the minimum flow of the stream. A tunnel 30 by 15 feet wide will do this at no extraordinary expense, producing about 18,000 horsepower. The tunnel proper will be about 1 mile in length, the remainder of the distance may be negotiated by open canal. To this extent Big Bend can be developed much more cheaply than any other tentative power site upon the river. It has been asked if the process of erosion above referred to will not continue and ultimately the neck be cut away. It is not impossible that this may occur but only after many hundreds, perhaps many thousands, of years. Lewis and Clark measured the neck 113 years ago and found it practically what it is to-day.

LITTLE BEND.

The Little Bend begins at mile 406 and ends at mile 424, being 18 miles around the detour. The neck is of the same width as that at Big Bend, being 13 miles. The hill in the gorge is 271 feet above low water. The development here will be by diversion dam and canal; that is, the flow of the stream around the bend will be wholly cut off except for extremely high water, and the flow will be diverted through a canal across the neck, in which canal the power house and navigation locks will be erected. The dam in the canal will be a bulkhead over which the water will never pass; floods will fall over the barrier in the old channel and pass around the bend. The dam upon the north side will be 4,600 feet long and 41 feet high above standard low water, which added to the natural fall across the neck of 16.5 feet will give a total head of 57.5 feet and will produce at the lowest water known 52,000 effective horsepower constantly. This will be an expensive development, but the great power produced will justify the outlay.

Little Bend has been reported upon by Gen. George W. Davis, engineer of the Panama Canal, Maj. Edward Schultz, United States engineer in charge of the Missouri River, Westinghouse, Church, Kerr & Co., and by W. H. Finley, chief engineer of the Chicago & North Western Railway, all of whom have declared the physical conditions well adapted to power development, by at least a 40-foot dam.

HARNESSING A HOPE.

[By Doans Robinson in the Dakota Farmer.]

There were some doings in South Dakota, about 150,000 years ago. George Fitch would not then have ventured to slander the Missouri River, for it was a stream of Amazonian bigness, in whose flood the zeuglodon disported himself, the brontosaurus waddled through the bordering marshes, the titanotheres crunched the tropical vegetation, the mammoth mosed over the mesas, and the ehippus hopped hopefully on the heaths—when one day a shiver shook the longitudinal vertebrae of these primitive Dakotans and they looked up to observe an obstructive glacier poking his icy nose into the valley. Slowly but majestically he made his way, marching straight into the bosom of the outraged Missouri, chasing the live stock from the ranges or grinding into bone meal such as opposed his passage. The war which ensued between the river and the trespasser involved questions of inherent rights which yielded to no court of arbitration. For centuries the contest was unrelentingly waged, the mighty river throwing its terrific strength upon its lethargic but irresistible enemy, until finally Old Ice was able to look back from the western coteau upon his titanic body filling the continental valley, while the baffled river slunk away into the mountain fastnesses about its upper reaches.

The victory of the ice was not for long. Forty leagues only had he made his way westward from the bed of the vanquished river before he encountered another enemy, before whose seductive caresses he unwittingly surrendered. The mild breath of the Pacific wrung cold and debilitating perspiration from his massive brow, consumed his substance and stopped his progress. The waiting and watchful river, quick to discover the weakening of its foe, marshalled its forces and, rushing upon him, flanked his western border, bored out a new valley, and again made its unvexed passage to the sea.

THE MISSOURI VALLEY.

This, geologically, new valley, extending from the mouth of the Yellowstone to the mouth of the James, for most of its length is eroded through the stratified shales laid down by Old Ocean in that period which even science can measure only in eons. Chiefly, the flood plain is narrow—a couple of miles wide in North Dakota—contracting to a mile or less in South Dakota, expanding again as the Nebraska line is approached, and at the mouth of the James is 4 or 5 miles in width. The actual breadth of the stream is about 2,000 feet and its slope is a foot to the mile. Through the quicksand flood plain the rapid, roily stream wanders at will, changing its bed over night, throwing up sand bars, plowing up meadows, swallowing farms, stealing villages, wrecking railroads, and driving navigators to desperation and drink. Those most familiar with it regard it as a blot upon the landscape, and it has been graphically characterized as "a stretch of country too thin to cultivate and too thick to navigate." In the family of great North American rivers it is admittedly the drabbed Ovis, and its nearest relatives have been sorely tempted to abandon it in sheer despair.

Yet it has not quite given up. True, the steamboat no longer battles its steep channel and the annual pittance doled from the rivers and harbors pork barrel does little to restrain its vagrant and criminal propensities—but there has lingered a faith in many heads that some time, some way, the Missouri River would be tamed, harnessed, and made to serve the public welfare. The modern development of hydroelectric enterprises has given new impulse to this faith, and the conviction is growing that God provided the Missouri to generate the marvelous fluid which has revolutionized the affairs of men. That it is practicable to harness the stream for hydroelectric development is no longer questioned.

At any point where the trough of the Missouri is not more than 1 mile wide the engineers deem it entirely practicable to dam it. Many borings demonstrate that the bedrock floor of this trough is practically level and that the side walls are abrupt. The floor is about 45 feet below water and superimposed upon it is about 25 feet of soft conglomerate composed of hard mud, silt, gravel, bowlders, bone quarries, and other debris, and upon this conglomerate bed is a soil-covered quicksand from 20 to 40 feet in depth through which runs the true channel of the stream, the immediate banks of which hold 16 feet of rise before the plain is flooded.

MANY DAMS POSSIBLE.

Within South Dakota, at intervals of about 25 miles each, there are at least 12 points where the trough is less than 1 mile wide and where dams are feasible to heads varying from 22 feet to 45 feet,

giving in the aggregate 317 feet over which the flood of the Missouri may be poured. The consideration of this possibility, reduced to terms of horsepower, presents a prospect bewildering in stupendousness, dazzling in potentiality, absorbing in interest.

To so dam the Missouri it will be necessary to erect great barriers of masonry, set firmly into the bedrock and extending entirely across the trough from rim to rim. To do so involves no untried engineering problems. In fact, concrete has been placed in the bedrock underlying the stream at many places and to a much greater depth than will be demanded by the dams. Railroad bridges resting upon sub-river masonry have been built at Plattsmouth, Omaha, Blair, Sioux City, Pierre, Mobridge, Bismarck, and other points. At Pierre 12,000 cubic yards were put down to a maximum depth of 65 feet at a cost of \$24 per yard. A very large percentage of this cost was charged to plant. Indeed, the plant provided for sinking these piers would have been sufficient for building a dam. A dam would not necessarily be sunk deeper than 50 feet below low water. Perhaps \$15 or \$16 per cubic yard would place the concrete for a dam and locks in a structure involving the use of nearly a half million cubic yards.

TREMENDOUS POWER.

The Missouri River is a stream of notably irregular flow, but there is a minimum below which it has not been known to go. This minimum in the South Dakota region is 10,000 second-feet, and the power generated from this flow could always be delivered. This minimum over the 12 dams would produce the poorest day in the year 281,000 actual horsepower, using only 80 per cent efficiency of the turbines. As horsepower is commercially rated in eight-hour days, we would have 843,000 horsepower dependable at any moment, transmissible to every city, hamlet, and farm in the State, for the commerce, the convenience, and the comfort of the people.

This 843,000 horsepower always deliverable is but the beginning of the marvelous hope. The upper Missouri flows through a semiarid region, where irrigation for insurance against drought in half the years is imperative. Fortunately the higher-water season and the irrigation season fall contemporaneously; any practical development of the potential power of the Missouri must include provision for the utilization of the high water for pumping to supply irrigation to the thirsty land. The accumulated higher water acting for a period of 30 days amounts to more than 5,000,000 horsepower, amply sufficient to pump an abundance of water upon 6,000,000 acres of as fertile land as God has made—soil crying for the drink and anxious and ready to pay the price.

Six million acres of this deep, black prairie soil is to-day pleading with Congress to be permitted to subject itself to the cost of this development. Should the 12 units mentioned average the high cost of \$20,000,000 each, it would be but \$40 per acre of the land to be benefited. At that it would be a fine bargain for the landowner, for every acre of it would leap from its present value of \$25 to \$100 or more the instant that the water was turned into the ditches.

DREAM OF THE DAKOTAN.

This, then, is the dream of the Dakotan: Through cooperation with his State and Federal Governments to harness the mighty Missouri and pour its tremendous flood over more than 300 feet of fall; transmute its power into "white coal"; transmit the energy to the borders of the State and beyond for the advantage and comfort of the people who, free from grasping corporation or grinding monopoly, shall pay for, own, and operate this great gift of the gods; through it to develop commercially, agriculturally, and mechanically to the highest estate which unnequaled opportunities permit.

An incident of the suggested development will be the final settlement of the navigation problem through the region affected. The dams and locks will appear at intervals of 25 miles, and in each case the back-water will extend to the tailrace of the dam above. Thus will boats no longer struggle against the slope of the stream nor dodge sand bars, but ride upon flat, still, deep water through a succession of beautiful lakes.

That this attractive dream is in the way of realization and that the next five years will see the beginning of development is my confident prediction.

Mr. SMALL. Mr. Chairman, this provision authorizes the diversion of this appropriation for the purpose of making surveys of water-power sites. I do not think that it is appropriate or that it ought to go into the bill. In the first place, the subject of water-power legislation is now being considered by a special committee of the House and this authorization ought not to be made pending legislation following a report of that committee. In the second place, it does amount to an authorization for examination and survey of a part of the Missouri River which presumably is navigable. The Committee on Rivers and Harbors has jurisdiction of the development of water power on navigable rivers, and if this river is navigable it will be within the jurisdiction of the committee, but because this general matter of water power is now under investigation awaiting the report from a special committee and because it would be unfair to other sections if this amendment were adopted, I hope the committee will not adopt it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. DILLON) there were—ayes 5, noes 25.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That no part of the funds herein or hereafter appropriated for works of river and harbor improvement shall be used to pay for any work done by private contract if the contract price is more than 25 per cent in excess of the estimated cost of doing the work by Government plant.

Mr. SEARS. Mr. Chairman, I went before the Subcommittee on Rivers and Harbors, and they informed me that no inlets would be included in this bill. I therefore have not offered any amendment to the bill. Briefly I would like to call the attention of the Committee on Rivers and Harbors and

the Committee of the Whole to the fact that at Jacksonville, on account of the war, the Board of Engineers recommended that no appropriation be made. I would say that while the channel is 30 feet at two or three places, there are only 27½ feet of water, and as the chain is only so strong as its weakest link, unless they will promptly remove these points, it will make, to a certain extent, useless the terminals on which the people of Jacksonville have expended a million dollars. I represent more than 500 miles of seacoast and 1,500 miles of rivers. I had in the bill only \$20,000 until the Committee of the Whole put in the Key West amendment. I have not asked for anything else other than that, and stated to the committee that I would not do so, because of war conditions. Where they stated in the report of the Board of Engineers that on account of war conditions no estimate was made, I kept my faith with the committee.

But I believe I have shown the Members of this House from document No. 185, dated June of last year, after we went into the war, indorsed by more than six Government engineers, that the appropriation was urgent and necessary, and that Key West should have been placed in the bill by the Committee on Rivers and Harbors. I want to thank the Members of the House for their patience in listening to me, and I can say that I believe they will vote on any proposition as they see it, and if it is meritorious they will support it. That is the attitude I have always assumed in the House, and it is the attitude I shall continue to assume, and I would not ask any of my colleagues to do more than I would do myself. But I sincerely believed the other day, and believe now, that there is not a more urgent or worthy proposition in the bill than the item relating to Key West.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 5. That, within limits to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States or into any tributary of any navigable water; and every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the foregoing provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment (in the case of a natural person) for not less than 30 days nor more than one year, or by both such fine and imprisonment. In the discretion of the court: *Provided*, That this section may be enforced as provided in section 17 of the river and harbor act of March 3, 1899, the provisions whereof are hereby made applicable thereto.

Mr. TREADWAY. Mr. Chairman, I reserve a point of order.

Mr. WALSH. Mr. Chairman, I make the point of order.

Mr. SMALL. Mr. Chairman, I wish to say the amendment—

Mr. WALSH. Mr. Chairman, I will withdraw the point of order.

Mr. TREADWAY, Mr. MOORE of Pennsylvania, and Mr. MEEKER. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Massachusetts, the gentleman from Pennsylvania, and the gentleman from Missouri reserve the point of order. The Chair will state to the gentlemen that it is necessary to dispose of the point of order—

Mr. TREADWAY. Mr. Chairman, may not the amendment which the gentleman desires to offer be read for information while the point of order is still reserved?

The CHAIRMAN. By unanimous consent that can be done.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The Chair having held in a case somewhat analogous to this that a point of order took precedence over a motion such as is now made by the gentleman from North Carolina, are the rights of those who reserved the point of order in any way impaired by the consideration of the substitute or the amendment offered by the gentleman from North Carolina?

The CHAIRMAN. The Chair understands the amendment is only offered to be read for information.

Mr. MOORE of Pennsylvania. And the rights under the reservation of the point of order are preserved?

The CHAIRMAN. Exactly. The rights of gentlemen who reserve the point of order will not be affected by the reading of the amendment.

Mr. SNYDER. Mr. Chairman, if there is any question about the point of order, I make the point of order on the section. It has no place in this bill and ought to go out.

Mr. SMALL. Well, we will have the point of order if the gentleman insists upon it.

Mr. MOORE of Pennsylvania. I ask the gentleman from New York [Mr. SNYDER] not to insist upon his point of order.

Mr. SNYDER. I will reserve the point of order.

The CHAIRMAN. Without objection, the proposed amendment will be read for information.

There was no objection.

The Clerk read as follows:

Committee amendment. Strike out all of section 5 on lines 17 and 18 and in lieu thereof insert the following:

SEC. 5. That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit into any of the navigable waters of the United States, or into any tributaries of same, of free acid or acid waste in any form, and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States or upon any vessels navigating the same, and submit a report, with any recommendation it may deem appropriate, and any necessary expenses connected therewith shall be paid out of the available funds herein or heretofore appropriated for examinations, surveys, and contingencies."

Mr. SMALL. Mr. Chairman, I ask unanimous consent, if it is agreeable to the committee, that the committee may vote upon the amendment, and if the amendment should not carry, then that it shall be in order to press the point of order.

Mr. TREADWAY. May I ask if the amendment is submitted as a substitute so that an amendment can be offered to it, or is it in such form that a further amendment to the proposed amendment would not be in order?

The CHAIRMAN. The Chair understands that it is a motion to strike out and insert.

Mr. TREADWAY. That permits an amendment to it to be offered?

The CHAIRMAN. Yes.

Mr. TREADWAY. That being understood, that I have an opportunity to offer an amendment when it comes before the House, I withdraw the reservation of the point of order against the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. If this amendment is voted in the bill, the paragraph now in the bill goes out?

The CHAIRMAN. The Chair so understands.

Mr. WALSH. Mr. Chairman, I believe the chairman of the Committee on Rivers and Harbors preferred a request that there be a vote taken on this amendment and then the point of order could be made or ruled upon if it should fail. While the Chair did not put the request to the committee, I desire to say I object to that. I do not think that is the proper way or good practice to try to get around a parliamentary situation by reason of the making of a reservation of a point of order. If the gentleman is willing to concede the point of order to offer this amendment, which has been read for information—

Mr. SMALL. If the gentleman will permit me to interrupt. Let us have the point of order decided. If the Chair wishes to hear me, I desire to be heard. There is not any question about the jurisdiction of the committee upon this subject.

The CHAIRMAN. The point of order has simply been reserved. Does any gentleman desire to make the point of order?

Mr. ROBBINS. Mr. Chairman, I do desire to make it against this bill, because it means the destruction of the coal industries of Pennsylvania, and I can not stand for that.

The CHAIRMAN. What is the point of order?

Mr. ROBBINS. That it is not germane to a bill of this kind, that it is legislation, that it is foreign to a river and harbor bill, that it is new legislation entirely, and not proper on this bill.

Now, Mr. Chairman, I want to say a word on that, in order to establish the fact that it is new legislation. But I wish to say to the chairman of the committee that I understood this was to go out, and I am entirely in accord with that proposition.

Mr. SMALL. Mr. Chairman, I shall not object to the gentleman getting time, but I do object to his discussing the merits of this proposition on the point of order now. I must insist that the gentleman confine himself to the point of order.

The CHAIRMAN. The point of order has been raised. The gentleman will be heard as to the point of order.

Mr. ROBBINS. We are considering here a river and harbor bill. That is a navigation proposition entirely, with the necessary incidents that go to improving channels and fixing up the stream for navigable purposes. This section 5 of the bill, which has just been read, refers entirely to the discharge of acids and impurities into the waters of streams. It is a different question altogether, and the point of order is made against it because it is not relevant or pertinent to the purpose of the bill. Waters are navigable or otherwise, and whether they are pure or impure makes no difference. The discharge of acids into a river does not affect its navigability, but it does affect the use of water

for culinary purposes and potable purposes, and it may have an effect on the iron used in the construction of locks. But that is remote from the main proposition here. If we are to deal with the question of whether acids or impurities are discharged into a stream, that is a proposition that ought to be dealt with in connection with the police power and in connection with the health authorities of a State, or something of that sort. It is a different question altogether from navigation. This section 5 is extraneous to and foreign to the purposes of this bill.

It is difficult to discuss this narrow proposition without also adverting to associated causes. It is a fact that this acid comes into the streams from coal mines, from paper mills, from chemical works, from dyeing establishments. It can not be kept out of these streams. This proposes not only to reach out to the navigable streams, but it reaches out to the tributaries of those navigable streams. Take western Pennsylvania, the district in which I live. There we have the Monongahela River, which is navigable; also we have the Allegheny, which is partly navigable, and the Youghiogheny, which is partly navigable, and the Conemaugh, nonnavigable. Into every one of those streams there are smaller streams that discharge water from coal mines, and as it comes from some of them it is almost blood red in some places on account of this acid with which it is impregnated as it comes out of the mines.

If we are to reach out to the tributaries and take in the little creeks and interfere with the situation to that extent we will find that every small run, every rivulet, every creek, every brook that pours into these navigable rivers must be purified, and that is going far beyond the reach of navigation legislation over which alone Congress has jurisdiction. It is extending our control over the small streams that have nothing to do with this bill, which proposes to establish and improve navigation on the navigable streams of the United States.

Mr. FARR. Does it refer to sulphur water?

Mr. ROBBINS. Yes; it refers to sulphur in the water, and almost every stream in eastern Ohio and western Pennsylvania and West Virginia is affected by sulphur. In these States it is the subject of police regulation and of regulation by the health authorities.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. MEEKER. Will not the discharges from these mines and these chemical plants deepen the streams and make them more navigable?

Mr. ROBBINS. Not at all.

Mr. MEEKER. It would increase their navigability.

Mr. ROBBINS. It does not affect the channels. It affects the water. It has nothing to do with the channels or the navigability of the channels.

Mr. FARR. This legislation would close up many of the anthracite mines of Pennsylvania, and result seriously in the aggravation of the coal shortage that is already threatening the country for the coming winter.

Mr. ROBBINS. I have no doubt of it. It would close up all the bituminous mines in western Pennsylvania. I am not familiar with the anthracite mines.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. COOPER of Wisconsin. I am told, Mr. Chairman—and I will ask the gentleman from Pennsylvania what he thinks about this as affecting navigation—I am told by a member of the Committee on Rivers and Harbors that there was testimony had before the committee to the effect that the acids poured into these navigable streams directly and indirectly coming from these mines did very seriously interfere with navigation, because the acids ate out the iron and the metal on the boats and lessened their usefulness by 30 or 50 per cent. That is a direct injury to navigation.

Mr. ROBBINS. That can also be said as to salt water. Salt water eats out and rusts the iron of bridges and the metal of ships, and you can not use that in boilers any more than you can use sulphur water in boilers.

Mr. COOPER of Wisconsin. The Lord put it in the salt water, but He did not put it into the streams of Pennsylvania.

Mr. ROBBINS. Oh, yes; He put it in the coal seams. It is claimed that this has nothing to do with the point of order. It has to do with it. If this sulphur water has to be purified, it would not improve navigation. You can not take the sulphur out of the water as it comes from the coal mines. That is an impossible proposition at this late date.

The fact is, Mr. Chairman, that this bill ought not to be loaded down with a proposition that is not pertinent to it. If we are going to deal with this sulphur-water proposition, we should go about it as it is done in the State of Pennsylvania,

and it is purely a State affair and should be left to the States. There it is regulated by the police department and by the health department. We realize that it is impossible to eliminate the sulphur from the mine water, and the Supreme Court of the State of Pennsylvania has decided in the celebrated case of Sanderson against the Pennsylvania Coal Co. that the pouring of sulphur into a stream, while it may be injurious and may injure property, and in that case destroyed the plumbing in a spacious dwelling house, the plaintiff was not allowed to recover damages because the supreme court said the coal could not be mined without discharging mine water carrying sulphur, and therefore it was a matter upon which no damages would lie, being "damnum absque injuria." Therefore if there is anything in this bill that is going to strike terror to the mining industries of this country at a time, too, when we are clamoring for coal and when there is a shortage of fuel all over the country, it is the proposition that you are going to compel the producers of coal to purify the waters that come from the mines and that carry sulphur with it and deposits the same in the surface streams and is carried thence into the rivers.

The CHAIRMAN. That is a matter that the Chair has nothing to do with—the merits of the proposition.

Mr. ROBBINS. I want to show the magnitude of the proposition. It is no insignificant act as applied to the State of Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. MOORE of Pennsylvania. As written in the bill the paragraph provides a fine and imprisonment.

Mr. ROBBINS. Yes.

Mr. MOORE of Pennsylvania. That may be a little beyond the jurisdiction of this committee. But the gentleman from North Carolina [Mr. SMALL] proposes to strike that out and substitute a paragraph which contemplates an inquiry, so that, so far as the merits are concerned, the situation is entirely changed, it seems to me. I submit that to my colleague. If the gentleman from North Carolina holds to his present purpose, the danger that the gentleman points out is reduced.

Mr. SNELL. Mr. Chairman—

Mr. SMALL. I would say, Mr. Chairman, that by the direction of the committee I shall move to strike out the paragraph and simply insert one authorizing an investigation.

Mr. SNELL. Mr. Chairman, as I understood—

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ROBBINS. Mr. Chairman, I have not given up the floor.

Mr. SNELL. I believe the Chair recognized me.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania had concluded.

Mr. ROBBINS. No. Does the gentleman from North Carolina state that it is the position he still intends to take, to strike out this paragraph?

Mr. SMALL. Yes.

Mr. ROBBINS. Then, if that is true, I will not insist on the point of order again.

Mr. MEEKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEEKER. If the point of order is made against the paragraph as it stands, the gentleman from North Carolina can then offer the other as an amendment, can he not?

The CHAIRMAN. He can offer it as an amendment to the bill.

Mr. MEEKER. As a new section.

The CHAIRMAN. Without desiring to avoid the responsibility of making a ruling, the Chair will state that, with this amendment stricken from the bill on the motion of the gentleman from North Carolina, there will be no necessity for arguing the point of order. Of course, the gentleman from North Carolina will then be in order to offer an amendment.

Mr. MEEKER. I make the point of order against the paragraph.

Mr. JOHNSON of Washington. I thought the chairman of the committee had announced his intention to withdraw the text of the paragraph in the bill.

Mr. SNELL. Mr. Chairman, I have yielded once or twice, and I demand the floor. As I understand, the gentleman from North Carolina is willing to allow this section to go out of the bill. If he is, I do not care to be heard on the point of order, is that right?

Mr. SMALL. I have offered an amendment to that effect, which is pending, to strike out and substitute.

Mr. Chairman, there seems to be some difficulty in making clear the position of the committee. The motion I sent up by direction of the committee was to strike out this paragraph and insert a paragraph authorizing simply an investigation.

But the gentleman insists upon making the point of order, and we are willing to have the point of order discussed and passed on by the Chair. At the proper time I simply want to put to the Chair a brief argument in favor of the jurisdiction of the committee over this proposition.

The CHAIRMAN. If the gentleman will permit the Chair, this seems to be a case of tweedledum and tweedledee. If the motion of the gentleman from North Carolina [Mr. SMALL] is adopted and the paragraph goes out of the bill, of course that avoids all necessity of making the point of order, and then the gentleman from North Carolina can offer his amendment.

Mr. WALSH. How is the gentleman from North Carolina going to submit his amendment with the point of order pending?

Mr. ROBBINS. We are going to withdraw it.

Mr. WALSH. No; the gentleman from Missouri [Mr. MEEKER] made the point of order.

The CHAIRMAN. The Chair was simply making the suggestion that a great deal of time might be saved and the same thing accomplished that all gentlemen are trying to accomplish by permitting the gentleman from North Carolina to make his motion to strike out the paragraph, and thereby avoid the necessity of considering the point of order.

Mr. WALSH. Suppose that motion should be defeated after the point of order had been withdrawn.

The CHAIRMAN. If the motion should be defeated, of course the paragraph would remain in the bill.

Mr. DOWELL. Is it not a fact that if the amendment is adopted a point of order will not then lie against it? If the point of order is to be made at all, it is to be made now to this paragraph, together with any amendments that are to be offered.

Mr. WALSH. I desire to be heard on the point of order.

Mr. LONGWORTH. Will the gentleman from North Carolina yield?

Mr. SMALL. Certainly.

Mr. LONGWORTH. I think there has been some misapprehension upon this side of the House. Some gentlemen do not seem to understand that the gentleman from North Carolina states officially that by instruction of the committee he proposes to move to strike out the paragraph.

Mr. SMALL. I do.

Mr. LONGWORTH. That being so, what is the use of debating the point of order? The point of order would lie equally well against the amendment, if anybody desires to make it. I think some gentlemen do not understand that the chairman of the committee has announced that he proposes to strike out the paragraph.

Mr. WALSH. Does the gentleman from Ohio know that that motion will be agreed to by the House?

Mr. LONGWORTH. The gentleman from North Carolina has stated officially that he proposes to move to strike it out. Now, everybody on this side is in favor of that, so why waste all this time?

Mr. GARRETT of Tennessee. He proposes to strike out and insert, and that which he desires to insert may be subject to the point of order, if anyone wants to make it.

Mr. MOORE of Pennsylvania. May not the point of order be made against the substitute just the same as against the original paragraph?

Mr. LONGWORTH. Certainly.

Mr. DOWELL. The point is that if you adopt the amendment you can not then raise the point of order.

Mr. MOORE of Pennsylvania. We have the right to debate the amendment.

Mr. DOWELL. The question comes on the adoption of an amendment which proposes to insert certain language.

Mr. FESS. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Ohio demands the regular order. The Chair will hear the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, I assume that the point of order is against the provision as it appears in the bill in section 5. What is that provision? It makes it unlawful to throw or discharge free acid and acid waste into any navigable river or tributary of a navigable river. It appears in the report of the committee, upon official evidence, on page 5, that the result of this discharge of such material into a navigable river is to cause destruction to the hulls of steel vessels, to the boilers of steamboats, and also to the metallic parts of locks and dams and other improvements in navigable rivers. In other words, by the action of an industry along the banks of a river in discharging certain materials into that river works of the United States which it has constructed to improve the navigation of that river are subjected to destruction. Yet gentlemen take the position that a provision of law to prevent the destruction of the works of improvement

in a river, put there to improve navigation, are not within the jurisdiction of this committee.

Mr. MEEKER. In view of what has been said as to the substitute, I withdraw the point of order.

Mr. WALSH. I renew the point of order.

The CHAIRMAN. The gentleman from Massachusetts renews the point of order.

Mr. SMALL. Mr. Chairman, what is the jurisdiction of the Committee on Rivers and Harbors? Under the rules it has jurisdiction of subjects relating to the improvement of rivers and harbors; and when we propose a provision of law intended to preserve the improvement which we put in a river to promote its navigability gentlemen say it is not within the jurisdiction of this committee. If not, pray what committee of this House would have jurisdiction of it? Tell me a single committee, if you please, which has jurisdiction superior to that of the Committee on Rivers and Harbors over such a subject? Why, it is stated in the memorandum of the Chief of Engineers that so long as these deleterious substances were put into navigable rivers, affecting only the potability of the water, or killing the fish, it was not and never has been the intention of the War Department to ask Congress to legislate upon it, because those subjects are local and within the jurisdiction of the State, relating as they do to the preserving of the domestic water supply and to preserving the supply of fish. But when it comes to putting a substance in a navigable stream which destroys the instrumentalities of commerce upon these rivers, which destroys locks and dams constructed in these rivers to improve navigation, they say that Congress has nothing to do with it and that as to this committee it is new legislation. Congress has authority to maintain and preserve the navigability of its rivers, and it follows conclusively that it has authority to do whatever is necessary to preserve and maintain the work that you put upon these rivers in furtherance of their navigation.

So far as the new legislation is concerned, of course this committee has a right to propose new legislation. It is only a question of whether this provision is connected with the improvement of rivers and harbors, and if it is, it is within the jurisdiction of the committee. If it is not within the jurisdiction of this committee, no committee in the House has jurisdiction. We are not insisting on the paragraph, and I beg the indulgence of the House to make this brief statement. This is an injury to the navigability of streams, and the reason the committee upon further deliberation authorized the chairman to strike it out is because of war conditions. We did not desire to put these industries near these rivers in fear because we did not desire to do the least thing to impair their efficiency during the war.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMALL. I will.

Mr. MOORE of Pennsylvania. As bearing upon the importance of this measure, which I think is somewhat exaggerated, is it not true that in the letter that came to the committee from the Chief of Engineers the deterioration, not loss, but deterioration due to the acid in the waters is not less than \$25,000 a year in the Monongahela and not less than \$32,000 in the Ohio? That is to say, the total loss is less than the cost of the inquiry. I merely want to bring that fact out, and it is a fact, is it not?

Mr. SMALL. It is so stated.

Mr. WALSH. What has that to do with the point of order? Mr. Chairman, of course, this is not one of the general appropriation bills, but this section has to do with the subject of the jurisdiction which, peculiarly enough, is sometimes lodged in the Rivers and Harbors Committee and sometimes in the Committee on Interstate and Foreign Commerce.

Now, the chairman of the committee having this matter in charge asks what committee would have jurisdiction over a subject like this, and I submit that the committee having jurisdiction over the regulations of rivers and harbors and placing the works therein, and such as might constitute obstructions and interfere with the navigation of it, has jurisdiction over and to prevent and regulate matters of that sort. The Committee on Rivers and Harbors, under the rules of the House, is vested with jurisdiction relative to the improvement of rivers and harbors. The Committee on Interstate and Foreign Commerce has jurisdiction over matters relating to commerce other than appropriations for Life-Saving Service and the lighthouses.

Now, this section attempts to make a part of the criminal law of this country not matters that are obstructions to navigation because the deposit of this acid would not make the river impassable, but might make the waters to a certain extent injurious to certain classes of vessels. It would not impede the navigability of the river. The deposit of these acids would interfere with

commerce, because it might injure the instrumentalities which navigate the river. It would have an injurious effect upon iron and steel vessels or barges which ply up and down these rivers. The deposit of this substance in the river would have a detrimental effect upon the carriers engaged in commerce, but it does not do any injury to the river. If it is anything that relates to the injury of bridges or dams I submit that under the rules of the House legislation to cure that would go to the Interstate and Foreign Commerce Committee.

Now, there is another provision in this section which seems to me to be extremely unusual, and that is the imposing of a penalty for the doing of what is prohibited. It is not imposing a penalty necessarily upon persons who are using the river for navigation, but it would be imposing a penalty upon persons engaged in the manufacture of articles which might later enter into commerce.

Then it is provided at the end of the section, which nobody, I think, outside of the Committee on Rivers and Harbors knows what it means, that the section should be enforced as provided in section 17 of the rivers and harbors act of 1899, the provisions of which are made applicable.

Now, Mr. Chairman, this is not a proper matter to legislate upon in a bill relating to the improvement of rivers and harbors and to the maintenance of improvements already made. It throws into this bill an entirely new matter, something that does not impede or destroy the navigability of the river, because if it injured one class of vessels another class of vessels would proceed to use the river. It interferes with commerce. That is what this seeks to do; it seeks to permit the doing of some act that interferes with commerce. I submit in answer to the distinguished chairman and equally distinguished Committee on Rivers and Harbors, that the appropriate committee for legislation of this sort is the Committee on Interstate and Foreign Commerce and not the Committee on Rivers and Harbors.

Mr. DEMPSEY. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. DEMPSEY. Would the Committee on Interstate and Foreign Commerce have jurisdiction where the stream did not cross the State line?

Mr. WALSH. I think if a stream did not cross the State line that it would not necessarily follow that the use of the river was not in interstate commerce, for it might cross the State and go to a railroad landing where it would go into another State or run to the ocean, and thus be a part of an interstate marine highway.

Mr. DEMPSEY. Would it not follow, as a matter of necessity, that the Committee on Interstate and Foreign Commerce would have jurisdiction of very few of these matters, and that you would have to sort them out and first determine whether—

Mr. WALSH. They have to be sorted out anyhow.

Mr. DEMPSEY. Oh, no; the Committee on Rivers and Harbors has jurisdiction over all navigable waters, which would include all waters which are navigable, and this applies only to navigable waters.

Mr. WALSH. The gentleman is wrong there. The Interstate and Foreign Commerce Committee has jurisdiction over all navigable waters.

Mr. DEMPSEY. That are interstate waters—not over waters wholly within a State.

Mr. WALSH. Oh, yes; over waters wholly within a State.

Mr. DEMPSEY. I do not think so.

Mr. WALSH. Of course, they have jurisdiction over harbors that are wholly within a State, over rivers that are wholly within a State, over streams that are wholly within a State, and they have exercised it.

Mr. SNELL. Mr. Chairman, I do not believe that anyone will seriously contend that the subject matter in this provision is not germane to the bill. Rule XXI, section 2, makes certain provisions that are not in order to a general appropriation bill, but it has been continually ruled that the river and harbor bill is not a general appropriation bill, and by referring to Hinds' Precedents, section 3897 and section 3903, each one a situation similar to the one before us now, it will be seen that where points of order were made similar to this, the Chair in each case overruled the point of order upon the ground that it was not a general appropriation bill and this legislation or amendment was germane to the general legislation in the bill and not subject to the point of order. Therefore, I maintain that the section is in order, and it can not be overruled on the point of order under these precedents.

Mr. GOOD. Mr. Chairman, I desire to call the Chair's attention to one thing in this paragraph to which the attention of the Chair has not been called. Leaving out a portion of the language, the paragraph reads:

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited from any source whatever any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States or into any tributary of any navigable water.

This provision not only attempts to regulate the navigable streams, but it attempts to regulate every tributary to a navigable stream, no matter how small, no matter how little the creek may be. It intends here to give the Committee on Rivers and Harbors jurisdiction over the waters in a little creek if it is tributary to a navigable water. It is true this committee is all powerful, but I never heard it contended before that the Committee on Rivers and Harbors had jurisdiction over small creeks, no matter how small, if perchance the waters were tributary to some navigable stream.

Mr. MOORE of Pennsylvania. The gentleman does not contend that this committee does not have jurisdiction over navigable streams, however small?

Mr. GOOD. I am not talking about that. I am talking about the little tributaries to the navigable streams. Does the gentleman mean to say that because a little creek is tributary to a navigable stream that it also is navigable?

Mr. MOORE of Pennsylvania. The Missouri is tributary to the Mississippi.

Mr. GOOD. But the Missouri is a navigable stream. But Bear Creek and Skunk Creek are brought within the provisions of this law, even if they do not have more than 6 inches of water in spring freshets.

Mr. MOORE of Pennsylvania. If they are navigable; yes.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Massachusetts makes a point of order against section 5 of the bill, which, in substance, makes it unlawful to discharge any free acid or acid waste in any form, either directly or indirectly, into any navigable water of the United States. It has been uniformly held that the river and harbor appropriation bill is not one of the general appropriation bills as to which restrictions in the way of legislation on an appropriation bill apply. Therefore, while the section carries with it legislation, if it be germane, and if it relates to the improvement of a river or harbor, then, in the opinion of the Chair, it is in order. The chairman of the Committee on Rivers and Harbors has made the statement from the floor that the discharge of free acid or acid waste into navigable waters does interfere with the improvement of such rivers. The attention of the Chair has also been called to a report or memorandum of the Chief of Engineers, in which the statement is made that "the presence of acid and acid salts in the water results in deterioration of the boilers and hulls of steamboats and damage to the submerged metal parts of the Government locks and dams." He further states that "the damage done to the Government locks and dams is extensive." While the Chair is not altogether clear upon the subject, the Chair is inclined to think that this section is in order as bearing upon the improvement of navigable streams, because it is perfectly manifest that if the discharge of free acid and acid waste into navigable streams has the effect of destroying the locks and dams which are placed in the streams for the purpose of improving and making them navigable, then its presence is a very serious detriment and hindrance to the governmental work of improvement on such streams, and the River and Harbor Committee, in the opinion of the Chair, would have jurisdiction to report legislation having for its object the elimination or prevention of such injury. Under such circumstances it seems to the Chair that the committee is as much authorized to report legislation removing the acid or acid waste from navigable streams, constituting, as it has been stated, an obstruction to navigation, as it is to report legislation removing snags or similar obstructions from a navigable river, a right which the Chair understands has not been denied.

It is a question for the committee to decide as to whether or not such waste shall be allowed in navigable streams, and in overruling the point of order the Chair wishes to say, inasmuch as a great deal has been said upon the floor as to the merits of this proposition, that of course that is something which rests entirely with the committee and with which the Chair in passing upon this question has nothing whatever to do. The Chair overrules the point of order.

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

The CHAIRMAN. Yes.

Mr. LONGWORTH. I understand the effect of the ruling of the Chair is that any legislation whatever provided it is only germane is in order upon the rivers and harbors bill?

The CHAIRMAN. No; the Chair has not announced any such ruling. The Chair undertook to say that in his opinion any legislation relating to an improvement of a river or harbor

was in order upon a river and harbor appropriation bill under the rules of the House, subject to the limitations announced.

Mr. MOORE of Pennsylvania. If it was germane.

The CHAIRMAN. Certainly; it must be germane to the bill, to the subject matter of the bill.

Mr. LONGWORTH. My understanding of the ruling of the Chair—I am only speaking of it now as to the precedent it may have—goes to the full extent of saying that no matter whether it may be new legislation or not providing it is only germane it is in order?

The CHAIRMAN. That has been the ruling, as the Chair understands the precedents, for a great number of years.

Mr. LONGWORTH. I understand; but I do not remember a case where we went so far as to permit the Committee on Rivers and Harbors to provide a punishment—to make it unlawful and provide a very severe punishment—for an infringement of the law.

Mr. SMALL. Mr. Chairman, I could cite the gentleman to dozens of instances.

Mr. LONGWORTH. I did not recall an instance of that kind.

Mr. SMALL. I will cite the gentleman later.

Mr. ROBBINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBBINS. If I am dissatisfied with this ruling can I appeal to the committee?

The CHAIRMAN. Certainly; the gentleman can. The Chair will be glad to entertain it and have the committee pass upon it. Mr. ROBBINS. Well, I do appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained.

Mr. SMALL. Mr. Chairman, after a conference with the other two Members, particularly the gentleman from Massachusetts [Mr. TREADWAY], I ask unanimous consent to amend my substitute so as to strike out those words in the third line, "or into any tributaries of same."

Mr. WALSH. The gentleman does not have to do that, because the amendment was only read for information.

Mr. SMALL. Then I offer the amendment with those words omitted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 5, on pages 17 and 18, and in lieu thereof insert the following:

"Sec. 5. That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit into any of the navigable waters of the United States of free acid or acid waste in any form, and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States, or upon any vessels navigating the same, and submit a report of any recommendations which may be deemed appropriate, and any necessary expenses connected therewith shall be paid out of available funds herein or heretofore appropriated for examinations, surveys, and contingencies."

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve the point of order. I should like to have that part of the amendment again reported which referred to examination of the effect of these acids on vessels navigating the streams. Is that in there?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order. I shall not undertake to cover the ground that has been covered heretofore. If I understood correctly the conclusions of the Chair, they were based upon the fact that this acid might have effect upon the material in the locks because that would affect the navigability of the stream, but I did not understand the former ruling of the Chair to go to the extent of saying that the effect of these acids poured into the water might affect the craft navigating the stream was a proper matter for legislation by the Committee on Rivers and Harbors under the rules of the House.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. GARRETT of Tennessee. Certainly.

Mr. SMALL. To submit a unanimous-consent request. Mr. Chairman, in order to make haste and eliminate any discussion I ask unanimous consent to strike out those words, "or upon any vessels navigating the same."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman—

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve the right to object for a moment, and I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I desire to say to the gentleman from North Carolina that what he proposes to omit seems to be one of the most important subjects for investigation. It appears to me preposterous to suppose that Congress will appropriate money to promote the navigability of a stream, to deepen the water, to put in dams, and the Government itself build boats to be placed upon those streams, and yet the committee which reports the bill for an appropriation for these specific purposes can not at the same time do anything to protect the very vessels—not even the Government's vessels—which seek to navigate those streams. You might dig a stream as deep as you please, build as many dams as you please, but if you put into the water a substance that interferes with vessels seeking to navigate it you, to that extent, virtually destroy its navigability. Certainly the providing of a remedy for that ought to be within the jurisdiction of the Committee on Rivers and Harbors.

Mr. GARRETT of Tennessee. Mr. Chairman, I can suggest to the gentleman from Wisconsin a remedy for that, and that is that Congress decline to make appropriations to improve rivers that are polluted in any such way.

Now, Mr. Chairman, this is a matter that is not at all new. For 20 years and more efforts have been made to destroy the police powers of the States by just such movements as this.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. SMALL. Did the gentleman vote to amend the Federal Constitution for national prohibition?

Mr. GARRETT of Tennessee. I did.

Mr. SMALL. Did you also vote to amend the Constitution for woman suffrage?

Mr. GARRETT of Tennessee. I did not.

Mr. SMALL. Well, I do not know how you made the distinction, but I do not understand how a gentleman who voted for national prohibition can complain very much about invading the rights of the States.

Mr. GARRETT of Tennessee. Well, Mr. Chairman, of course if the gentleman does not distinguish between that which is a moral wrong and the navigability of a stream, of course I can not hope to convince him of anything, or that I would be consistent in any way about it. [Laughter.] I voted to amend the Constitution. The gentleman brings in a proposition and asks its passage, despite the Constitution.

Now, if the gentleman withdraws that language, of course, under the prior ruling of the Chair—and to be entirely frank, I do not concur in the ruling made a few moments ago—I realize that the Chair would hold the same way again; but if the gentleman withdraws that language, there will be, of course, no necessity for our pressing the point of order any further.

Mr. SMALL. Mr. Chairman, simply in the interest of saving time, I ask that those words be stricken from the amendment.

The CHAIRMAN. The gentleman from North Carolina asks permission to modify his amendment in the manner indicated. Is there objection?

Mr. MADDEN. I reserve the right to object, Mr. Chairman. If this is done simply in the interest of time—and there is no merit in the withdrawal unless it is withdrawn for the purpose of making the language more in keeping with the responsibility placed upon Congress and its power to act—I think the gentleman ought not to be permitted to withdraw it. It is rather joking with a very important and serious subject, it seems to me. I do not want to object, but I think the gentleman from North Carolina ought to be permitted to change his reasons for his withdrawal. [Laughter.]

Mr. SMALL. I think I will adopt any reasons the gentleman may suggest. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. COOPER of Wisconsin. Mr. Chairman, I will object if it is to withdraw that investigation so far as it goes to an investigation of the effect of acids upon boats.

Mr. GARRETT of Tennessee. Then, I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair has heretofore stated that according to his interpretation of the rules and the precedents the Committee on Rivers and Harbors has the authority to report legislation upon a river and harbor bill which relates to the improvement of rivers and harbors and which is germane to the subject matter of the bill. The amendment offered by the gentleman from North Carolina [Mr. SMALL] proposes that an

investigation shall be made by the Secretary of War regarding "the discharge or deposit into any of the navigable waters of the United States of free acid or acid waste in any form and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States, or upon any vessels navigating the same."

Now the Chair fails to see how the question as to the injury that may arise to vessels upon navigable streams has any direct relation to the improvement of a river or harbor for purposes of navigation. The Chair therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. SMALL. Mr. Chairman, I offer an amendment with those words stricken out.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is not an amendment already pending?

The CHAIRMAN. The former amendment went out on a point of order.

Mr. SMALL. Strike out the words "or upon any vessel navigating the same." I ask that the modified amendment be read, Mr. Chairman.

The CHAIRMAN. The Clerk will again report it.

The Clerk read as follows:

Committee amendment. Strike out all of section 5, on pages 17 and 18, and in lieu thereof insert the following:

"That the Secretary of War shall cause an investigation to be made regarding the discharge or deposit in any of the navigable waters of the United States, of free acid or acid waste in any form, and the extent of same, together with any injurious results affecting the navigability of such waters, or any works of improvement made thereon by the United States, and submit a report with any recommendations which may be deemed appropriate, and any expenses connected therewith shall be paid out of the available funds herein or heretofore appropriated for examinations, surveys, and contingencies."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, is the gentleman from North Carolina going to speak on his amendment? I desire to do so.

Mr. SMALL. Mr. Chairman, at this time I desire to see if we can not have an agreement as to the debate on this paragraph. I ask unanimous consent that all debate close in five minutes.

Mr. ROBBINS. I would like to have some time on this.

Mr. SMALL. I would not take the gentleman from Pennsylvania off his feet.

Mr. MADDEN. Mr. Chairman, I move that the debate on this section and all amendments thereto be closed now.

Mr. WALSH. I make the point of order that that is not in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have the floor.

Mr. MADDEN. The time has come when we should finish this bill.

Mr. WALSH. The gentleman is getting impatient all of a sudden.

Mr. SMALL. Mr. Chairman, I now make the request that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to have three minutes.

Mr. SMALL. In eight minutes, then.

Mr. ROBBINS. I would like to have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. ROBBINS. Can I have three minutes?

Mr. SMALL. Then, Mr. Chairman, make it 11 minutes.

Mr. GARRETT of Texas. I am going to object to that. We might as well close this thing up.

Mr. SMALL. We are trying to adjust things.

Mr. GARRETT of Texas. I know, but we have been adjusting things for three or four days, and the bill ought to pass.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this amendment and all amendments thereto close in 11 minutes.

Mr. GARLAND. I want to be included in that for two minutes.

Mr. SMALL. Then make it 13 minutes.

Mr. GARRETT of Texas. I object.

Mr. SMALL. Then, Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in 13 minutes.

Mr. GARNER. A point of order, Mr. Chairman. You must have some debate before that motion can be made.

The CHAIRMAN. The point of order is well taken. The gentleman from Pennsylvania [Mr. Moore] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I dislike very much not to agree with the committee on this proposition. It seems to me that the amendment which has been suggested is inexpedient at this time. In all large centers of population full use is being made of our industries for war purposes, and it is possible that many of them are discharging waste into navigable streams. I question whether this is the time to harass these great industrial enterprises by annoying investigations. The Chief of Engineers, in his letter to the Rivers and Harbors Committee, has stated that this matter had been fully investigated; that there had been careful tests along the Monongahela and the Ohio Rivers in particular, and that these tests indicated that the deterioration in one year due to the acid waste going into the Monongahela has been \$25,000, and upon the entire 900 miles of the Ohio River, \$32,000. It is proposed by this amendment to start a new inquiry over and above the one already conducted by the Chief of Engineers and his assistants, and no one knows what the cost of that inquiry is to be, or how much annoyance it is to bring to the various manufacturers and others who are doing the best they can now to further the business of the war. This legislation ought not to come up in the river and harbor bill, anyhow. It would more properly come up in a separate measure from the Rivers and Harbors Committee, or it might come up from the Committee on the Merchant Marine and Fisheries, within the jurisdiction of the Steamboat-Inspection Service of the United States. It is not clearly a question of navigation. It involves the pollution of streams, and the States have laws relating to the pollution of streams. By this inquiry it is possible to interfere with the measures already enacted by the States in the matter of sanitation and the discharge of waste into streams. I repeat, this is not a time to start an inquiry of this kind. It ought to go over, or come up in a separate measure. So important a matter should not come in as a rider on the river and harbor bill, and I submit that at this time the public interest demands that this amendment be defeated.

Mr. SMALL. I now ask unanimous consent that all debate on this paragraph and amendments close in eight minutes, to be divided, three minutes to the gentleman from Pennsylvania [Mr. Robbins], three minutes to the gentleman from Wisconsin [Mr. Cooper], and two minutes to the gentleman from Pennsylvania [Mr. Garland].

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the pending paragraph and all amendments thereto close in eight minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. ROBBINS. Gentlemen of the committee, I recognize that you are all weary, and that probably anything that I say will not influence a vote at this late hour of the day, but this proposed amendment is so important to the mining interests of western Pennsylvania, where is the congressional district which I have the honor to represent, that I can not let it pass without entering a vigorous protest.

It is proposed to appoint a commission to investigate the waters of western Pennsylvania and elsewhere with reference to mine water and other impurities and report some legislation prohibiting the same. That is plainly what is intended.

The district that I represent mined last year 20,000,000 tons of bituminous coal, and out of every one of those mines, not only the ones that are active, but a large number of old mines in that district that have been worked out or abandoned, is pouring a stream of water that is impregnated with sulphur. For more than half a century the mines of western Pennsylvania have been operated. They were first developed above the water level. In the mining of coal generally the surface of the ground and the coal seam are severed, and the title is vested in different owners. When these mines are worked out and abandoned, there is no fixed ownership of the space from which the coal has been removed; but by the mining of the coal the overlying surface cracks, subsides, and falls in, and the water that naturally found its vent on the surface in springs is now precipitated into the coal seam, and is pouring out at the pit's mouth into the streams, impregnating them with sulphur and other impurities. To adopt legislation here and attempt to exclude that water from flowing in natural watercourses into the

rivers would simply mean to close up the mines of western Pennsylvania.

Not only that, but it is unnecessary. On August 5, 1886, and June 29, 1888, Congress passed two laws which now prevent the depositing in the navigable streams of the United States, of any substance, like "sawdust, slag, slate, and so forth, or any material of that kind," that would impede navigation, so that it is not necessary to legislate here to exclude this mine water, and that is what this means.

More than that, this is an invasion of the rights of the State of Pennsylvania. Pennsylvania has a completely organized system of inspection of the waters within the State under "a water commission" and "a health commission." They exclude from the streams everything that can be excluded. They have looked into this matter most carefully, and they have found that it is absolutely impossible to stop the running of coal-mine water into the streams.

We have had this same question up in our supreme court, and it was settled in our jurisdiction in the well-known case of Sanderson against the Pennsylvania Coal Co., that you can not prevent the water from a coal mine from flowing into the surface streams and flowing in natural watercourses, and you can not be required to purify it. The gentleman from Wisconsin has asked the question whether the rivers of western Pennsylvania are not 30 per cent mine water. They are 30 per cent mine water, because many of the hills of western Pennsylvania are being hollowed out by our mining operations, and the sources from which this water comes in part are through these worked-out mines. And I want to say to the chairman of the River and Harbor Committee that if he proposes to cripple the mining industry of Pennsylvania and Ohio tributary to these improved rivers, that there will not be any freight for these rivers that will need transportation by slack-water navigation.

By the striking out of section 5 and the substitution of the new section which proposes to provide for the appointment of a commission to ascertain the amount of acid and other impurities in the water that are flowing into the rivers and make recommendation of legislation required to prevent it we are starting on a dangerous course which is bound to result disastrously to the mining industries of the country.

The report made by experts, engineers, or chemists would, of course, show that the rivers of my district, to wit, the Allegheny, Monongahela, and Youghiogheny, which flow either along or through it, contain large quantities of sulphur, which attacks and destroys iron, also lime, magnesia, and other impurities which render the water unfit for domestic use or steam purposes.

When such a report is obtained and brought before Congress it would furnish a basis for an act of Congress to prohibit water containing these deleterious substances from being permitted to flow into the navigable streams. This would be a menace to the industries of my district and my State.

I am opposed to even giving countenance to this matter to the extent of appointing a commission and spending public money on a useless investigation of this kind. I do not want to have it even countenanced by being seriously considered in an act of Congress. Let the States work this situation out in their own way, as Pennsylvania is now doing.

Even if it were possible to purify the waters from coal mines, it would entail an expense on the mining industry that would close up every coal mine in western Pennsylvania. What good will it do to purify the water from the mines that are now active, and let the water flow from the old openings, to which no responsible ownership can now be found, into the streams and defile them? The whole proposition is impossible.

I urge you, my colleagues, to vote to strike out not only section 5 but to refuse to insert the substitution offered by the chairman of the River and Harbor Committee to create a commission to look into this water question.

Let us end the whole matter by voting both the section and the proposed substitute out of the bill, allowing this matter to rest with the States. Let us acknowledge that the States have still some rights that even Congress "is bound to respect."

Mr. GARLAND. Mr. Chairman, I want to add my testimony to the facts stated by my colleague [Mr. ROBBINS]. This provision would apply not only to the mines, but every rolling mill situated along the rivers in western Pennsylvania uses more or less acid in cleaning the iron, and for other purposes. Not only that, but the tanneries and innumerable paper mills, and all the great industries situated in western Pennsylvania, discharge some acid into these rivers.

Now, there have been demands made to stop this. Fifteen years ago they went out and attempted to enforce it. They provided that the rolling mills must dig vats in the earth to take the

water before it entered into the river. They found that that did no good. They had to set that aside. They have been trying everything possible to prevent it. The sawmills are burning up all their stuff, but there comes rains and floods that takes the stuff into the river. So far as that is concerned, we have a great deal of navigation on that river, and have had for 100 years. We have had damage to navigation, but it has been so slight that the people have not complained of it. The piers put down by the Government are cement and stone. There is very little iron used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, in reply I beg to remind gentlemen that this is not the ordinary question of the mere pollution of streams, an evil which is subject to the police powers of the States. On the contrary, it is a question of appointing a commission to investigate and make a report with a view to the possible removal of substances—acids and acid wastes—which, it is said, directly interfere with navigation. The evidence by Government experts is clear and uncontradicted that the great amount of free acids and acid waste now pouring into these streams eats out the boilers in steamboats and in steam barges and dredges owned by the Government, and in the machinery in dams and other Government improvements. Here is therefore a direct obstruction to navigation. The Congress has exclusive jurisdiction to remove obstructions from navigable streams.

These substances would in time so cripple the engines in steamboats and steam barges as to make it impossible for them to go upstream. In other words their presence in the stream directly interferes with navigation.

With all respect to the Chair and to the gentleman from North Carolina, I think the withdrawal of that clause was a mistake, and I hope, because of the precedent this may establish, that some day the position of the Chair on that point will be changed.

The gentleman from Pennsylvania [Mr. GARLAND] says that for 100 years there has been acid in the streams and that it has not interfered with navigation. But during 50 and, in many instances, 75 of those 100 years there was only a small amount of acid running into the navigable streams compared with what is pouring into them now. This great increase in the volume of acids in these streams does, according to the testimony of Government engineers, interfere seriously with navigation. The Government dredges the channels, and it ought certainly to be able to remove from them whatever interferes with vessels—at least its own vessels—wishing to navigate them.

Mr. GARLAND. What would be the use of stopping the acid coming into the water if you thereby stop the industries? What good is that to navigation?

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania, I think, misunderstands the question now before us. The proposition here is only to have an expert committee appointed to investigate and report to the House.

Mr. ROBBINS. What it is proposed to do is to get an investigation and a report by a lot of experts and bring it in here, where they do not know anything about it, and enact legislation that would shut up the coal mines.

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania will be here, and also other men will be here, who know all about it, and no mere committee report could, while they are present, compel Congress to enact a law to do a thing like that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The original paragraph, which is more objectionable than the amendment, still stands in the bill.

The CHAIRMAN. It does.

Mr. MOORE of Pennsylvania. I move to strike out section 5. The question was taken, and the amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. SMALL. Mr. Chairman, we passed over, by unanimous consent, an amendment offered by the gentleman from Oregon [Mr. HAWLEY]. I understand that he wishes to withdraw his amendment and propose another.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment and substitute another.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Page 16, line 8, after the word "Yamhill," insert the word "River." Strike out the word "rivers," in line 8, and insert in lieu thereof the following: "river from the mouth of Clatskanie."

Mr. HAWLEY. Mr. Chairman, I understand that this will meet with no objection.

Mr. SMALL. Mr. Chairman, the only effect of this amendment as it has been re-formed is to enable the appropriation for this group to be expended on all that part of the river which is under the existing project. It is not a new project, but simply modifies it to that extent. I do not think it is necessary, but the gentleman thinks so, and I defer to his opinion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill do pass. Pending that I ask unanimous consent that the Clerk may be authorized to renumber the sections.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Clerk may be permitted to renumber the sections. Is there objection?

There was no objection.

The motion of Mr. SMALL was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. KITCHIN] having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the rivers and harbors bill, and had instructed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. SMALL. Mr. Speaker, I expect to move the previous question, but before doing so I desire to be heard briefly by the House. I shall ask for a separate vote on the amendment inserted by the Committee of the Whole adopting a new project at Key West, Fla., and I beg the attention of the House briefly to a statement which I shall make.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. SMALL. Yes.

Mr. CLARK of Florida. I want to state this: The gentleman is asking unanimous consent?

Mr. SMALL. Oh, no; I am not. I have the floor, and I have an hour, as I understand it, if I wish to use it; but I expect to use only a part of it.

Mr. CLARK of Florida. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. Is that the rule, that the gentleman has an hour in presenting the bill in this way to the House?

The SPEAKER pro tempore. He has, until the previous question is ordered.

Mr. SEARS. Mr. Speaker, will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. SEARS. Will the gentleman yield me 10 minutes and reserve for himself 50 minutes?

Mr. SMALL. Mr. Speaker, this matter was thoroughly discussed, and the gentleman had ample time. If I should yield to the gentleman for five minutes now, would that be sufficient?

Mr. SEARS. At the end of the gentleman's time, if I care to take it.

Mr. SMALL. Oh, I have the floor, and I want to close the matter.

Mr. SEARS. Yes; I will be very glad to have five minutes.

Mr. SMALL. Mr. Speaker, am I yielding the floor in yielding to the gentleman for five minutes?

The SPEAKER pro tempore. The gentleman would be yielding the floor to the gentleman for five minutes.

Mr. SMALL. And at the end of five minutes would I resume the floor?

The SPEAKER pro tempore. Yes.

Mr. SMALL. I yield five minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Florida is recognized for five minutes.

Mr. SEARS. Mr. Speaker, I had not intended taking any more of the time of this House. The gentleman from North Carolina has stated that I had plenty of time to argue the Key West proposition. I suggest that the gentleman also had plenty of time; but I want to say this to my colleagues, as I said this

afternoon briefly: I believe the Key West proposition is a war proposition, that it is meritorious, and, as I said in the conclusion of my argument the other day, with a naval base, with a torpedo base located at Key West, with all of the Government properties and interests located there, with a torpedo boat about a year ago destroyed because of the lack of proper facilities in the harbor, with a Government collier going aground, with hundreds of cars loaded waiting for ships so they could be unloaded, with the Mallory Steamship Co. taking off a steamer, with the Navy Department spending more than half a million on an aviation station and other improvements, if that does not constitute a war proposition, then I fail to see what a war proposition is. All I ask of the membership of this House, and evidently the chairman of this committee does not agree with me, is that they shall vote according to the merits of the proposition. On a viva voce vote and on a division in the committee the amendment was agreed to.

The committee lacked four votes of having a quorum, and a point of order of no quorum was raised. A quorum was secured and on a teller vote, with the membership of this House here to vote on this question, it was again adopted by about 32 votes. I believe the membership of this House will stand by that vote, and that you knew what you were doing then and what you will do now. In June, 1917, after we had declared war, Gen. Abbott, Gen. Black, and all of the Army engineers indorsed the report of Lieut. Col. Ladue that the improvement at Key West was urgent and necessary, and I contend that is an indorsement of the proposition. As I said to my colleagues this afternoon, in the case of Jacksonville, where the Board of Engineers stated that no estimate was made for Jacksonville because of war conditions, I refused to and would not ask the committee to make an appropriation, because I am in hearty accord with it. Neither would I ask for an appropriation at Miami, because of the funds on hand being sufficient. With 560 miles of seacoast, I did not ask the committee to give me a single dollar, except at Key West, which—according to admirals of unquestioned ability, to wit, Admiral Helm and Admiral Benton—is to the United States, if we would only make it so, what Heligoland is to Germany. There is no need of my taking up more of your time, and I simply say in conclusion, giving the gentleman 55 minutes in which to reply, that I believe my amendment is a meritorious one; that it is a worthy proposition; that it is a war proposition; that the freight congestion makes it one; and I also believe that my colleagues are convinced that the same is true, and, so believing, they will not force me to go to some board, not elected by anyone, to try to get an indorsement of a meritorious proposition before they will vote for it. If you are in accord with these sentiments, I ask you to vote with me; if you are not, then it is your duty to vote against me. [Applause.]

Mr. SMALL. Mr. Speaker, the gentleman from Florida says that he defeated the committee. If that were the only issue involved, the chairman of the committee is broad enough to accept the judgment of the Committee of the Whole upon any matter, but the House upon a separate vote ought to reject this amendment for a new project at Key West for broad reasons. It is contrary to the policy of the committee in the formulation of the bill and will seriously jeopardize the passage of any bill whatever at this session.

Mr. GARNER. Mr. Speaker, may I interrupt the gentleman in that connection?

Mr. SMALL. Yes.

Mr. GARNER. The gentleman states that this is a new project. I want to ask the gentleman if he expects to call for a separate vote on what is known as the Dempsey amendment, the New York amendment?

Mr. SMALL. For the East River?

Mr. GARNER. Yes, sir.

Mr. SMALL. It is not the intention of the chairman of the committee to do it.

Mr. GARNER. Is not that in the same category as Key West?

Mr. SMALL. Not at all.

Mr. GARNER. Is not that a new project, a 40-foot project?

Mr. SMALL. Not at all. The river and harbor act last session, approved August 8, 1917, adopted that project of 40 feet and the only effect of the amendment is to expedite the improvement, that is all.

Mr. GARNER. Did not the gentleman from North Carolina just make the reverse statement in discussing that amendment on the floor of the House?

Mr. SMALL. I did not.

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

Mr. SMALL. I will.

Mr. SHERLEY: Why did not the committee carry that amendment of the gentleman from New York as an original proposition in the bill?

Mr. SMALL: Because the committee did not think it wise and does not now think it is wise.

Mr. SHERLEY: Then, why does not the committee now oppose its adoption?

Mr. SMALL: The question the gentleman from Texas asked was whether there is any difference between them. There is quite a distinction. The amendment as to the East River simply expedites the improvement. Key West is a new project absolutely.

Now, let me present this matter to the House, and let the House do what it deems best in wisdom and fairness to do. This, as I said, is a new project, and I ask the attention of gentlemen, because I am going to be brief.

Mr. GARRETT of Tennessee. Will the gentleman permit me a moment?

Mr. SMALL: I will.

Mr. GARRETT of Tennessee. I suggest that this is a very unusual procedure. I have never, if the gentleman will permit—

Mr. SMALL: I did not yield for a speech, I yielded for a question.

Mr. GARRETT of Tennessee. I have never seen, after the completion of a bill in the Committee of the Whole House on the state of the Union, an argument then had in the House. Now, if it is for the purpose of convincing the House, in order to have a full vote of the House we ought to have a full House here.

Mr. SMALL: I have no objection.

Mr. GARRETT of Tennessee. I do not wish to do anything objectionable to the gentleman.

Mr. SMALL: I have no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Tennessee makes a point of order that there is no quorum present, and evidently there is not.

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

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 13, noes 64.

So the call of the House was refused.

Mr. GARNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Texas moves that the House do now adjourn.

Mr. WATSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks—

The SPEAKER pro tempore. The Chair suggests to the gentleman from Texas that he withhold that for a moment.

Mr. GARNER. I will withhold it for a moment.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the proceedings on to-morrow may be dispensed with in order that the conference report on the Agricultural appropriation bill may be called up.

Mr. LONGWORTH. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LONGWORTH. In the situation we now find ourselves I submit that that request is out of order.

The SPEAKER pro tempore. The point is well taken. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. FOSTER. Mr. Speaker, I ask for the yeas and nays.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. Is this division upon the demand for the yeas and nays?

The SPEAKER pro tempore. There is no demand for the yeas and nays.

Mr. FOSTER. Mr. Speaker, I demanded the yeas and nays.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Illinois to ask for the yeas and nays?

Mr. FOSTER. I do. I want to see how many of this House are willing to quit at this hour of the afternoon with business of importance pending.

The SPEAKER pro tempore. But the gentleman from Illinois did not answer the Chair's question. Did the gentleman ask for the yeas and nays?

Mr. FOSTER. I do, Mr. Speaker.

The SPEAKER pro tempore. Those in favor of the yeas and nays will stand and be counted. [After counting.] Twenty gentlemen have arisen; not a sufficient number—

Mr. FOSTER. The other side, Mr. Speaker.

The question was taken; and there were—ayes 20, noes 80. So the yeas and nays were ordered.

The question was taken; and there were—yeas 54, nays 245, not voting 133, as follows:

YEAS—54.			
Black	Freeman	James	Sanford
Booher	Garner	Kless, Pa.	Sells
Browne	Garrett, Tenn.	Langley	Sims
Byrnes, S. C.	Gillett	Larsen	Sisson
Campbell, Kans.	Good	Linticum	Small
Cannon	Goodall	Little	Stephens, Miss.
Carlin	Gray, Ala.	Longworth	Talbot
Chandler, Okla.	Hamill	Madden	Thomas
Coady	Hamilton, Mich.	Mansfield	Walsh
Collier	Hardy	Moore, Ind.	Watson, Va.
Dies	Hersey	Park	Whaley
Doughton	Holland	Ragsdale	Young, Tex.
Elliott	Houston	Rayburn	
Fordney	Huddleston	Roberts	

NAYS—245.			
Almon	Elston	Kitchin	Rouse
Anderson	Emerson	Knutson	Rowe
Ashbrook	Esch	Kraus	Sanders, Ind.
Ayres	Fairfield	La Follette	Sanders, N. Y.
Bacharach	Farr	Lee, Cal.	Saunders, Va.
Baer	Ferris	Lee, Ga.	Schall
Bankhead	Fields	Lehlbach	Scott, Mich.
Barkley	Fisher	Lenroot	Scully
Barnhart	Focht	Leshor	Sears
Beakes	Foss	Lever	Shallenberger
Beshin	Foster	Littlepage	Sherley
Bland	Francis	Lobeck	Sherwood
Blanton	Frear	London	Siegel
Bowers	French	Loneragan	Sinnott
Brand	Fuller, Ill.	Lufkin	Sloan
Britten	Gallivan	Lundeen	Smith, Idaho
Brodbeck	Garland	McArthur	Smith, Mich.
Browning	Garrett, Tex.	McCulloch	Snel
Brumbaugh	Glass	McFadden	Snook
Buchanan	Glynn	McKenzie	Snyder
Burrheads	Godwin, N. C.	McKeown	Sterling, Ill.
Butler	Goodwin, Ark.	McLaughlin, Mich.	Stevenson
Byrns, Tenn.	Gordon	Maher	Stinnes
Caldwell	Gould	Mapes	Strong
Campbell, Pa.	Graham, Ill.	Mason	Summers
Candler, Miss.	Graham, Pa.	Mays	Sweet
Caraway	Green, Iowa	Meeker	Swift
Carter, Okla.	Greene, Mass.	Merritt	Switzer
Chandler, N. Y.	Greene, Vt.	Miller, Wash.	Tague
Church	Gregg	Moore, Pa.	Taylor, Ark.
Clark, Fla.	Griest	Morgan	Taylor, Colo.
Clark, Pa.	Griffin	Mott	Thompson
Classon	Hadley	Mudd	Tillman
Claypool	Hamilton, N. Y.	Neely	Tilson
Cleary	Harrison, Miss.	Nelson	Timberlake
Connally, Tex.	Harrison, Va.	Nicholls, S. C.	Tinkham
Cooper, Ohio	Haskell	Nichols, Mich.	Treadway
Cooper, W. Va.	Hastings	Oldfield	Venable
Cooper, Wis.	Haugen	Oliver, Ala.	Vinson
Cox	Hawley	Oliver, N. Y.	Voigt
Cramton	Hayden	Osborne	Waldow
Crisp	Heaton	Overson	Walker
Crosser	Helm	Overstreet	Walton
Currie, Mich.	Hilliard	Padgett	Ward
Dale, Vt.	Hollingsworth	Paine	Watson
Darrow	Howard	Parker, N. J.	Watson, Pa.
Davis	Hull, Tenn.	Parker, N. Y.	Weaver
Delaney	Humphreys	Peters	Webb
Dempsey	Hutchinson	Phelan	Welling
Denton	Ireland	Polk	Welty
Dill	Jacaway	Pratt	Wheeler
Dillon	Johnson, Ky.	Price	White, Me.
Dixon	Johnson, Wash.	Quin	Williams
Dominick	Jones, Tex.	Raker	Wilson, Ill.
Donovan	Juhl	Ramseyer	Wilson, Tex.
Doolittle	Kearns	Randall	Wingo
Dowell	Keating	Reavis	Wood, Ind.
Drane	Kehoe	Riordan	Woods, Iowa
Dunn	Kelley, Mich.	Robbins	Young, N. Dak.
Eagan	Kennedy, Iowa	Robinson	
Eagle	Kincheloe	Rogers	
Ellsworth	King	Rose	

NOT VOTING—133.			
Alexander	Doremus	Husted	Moon
Anthony	Drukker	Igoe	McKin
Aswell	Dupré	Johnson, S. Dak.	Nolan
Austin	Dyer	Jones, Va.	Norton
Bell	Edmonds	Kahn	Olney
Blackmon	Estopinal	Kelly, Pa.	O'Shaunessy
Borland	Evans	Kentedy, R. I.	Platt
Burnett	Fairchild, B. L.	Kettner	Porter
Cantrill	Fairchild, G. W.	Key, Ohio	Pou
Carew	Fess	Kinkaid	Powers
Carter, Mass.	Flood	Kreider	Purnell
Cary	Flynn	LaGuardia	Rainey, H. T.
Connelly, Kans.	Fulmer, Mass.	Lazaro	Rainey, J. W.
Copey	Gallagher	Lunn	Ramsey
Costello	Gandy	McAndrews	Rankin
Crago	Gard	McClintic	Reed
Curry, Cal.	Gray, N. J.	McCormick	Rodenberg
Dale, N. Y.	Hamlin	McKinley	Romjue
Dallinger	Hayes	McLaughlin, Pa.	Rowland
Davidson	Heflin	McLemore	Rubev
Decker	Helntz	Magee	Rucker
Denison	Helvering	Mann	Russell
Dent	Hensley	Martin	Sabath
Dewalt	Hicks	Miller, Minn.	Sanders, La.
Dickinson	Hood	Mondell	Scott, Iowa
Dooling	Hull, Iowa	Montague	Scott, Pa.

Shackelford	Stedman	Towner	Winslow
Shouse	Steele	Van Dyke	Wise
Slayden	Steenerson	Vare	Woodyard
Slomp	Stephens, Nebr.	Vestal	Wright
Smith, C. B.	Sterling, Pa.	Volstead	Zihman
Smith, T. F.	Sullivan	Watkins	
Stafford	Temple	White, Ohio	
Staggall	Templeton	Wilson, La.	

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. SHACKLEFORD with Mr. NOLAN.
 Mr. GANDY with Mr. NORTON.
 Mr. GALLAGHER with Mr. CURRY of California.
 Mr. SANDERS of Louisiana with Mr. RODENBERG.
 Mr. ASWELL with Mr. MORIN.
 Mr. BELL with Mr. MILLER of Minnesota.
 Mr. LAZARO with Mr. MAGEE.
 Mr. DUPRÉ with Mr. MCKINLEY.
 Mr. IGOE with Mr. KREIDER.
 Mr. ROMJUE with Mr. JOHNSON of South Dakota.
 Mr. BORLAND with Mr. HUSTED.
 Mr. MARTIN with Mr. PORTER.
 Mr. ALEXANDER with Mr. HICKS.
 Mr. BLACKMON with Mr. TINKHAM.
 Mr. BURNETT with Mr. ANTHONY.
 Mr. CANTRILL with Mr. AUSTIN.
 Mr. CAREW with Mr. CARTER of Massachusetts.
 Mr. CONNELLY of Kansas with Mr. CARY.
 Mr. DALE of New York with Mr. COPLEY.
 Mr. DENT with Mr. COSTELLO.
 Mr. DEWALT with Mr. CRAGO.
 Mr. DICKINSON with Mr. DALLINGER.
 Mr. DOOLING with Mr. DAVIDSON.
 Mr. DOREMUS with Mr. DENISON.
 Mr. ESTOPINAL with Mr. DYER.
 Mr. EVANS with Mr. DRUKKER.
 Mr. FLOOD with Mr. EDMONDS.
 Mr. GARD with Mr. GEORGE W. FAIRCHILD.
 Mr. HAMLIN with Mr. BENJAMIN L. FAIRCHILD.
 Mr. HEELIN with Mr. FESS.
 Mr. HELVERING with Mr. FULLER of Massachusetts.
 Mr. HOOD with Mr. HAYES.
 Mr. KELLY of Pennsylvania with Mr. HULL of Iowa.
 Mr. KETTNER with Mr. KAHN.
 Mr. KEY of Ohio with Mr. KENNEDY of Rhode Island.
 Mr. LUNN with Mr. KINKAID.
 Mr. McANDREWS with Mr. McCORMICK.
 Mr. McCLINTIC with Mr. McLAUGHLIN of Pennsylvania.
 Mr. McLEMORE with Mr. MONDELL.
 Mr. MONTAGUE with Mr. PLATT.
 Mr. MOON with Mr. PURNELL.
 Mr. OLNEY with Mr. POWERS.
 Mr. O'SHAUNNESSY with Mr. RAMSEY.
 Mr. POU with Miss RANKIN.
 Mr. HENRY T. RAINEY with Mr. REED.
 Mr. JOHN W. RAINEY with Mr. ROWLAND.
 Mr. RUBEY with Mr. SCOTT of Iowa.
 Mr. RUCKER with Mr. SCOTT of Pennsylvania.
 Mr. RUSSELL with Mr. STEMP.
 Mr. SABATH with Mr. STEENERSON.
 Mr. SHOUSE with Mr. TEMPLE.
 Mr. SLAYDEN with Mr. TEMPLETON.
 Mr. CHARLES B. SMITH with Mr. TOWNER.
 Mr. THOMAS F. SMITH with Mr. VARE.
 Mr. STEAGALL with Mr. VESTAL.
 Mr. STEELE with Mr. VOLSTEAD.
 Mr. STERLING of Pennsylvania with Mr. WINSLOW.
 Mr. VAN DYKE with Mr. ZIHLMAN.
 Mr. WATKINS with Mr. HEINTZ.
 Mr. WILSON of Louisiana with Mr. GRAY of New Jersey.
 Mr. WISE with Mr. WOODYARD.
 Mr. WRIGHT with Mr. LaGUARDIA.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Speaker, nothing but a sense of duty impels the committee to ask for a separate vote upon the new project for Key West, and upon that I wish to make a brief statement, and I ask not to be interrupted until I have completed my presentation.

When the committee took up the river and harbor bill at this session for consideration its first thought was to have no new projects in the bill. The reasons for that course are manifest. We are engaged in a great war. The prosecution of that war demands all of the labor, all of the material, and all of the re-

sources of the country which are not of necessity dedicated to other important uses. Therefore the committee concluded that there should be no new projects in the bill.

Subsequently that was amended so as to permit the inclusion of such new projects as were intimately associated with the prosecution of the war and were so recommended by the Secretary of War. With the exception of Key West, adopted in the Committee of the Whole, there is no new project in this bill except such as were recommended by the Secretary of War because they were intimately associated with the prosecution of the war.

This project was presented to the committee among a large number of other projects. The chairman of this committee has spent hours in examining the new projects which have been heretofore reported to Congress, which number nearly 200, and here is a list of new projects which I hold in my hand which it was insisted should be included in the pending bill. Let me name just a few of them: Beverly Harbor, Mass.; Taunton River, Mass.; Stamford Harbor, Conn.; Buffalo Harbor, N. Y.; Oswego Harbor, N. Y.; Key West Harbor, Fla.; waterway, Mississippi River to Bayou Teche; Vermilion River, La., and channel to connect with inland waterway; Cumberland River above Nashville; Livingstone Channel, Detroit River, Mich., which connects Lake Erie and Lake St. Clair and through which the great commerce of the Lakes passes; Siuslaw River, Oreg., Acme to entrance; Yaquina Bar, Bay, and Harbor, Oreg., for which the gentleman from Oregon [Mr. HAWLEY] offered an amendment this afternoon in the Committee of the Whole and which the Committee of the Whole refused to adopt; Coos Bay Harbor, Oreg., which the gentleman from Oregon also endeavored to induce the Committee of the Whole to adopt by amendment, but which they refused to do; Anacortes Harbor, Wash.; Nawiliwili Harbor, Kauai, Hawaii; Hackensack River, N. J.; Tangier Channel, Va.; Brunswick Harbor, Ga.; Cape Fear River below Wilmington, N. C.; Connecticut River below Hartford, Conn.; Newtown Creek, N. Y.

And so I might enumerate to you, if time permitted, other new projects which were impressed upon the committee, all of which the committee declined to include in the bill because they did not come within the policy of the committee.

If you should permit the project for Key West Harbor to remain in the bill, would it be fair, would it be just to these other new projects? Would it be giving a square deal to all other sections of the country? I have always found the House fair and just. I believe the House will deal fairly and justly in this matter.

There was another reason particularly why we could not have adopted the project for Key West, because it involved either the construction or the purchase of a dredging plant. The committee adopted a policy that they could not at this time recommend any provision which would result in either the purchase or the construction of a dredge. In this critical time, when the United States Shipping Board is telling Congress and the country that every resource of our shipyards and our man power should be exerted in the construction of merchant ships, we concluded that we could not in justice to the country authorize the purchase or construction of any dredge.

Gentlemen, there is another feature involved in this new project. If the House decides to adopt in the bill the new project for Key West, then, what will be the policy of the other body when they come to consider this bill? Suppose they amend this bill by putting in a large number of new projects? You will disagree to all of the Senate amendments and direct the conferees to act for you in conference with the committee of the other body. What argument will we have against those new projects when we shall have put in a new project which is no more meritorious, perhaps, than those other projects which the Senate shall have added to the bill? You can see that you fetter the hands of your conference committee. You must appreciate the difficult situation you would create. But if the House is willing for the other body to adopt a number of new projects as amendments to this bill, and you are willing when that bill comes back to adopt those new projects, then you should vote to keep Key West in. Otherwise, you should vote to exclude it.

I tell you, gentlemen of the House, that the bill is in jeopardy. We had not believed that any bill could pass this House which contained a number of new projects which were not associated with the prosecution of the war. It is for the House to say this evening whether or not we were correct in our estimate of the attitude of the House upon this question.

If it is the attitude of the House that there should be no new projects in this bill except such as are associated with the prosecution of the war, and so recommended by the Secretary of War, is it the opinion of the House that you can consistently let in

one new project which does not comply with that condition? If that is the attitude of the House, we have nothing whatever to say.

Now, gentlemen, only this word in conclusion. During the time that the roll was being called gentlemen came to me and mid there is a personal viewpoint to this. I will not quote their language. I know that the gentleman from Florida, whom I esteem as highly as any gentleman in the House, has been insistent in importuning Members to vote to keep Key West in the bill. I think I am amiable. I think my course in this House shows that, except when it is a violation of a plain duty, I will go as far as any Member in responding to the personal request of another; and if I could, with a sense of duty to this bill and to the House, decline to ask a separate vote upon this amendment, I would do so. I have endeavored to give you briefly some reason why the House should vote to strike out this amendment for Key West. We have no pride of opinion in the matter. We realize that we are the servants of the House, and having made this presentation to the House we realize quite fully that the House can do what it pleases upon a separate vote regarding the new project at Key West. Now, Mr. Speaker — Mr. CLARK of Florida. Will the gentleman yield?

Mr. SMALL. I move the previous question on the bill and amendment to the final passage.

Mr. CLARK of Florida. I want to ask the gentleman, will he not be fair enough now to yield to my colleague [Mr. SEARS] five minutes? There are many Members present who were not here before.

SEVERAL MEMBERS. Vote! Vote!

Mr. SMALL. I think I ought not to yield now. The gentleman has already had five minutes.

Mr. CLARK of Florida. All right, if the gentleman thinks that is fair.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina for the previous question on the bill and all amendments to the final passage.

The previous question was ordered.

Mr. WALSH. Mr. Speaker, I demand a separate vote upon each amendment to the bill.

The SPEAKER pro tempore. A separate vote is to be taken on the Key West amendment.

Mr. CALDWELL. A point of order, Mr. Speaker. The demand having been made for a vote on each one of the amendments, is it not in order that each amendment be taken up as it appears in the bill?

The SPEAKER pro tempore. Does the gentleman from Massachusetts insist on his demand?

Mr. WALSH. I do.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Line 24, page 2, after the numerals "\$2,200,000," add the following: "and the Secretary of War is hereby directed to prosecute the work of improvement, with a view to securing a depth of 40 feet in the channel through East River and Hell Gate as soon as practicable."

The question being taken on the amendment, on a division (demanded by Mr. WALSH) there were—ayes 140, noes 14.

Accordingly the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Strike out line 20, page 4, and insert in lieu thereof the following: "Improvement and for maintenance, including the channel to Newport News, \$1,940,000."

The question being taken on the amendment, on a division (demanded by Mr. WALSH) there were—ayes 182, noes 0.

Accordingly the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 4, strike out the period at the end of line 25, insert in lieu thereof a colon, and add the following words: "Provided, That the Secretary of War may, in his discretion, make such minor changes in the waterways as he may deem advisable in the interest of navigation."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 5, strike out the period at the end of line 21, insert in lieu thereof a semicolon, and add the following: "For improvement to provide a channel 40 feet deep and 1,000 feet wide extending from the sea to the Charleston Navy Yard, \$1,500,000; Provided, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized. In all, \$1,610,000."

The question being taken on the amendment, on a division (demanded by Mr. WALSH) there were—ayes 158, noes 9.

Accordingly the amendment was agreed to.

Mr. HAMILTON of Michigan. A parliamentary inquiry, Mr. Speaker. How many more amendments are there?

The SPEAKER pro tempore. The Chair is unable to inform the gentleman.

Mr. WALSH. Mr. Speaker, I think the votes that have already been taken include the larger projects which have been put into the bill, namely, Hell Gate and Charleston, and I withdrew the demand for a separate vote on the others.

The SPEAKER pro tempore. The gentleman withdraws his demand for a separate vote.

Mr. WALSH. As long as gentlemen are willing to stay here I can renew it, I presume.

The SPEAKER pro tempore. The gentleman withdraws his demand for a separate vote. The Chair will put all the other amendments en bloc, except the amendment for Key West, on which a separate vote is demanded by the gentleman from North Carolina [Mr. SMALL].

The other amendments were agreed to.

Mr. SMALL. Mr. Speaker, I demand a separate vote on the Key West amendment.

The SPEAKER pro tempore. The question is on the adoption of the amendment with respect to the Key West proposition.

The question being taken, on a division (demanded by Mr. SEARS and Mr. CLARK of Florida) there were—ayes 133, noes 98.

Mr. SMALL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 133, answered "present" 2, not voting 146, as follows:

YEAS—151.

Almon	Dominick	Kehee	Roberts
Ayres	Donovan	Kelley, Mich.	Robinson
Bankhead	Drane	Kincheloe	Rose
Barkley	Eagan	King	Rouse
Beakes	Eagle	Kinkaid	Saunders, Va.
Black	Ellsworth	La Follette	Schall
Bianton	Farr	Langley	Scully
Bowers	Ferris	Larsen	Sears
Brand	Fields	Lee, Ga.	Shallenberger
Brodbeck	Francis	Leshner	Sherley
Brumbaugh	Gallivan	Lever	Siegel
Buchanan	Garland	Linthicum	Sisson
Burnett	Garner	Littlepage	Sloan
Jurroughs	Garrett, Tenn.	London	Smith, Idaho
Byrnes, S. C.	Garrett, Tex.	Lernegan	Snyder
Byrns, Tenn.	Goodall	Lundeen	Steagall
Caldwell	Gray, Ala.	Lunn	Stevenson
Campbell, Kans.	Greene, Mass.	McKeown	Sumners
Candler, Miss.	Greene, Vt.	Maher	Swift
Caraway	Gregg	Mansfield	Tague
Carlin	Griffin	Mason	Talbot
Carter, Okla.	Hamill	Meeker	Taylor, Colo.
Chandler, N. Y.	Harrison, Miss.	Mott	Thomas
Chandler, Okla.	Harrison, Va.	Mudd	Tillman
Clark, Fla.	Haskell	Neely	Venable
Clark, Pa.	Hastings	Nicholls, S. C.	Vinson
Cleary	Hayden	Oldfield	Walker
Coady	Heaton	Oliver, Ala.	Walsh
Collier	Helm	Oliver, N. Y.	Walton
Connally, Tex.	Hilliard	Ovorstree	Watson
Cooper, W. Va.	Holland	Padgett	Watson, Pa.
Cooper, Wis.	Howard	Park	Weaver
Crisp	Huddleston	Phelan	Whaley
Dale, Vt.	Humphreys	Polk	Wheeler
Davis	Jacoway	Price	Williams
Delaney	Jones, Tex.	Quin	Wilson, Tex.
Denison	Kearns	Raker	Wingo
Dill	Keating	Randall	

NAYS—133.

Anderson	Emerson	Hull, Tenn.	Overmyer
Bacharach	Esch	Hutchinson	Paige
Baer	Fairfield	Ireland	Parker, N. J.
Barnhart	Fisher	Jehanson, Wash.	Parker, N. Y.
Beshlin	Flood	Juil	Peters
Bland	Foss	Kennedy, Iowa	Purnell
Booher	Foster	Kiess, Pa.	Ragsdale
Britten	Frear	Knutson	Rainey, J. W.
Browne	Freeman	Kraus	Ramseyer
Browning	French	Lea, Cal.	Reavis
Cannon	Fuller, Ill.	Leibach	Riordan
Casson	Gillett	Lenroot	Robbins
Claypool	Glass	Little	Rogers
Cooper, Ohio	Glynn	Lobeck	Rowe
Cox	Godwin, N. C.	Longworth	Sanders, Ind.
Cramton	Good	Lufkin	Sanders, N. Y.
Crosser	Goodwin, Ark.	McArthur	Sanford
Currie, Mich.	Gordon	McCulloch	Scott, Mich.
Darrow	Gould	McFadden	Sells
Dempsey	Graham, Ill.	McLaughlin, Mich.	Sherwood
Denton	Green, Iowa	Mapes	Sinott
Dixon	Griest	Mays	Small
Doollittle	Hadley	Merritt	Smith, Mich.
Doughton	Hamilton, Mich.	Miller, Wash.	Snell
Dowell	Hamilton, N. Y.	Moore, Ind.	Snook
Dunn	Haugen	Morgan	Steenerson
Edmonds	Hawley	Nelson	Sterling, Ill.
Elliot	Hersey	Nichols, Mich.	Stiness
Elston	Hollingsworth	Osborne	Strong

Sweet	Tinkham	Welling	Woods, Iowa
Switzer	Treadway	Welty	Young, N. Dak.
Taylor, Ark.	Voigt	White, Me.	
Tilson	Waldow	Wilson III.	
Timberlake	Watson, Va.	Wood, Ind.	
	ANSWERED "PRESENT"—2.		
	Ashbrook	Dillon	
	NOT VOTING—146.		
Alexander	Flynn	McCormick	Scott, Iowa
Anthony	Focht	McKenzie	Scott, Pa.
Aswell	Fordney	McKinley	Shackleford
Austin	Fuller, Mass.	McLaughlin, Pa.	Shouse
Bell	Gallagher	McLemore	Sims
Blackmon	Gandy	Madden	Slayden
Borland	Gard	Magee	Slemp
Butler	Graham, Pa.	Mann	Smith, C. B.
Campbell, Pa.	Gray, N. J.	Martin	Smith, T. F.
Cantrill	Hamlin	Miller, Minn.	Stafford
Carew	Hardy	Mondell	Stedman
Carter, Mass.	Hayes	Montague	Steele
Cary	Hefflin	Moon	Stephens, Miss.
Church	Heintz	Moore, Pa.	Stephens, Nebr.
Connolly, Kans.	Helvering	Morin	Sterling, Pa.
Copley	Hensley	Nolan	Sullivan
Costello	Hicks	Norton	Temple
Crago	Hood	Olney	Templeton
Curry, Cal.	Houston	O'Shaunessy	Thompson
Dale, N. Y.	Hull, Iowa	Platt	Towner
Dallinger	Husted	Porter	Van Dyke
Davidson	Igoe	Pou	Vare
Decker	James	Powers	Vestal
Dent	Johnson, Ky.	Pratt	Volstead
Dewalt	Johnson, S. Dak.	Rainey, H. T.	Ward
Dickinson	Jones, Va.	Ramsey	Watkins
Dies	Kahn	Rayburn	Webb
Dooling	Kelly, Pa.	Reed	White, Ohio
Doremus	Kennedy, R. I.	Rodenberg	Wilson, La.
Drukker	Kettner	Romjue	Winslow
Dupré	Key, Ohio	Rowland	Wise
Dyer	Kitchin	Rubey	Woodyard
Estopinal	Kreider	Rucker	Wright
Evans	LaGuardia	Russell	Young, Tex.
Fairchild, B. L.	Lazaro	Sabath	Zihlman
Fairchild, G. W.	McAndrews	Sanders, La.	
Fess	McClintic		

that I submitted this morning, and I would state that all of the details in relation to it have been agreed upon between myself and the gentleman from Massachusetts [Mr. GILLETT]. My request is that following a bill to be presented by the gentleman from Tennessee [Mr. PADGETT] and one to be brought in by the gentleman from Texas [Mr. RAYBURN] and not to interfere with the business on Monday next of the Committee on the District of Columbia, the bill S. 3388, to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, shall be a special order. Further that there shall be one hour of general debate on same, one-half to be controlled by the gentleman from Texas [Mr. HARDY] and one-half by the gentleman from Massachusetts [Mr. GREENE], and the bill to be then taken up under the five-minute rule for disposition.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that after the disposition of a bill to be presented by the gentleman from Texas [Mr. RAYBURN], a bill to be presented by the gentleman from Tennessee [Mr. PADGETT] that it shall be in order to consider the bill S. 3388, not to interfere with conference reports; that one hour of general debate be allowed, one half of that time to be controlled by the gentleman from Texas [Mr. HARDY] and the other half by the gentleman from Massachusetts [Mr. GREENE]. Is there objection?

Mr. HILLIARD. Mr. Speaker, reserving the right to object, would that interfere with District day, which comes next Monday?

Mr. SAUNDERS of Virginia. That was specifically excluded in my request. Moreover action on this bill is not to interfere with the consideration of conference reports.

Mr. BRITTEN. Mr. Speaker, I should like to ask the gentleman what effect this agreement will have on the consideration of the annual naval appropriation bill?

Mr. SAUNDERS of Virginia. The gentleman from Tennessee, Mr. PADGETT, and myself, had that up this morning. He said he had two bills that he was interested in, and that one of them would not take very long. That bill is to come up ahead of the bill from the Committee on Merchant Marine and Fisheries.

Mr. BRITTEN. The consideration of the naval bill is very important.

Mr. PADGETT. Mr. Speaker, the gentleman from Virginia [Mr. SAUNDERS] says that his bill was not expected to take more than an hour or two.

Mr. SAUNDERS of Virginia. No. It is a unanimous report. Mr. PADGETT. I told him that I would have no objection.

Mr. BRITTEN. One hour to be given to general debate. Does the gentleman have any idea of how much will be consumed under the five-minute rule?

Mr. SAUNDERS of Virginia. I do not think that the bill will require much time for its disposition after the general debate. No one can guarantee of course how much time may be taken. The members of the committee are perfectly agreed upon the bill.

Mr. BRITTEN. There is no minority report?
Mr. SAUNDERS of Virginia. No. I make this request at the suggestion of the entire committee.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to inquire what two gentlemen are to have the privilege of presenting bills?

Mr. SAUNDERS of Virginia. The chairman of the Naval Affairs Committee, Mr. PADGETT, has a bill of urgency to present. Mr. COOPER of Wisconsin. Is it a war measure?

Mr. SAUNDERS of Virginia. Oh, yes.
Mr. PADGETT. Decidedly so.

Mr. COOPER of Wisconsin. What is the other?

Mr. SAUNDERS of Virginia. The other is an amendment to the war-risk insurance act, I think, which it is said will take but a little time, and is also of great importance.

The SPEAKER pro tempore. Is there objection?
Mr. WALSH. Reserving the right to object, I would ask the gentleman from Virginia where he would be left if unanimous consent were refused for the consideration of these other two bills?

Mr. SAUNDERS of Virginia. I would come in, instantler.

Mr. GILLETT. Not under this agreement.

Mr. SAUNDERS of Virginia. Oh, I would think so. If these gentlemen could not get in, I would get in. Failure on their part to get their bills up, would be sufficient action on these bills to comply with the meaning of my request. My request is that following the bills to be presented by these gentlemen, this bill is to be in order. If these gentlemen ask for their bills to be taken up, and consent is refused, then this bill from my

So the amendment was agreed to.
The Clerk announced the following additional pairs:
Until further notice:

- Mr. BLACKMAN with Mr. ANTHONY,
- Mr. DOOLING with Mr. ROWLAND.
- Mr. MOON with Mr. VESTAL.
- Mr. SARATH with Mr. BUTLER.
- Mr. ASHBROOK with Mr. FOCHT.
- Mr. DIES with Mr. FORDNEY.
- Mr. HARDY with Mr. JAMES.
- Mr. HOUSTON with Mr. MCKENZIE.
- Mr. WEBB with Mr. MADDEN.
- Mr. RAYBURN with Mr. MOORE of Pennsylvania.
- Mr. SIMS with Mr. PRATT.
- Mr. STEPHENS of Mississippi with Mr. WARD.
- Mr. THOMPSON with Mr. STAFFORD.
- Mr. YOUNG of Texas with Mr. FORDNEY.

The result of the vote was then announced as above recorded.

Mr. SMALL. Mr. Speaker, at the request of the gentleman from Louisiana [Mr. DUPRÉ] I wish to announce that he is attending the funeral of the late Senator BROUSSARD, and that is true of the whole Louisiana delegation.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MEEKER. Mr. Speaker, I demand the reading of the engrossed bill.

LEAVE OF ABSENCE.

By unanimous consent (at the request of Mr. SANDERS of Indiana), leave of absence was granted to Mr. VESTAL indefinitely, to attend the funeral of his law partner.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to dispense with proceedings in order on Calendar Wednesday, to-morrow, in order to take up the conference report on the Agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to dispense with business in order on Calendar Wednesday, to-morrow. Is there objection?
There was no objection.

Mr. WINGO. Mr. Speaker, reserving the right to object, I presume that that will not deprive the Committee on Banking and Currency from the following Wednesday.

The SPEAKER pro tempore. It will not interfere with that committee having the following Wednesday. Is there objection?
There was no objection.

TAKING OVER CERTAIN TRANSPORTATION SYSTEMS.

Mr. SAUNDERS of Virginia. Mr. Speaker, on behalf of the Committee on Merchant Marine and Fisheries, I desire to submit a request for unanimous consent. This is the same request

committee would follow the other bills, and be in order. I think that is the plain meaning of my request.

Mr. WALSH. Not under the request as the gentleman stated it.

Mr. SAUNDERS of Virginia. Then I would modify the request by adding that in the event these other gentlemen are not able to get in, that my bill shall be in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman as modified?

Mr. SHERLEY. Mr. Speaker, as I understand the request, it is that the gentleman from Tennessee [Mr. PADGETT] shall be recognized to call up the bill which has been indicated; that the gentleman from Texas [Mr. RAYBURN] shall be recognized immediately after that for the consideration of his bill; and that then the gentleman from Virginia [Mr. SAUNDERS] shall be recognized, not to interfere with District matters in order on Monday next.

Mr. SAUNDERS of Virginia. That is substantially my request.

Mr. GILLETT. That is not the request, with all respect to the gentleman, and it seems to me that would have been the natural and logical way to have had the gentlemen who want to come first, first to make their request.

Mr. SAUNDERS of Virginia. I stated specifically that after the bills to be brought up by these gentlemen, which I may say will have to be done by unanimous consent, the bill from the Committee on the Merchant Marine and Fisheries, was to be the next in order, that is, would come immediately next.

Mr. SHERLEY. Is there objection to this suggestion?

Mr. GILLETT. I do not think there is, but it strikes me the proper way for them is to have asked—

Mr. SAUNDERS of Virginia. But I have stated specifically that these gentlemen are to have the right to bring up by unanimous consent their bills first and thereafter when those bills were concluded, the bill to which I refer shall be in order.

Mr. FLOOD. I object to that—

Mr. McARTHUR. Mr. Speaker, regular order!

Mr. FLOOD. I should object to letting everything in—

Mr. SAUNDERS of Virginia. No, simply two emergency bills like the one from my committee.

The SPEAKER pro tempore. The regular order is demanded.

Mr. WALSH. I object to this request, if it puts these two others in by unanimous consent.

EXTENSION OF REMARKS.

Mr. DIXON. Mr. Speaker, I move that the House do now adjourn.

Mr. SMALL. I will ask the gentleman to withhold that for a moment. Mr. Speaker, I desire to extend my remarks in the RECORD by inserting some data and other information which I did not wish to take up the time of the House in presenting.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. Will the engrossed copy of the river and harbor bill be laid before the House to-morrow morning the first thing?

The SPEAKER pro tempore. We hope so.

The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by inserting some data with respect to the river and harbor bill. Is there objection. [After a pause.] The Chair hears none.

Mr. McARTHUR. Mr. Speaker, I withdraw my demand for the regular order.

Mr. WALSH. It has been objected to.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill only.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. DIXON. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 17, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to amend the naval appropriation act of August 29, 1916, in so far as it relates to sea service in grade

before promotion (H. Doc. No. 1050); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Hayden Slough, Columbia River, near Portland, Oreg., with a view to the relocation of the dike near the upper end (H. Doc. No. 1051); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Quinnipiac River, Conn., from New Haven Harbor to Meriden (H. Doc. No. 1052); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Banana Creek, Fla. (H. Doc. No. 1053); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a supplemental estimate of appropriation to provide a civilian assistant to the clerk in charge of the disciplinary division in the office of the Superintendent of the Military Academy for the fiscal year 1919 (H. Doc. No. 1054); to the Committee on Military Affairs and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required by the Ordnance Department of the Army for the purchase of land known as the old burying ground adjacent to Watervliet Arsenal, the removal of bodies, and the erection of a wall inclosing the land, being for the fiscal year 1919 (H. Doc. No. 1055); to the Committee on Appropriations and ordered to be printed.

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. VAN DYKE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11231) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia, reported the same with amendment, accompanied by a report (No. 495), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 11247) providing for the protection of the uniform of friendly nations, and for other purposes, reported the same with amendment, accompanied by a report (No. 496), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILL: A bill (H. R. 11485) to authorize the county of Okanogan, to construct and maintain a bridge across the Okanogan River; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan (by request): A bill (H. R. 11486) to simplify the calendar; to the Committee on Interstate and Foreign Commerce.

By Mr. GREGG: A bill (H. R. 11487) waiving the age limit for admission to the Dental Corps of the United States Navy in the case of Henry Clay Lowry; to the Committee on Naval Affairs.

By Mr. CRAMTON: A bill (H. R. 11488) to amend section 314 of an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as added to said act by an act approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: A bill (H. R. 11489) to authorize the establishment of a Bureau of Farm-Risk Insurance in the Treasury Department; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11490) granting an increase of pension to Jesse L. Swigart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11491) granting an increase of pension to Daniel E. Kister; to the Committee on Pensions.

Also, a bill (H. R. 11492) granting an increase of pension to Christopher Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11493) granting a pension to Sarah M. Luman; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 11494) for the relief of Laban H. Davies; to the Committee on Claims

By Mr. DILL: A bill (H. R. 11495) granting an increase of pension to Charles Lakin; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 11496) granting a pension to Nancy J. Pier; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 11497) granting a pension to Etta Height; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 11498) to correct the military record of William McCormack; to the Committee on Military Affairs.

By Mr. SNYDER: A bill (H. R. 11499) granting a pension to Emma O. Barden; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Emmanuel Church, the Liberty Baptist Church, and St. Andrew's Protestant Episcopal Church, all of Washington, D. C., relative to a national day of prayer; to the Committee on the Library.

Also (by request), resolution adopted by Carthage (Tenn.) Equal Suffrage League, urging the administration to support the suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), resolution of the fourth district, Texas Federation of Women's Clubs, indorsing House bill 5407, to establish an osteopathic corps in the Army; to the Committee on Military Affairs.

Also (by request), resolutions of the Holland Society of New York and the Travelers' Protective Association, declaring loyalty to the Government in the present war; to the Committee on the Judiciary.

Also (by request), petitions of Scotland County Farmers' Association, Valley Farm Club, Union Farm Club, No. 47, and Missouri Farmers' Association, all of the State of Missouri, relative to reducing price of corn; to the Committee on Agriculture.

Also (by request), memorial of Federal Employees' Union No. 24, favoring passage of the Keating bill and Johnson-Nolan minimum wage bill; to the Committee on Appropriations.

Also (by request), memorial of Irish Progressive League, of New York, relative to conscription in Ireland; to the Committee on Foreign Affairs

Also (by request), petition of the Wholesale Coal Trade Association of New York, relative to distribution of coal cars; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 2619, for relief of Charles Sasser; to the Committee on Pensions.

By Mr. CALDWELL: Memorial of Liberty Loan Committee of College Point, Borough of Queens, N. Y., relative to payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, memorial of board of aldermen of the city of New York, relative to increase in pay of employees in Post Office Department and Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of civil-service employees at Lock No. 4, Washington County, Pa., for increase in pay for all civilian employees of the United States and of the District of Columbia as provided in House bill 7356; to the Committee on Appropriations.

Also, resolutions adopted by the Medical Society of Fayette County, Pa., favoring higher rank for medical officers; to the Committee on Military Affairs.

By Mr. CURRIE of Michigan: Petition of William F. Johnston, and others, citizens of Roscommon, Mich., and vicinity, favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. DUNN: Petition of Susan B. Churchill, for special legislation placing petitioner on the pension roll as widow of Elroy Churchill, late of Company A, First New York Mounted Rifles, and second lieutenant, Company A, Twenty-third Veteran Reserve Corps; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petition of sundry citizens of Oregon, relative to House bill 8625, relating to the disposition of the Coos Bay wagon road grant lands in Oregon; to the Committee on the Public Lands.

By Mr. McFADDEN: Resolution adopted by the board of management, National Society Daughters of the American Revolution, protesting against the present zone system of postal rates; to the Committee on the Post Offices and Post Roads.

By Mr. RANDALL: Resolutions of the Central Labor Council of Los Angeles, Cal., favoring the election of all Federal judges, including the Supreme Court, by direct vote of the people; to the Committee on the Judiciary.

Also, resolutions of the Woman's Christian Temperance Union of southern California, opposing universal military training; to the Committee on Military Affairs.

By Mr. STINESS: Petition of Providence (R. I.) Fruit and Produce Exchange, protesting against Senate amendment No. 41 and favoring Senate amendment No. 26 of the Agriculture appropriation bill; to the Committee on Agriculture.

By Mr. WOODYARD: Petition of the Woman's Club, of Sistersville, W. Va., favoring the repeal of the recently enacted "periodical and newspaper law"; also a petition of the Mothers' Club, of Huntington, W. Va., favoring the repeal of the same law; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, April 17, 1918.

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

Almighty God, we seek Thy favor and guidance for the duties of the day. As we look out upon the task committed to our hands we stand amazed and yet unafraid in the presence of the mighty forces which seem to be arrayed against the freedom of the world; and we come to Thee, O God of nations, and lift our hearts fervently and we trust with confidence in Thy presence and power. We pray Thee to bless those who with us on the battle field this day withstand the brute force of this earth, that they may march forward for the achievement of righteousness and truth in the world. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

GERMANY'S PREPARATIONS FOR THE WAR.

Mr. BRANDEGEE. Mr. President, I send to the desk an article from the Bridgeport Evening Post written by a correspondent abroad purporting to give the dates and the orders issued by the German Government during the few months that preceded the war. I should like to have it read and go into the Record. I think it is an important disclosure.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

"GERMANY'S PLANS FOR OPENING WAR FULLY REVEALED—COPIES OF AN ASTOUNDING SERIES OF MILITARY AND GOVERNMENT ORDERS SHOWING PREPARATIONS SEVEN MONTHS BEFORE STRUGGLE ACTUALLY OPENED IN HANDS OF FRENCH—AGENTS THROUGHOUT WORLD ORDERED TO CRIPPLE INDUSTRIES BY DESTRUCTIVE MEANS, REGARDLESS OF ANY CONSIDERATION—MEANS INCLUDED SABOTAGE, REVOLUTION, TERRORISM, AND CORRUPTION—AMAZING DUPLICITY MADE KNOWN.

"[By Henry Wood, United Press staff correspondent.]

"WITH THE FRENCH ARMIES IN THE FIELD.

"March 16 (by mail).

"The French have to-day in their possession copies of an astounding series of military and Government orders showing Germany's preparation for the present war from January 2, 1914, seven months before war actually was declared, down to the Kaiser's latest efforts to spread world-wide revolution and anarchy.

"The first indication that the German general staff knew war would be forced in 1914 is given in an order addressed on January 2 to the commanders of all army regions. It reads:

"BERLIN—ORDERS.

"'Within three days you will telegraph the precise quantity, kinds, and distribution of all military provisions which you have intact and of all primary materials.'

"This was Germany's first step of military preparation. Her first step of financial preparation followed, on February 13, when the German minister of finance, in agreement with the Austro-Hungarian Government, sent to all the groups of German banks a secret circular which read:

"'The directors of credit establishments are designated to establish, with urgency, agencies in the following places: Lulea (southern Sweden); Hapsaranda and Varde, on the Finland frontier; and at Bergen and Amsterdam. The establishment of these agencies is indispensable for the exercise of a more active surveillance of the material interest of German stockholders in Russia, French, and English enterprises, and which may become necessary in certain circumstances modifying the organization of the financial and industrial market.'