

By Mr. SWIFT: Resolution (H. Res. 302) authorizing the Committee on Expenditures in the Treasury Department to audit certain accounts and expenditures of the Treasury; to the Committee on Expenditures in the Treasury Department.

By Mr. GALLIVAN: Memorial of the General Court of the Commonwealth of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial of the Legislature of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of the Legislature of Massachusetts, relative to the independence of Ireland; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BLAND: A bill (H. R. 11235) granting an increase of pension to William H. R. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) granting an increase of pension to B. L. Walker; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 11237) granting a pension to George Maybury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11238) granting a pension to Nathan N. York; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11239) granting an increase of pension to James R. Lewis; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11240) granting an increase of pension to Lillis C. Keech; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 11241) granting a pension to Drucilla T. Collier; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11242) for the relief of Dr. R. B. Leister and Mercy Hospital, Tiffin, Ohio; to the Committee on Claims.

#### PETITIONS, ETC.

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

By Mr. BEAKES: Papers to accompany House bill 11220 to increase the pension of Alfred Dobbins; to the Committee on Invalid Pensions.

By Mr. CARY: Memorial of General War-Time Commission of the Churches, urging the passage of House bill 6320, to increase the number of chaplains in the Army; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Phillips-Jones Co., New York City, urging the passage of the bill providing for partial payments of excess-profits taxes; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of W. Benton Crisp, New York, N. Y., favoring the passage of House bill 9406; to the Committee on Irrigation of Arid Lands.

By Mr. ESCH: Papers in support of House bill 783, granting a pension to Marcia J. Dewey; also papers in support of House bill 784, granting a pension to Jennie M. Nichols; to the Committee on Pensions.

Also, resolution of the Trades and Labor Council of La Crosse, Wis., asking for an amendment to the Federal Constitution, providing for popular election of and short terms for the Federal judges; to the Committee on the Judiciary.

By Mr. GALLIVAN: Resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Pauline W. Holme, president Baltimore Woman's Christian Temperance Union, urging war prohibition; to the Committee on the Judiciary.

By Mr. LUNDEEN: Evidence in support of House bill 10140, granting an increase of pension to Mathias Logelin; also papers in support of House bill 10138, granting a pension to Maggie Coss; also evidence to accompany House bill 10139, granting an increase of pension to Robert A. Robinson; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10141, granting an increase of pension to Conrad H. Rowe; also papers to accompany House bill 10137, granting a pension to Catherine Mahady; to the Committee on Pensions.

By Mr. NOLAN: Petitions of Countess Markievicz Branch, Friends of Irish Freedom (Timothy O'Leary, president; Hugh O'Connor, secretary; and Mrs. Maude McGoldrick, recording secretary); Columbia Division, No. 2, Ladies' Auxiliary, Ancient Or-

der of Hibernians; and Connaught Social and Benevolent Association (Bernard Boyle, secretary), all of San Francisco, Cal., favoring House joint resolution 204, by Jeanette Rankin; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Papers to accompany House bill 10056; to the Committee on Invalid Pensions.

#### SENATE.

FRIDAY, April 5, 1918.

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father, we thank Thee for the light of another day and for all its possibilities and opportunities. We thank Thee for the land in which we live and all that it represents, not only to us within its borders, but of liberty beyond the seas. Grant that in this great struggle of the nations there may be given unto those who represent truth and righteousness and freedom final and splendid achievement on the battle front and may peace soon crown their endeavors. We ask it in the name of our Lord and Savior, Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved. Mr. SMITH of Maryland. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Overman	Sterling
Baird	Hollis	Page	Sutherland
Borah	Jones, Wash.	Fenrose	Swanson
Calder	Kendrick	Pittman	Thomas
Chamberlain	Kirby	Poindexter	Thompson
Colt	Lewis	Pomerene	Tillman
Culbertson	Lodge	Ransdell	Townsend
Curtis	McCumber	Saulsbury	Trammell
Dillingham	McKellar	Shaforth	Underwood
Fall	McLean	Sheppard	Vardaman
France	McNary	Sherman	Walsh
Frelinghuysen	Martin	Shields	Warren
Gallinger	Myers	Smith, Ga.	Williams
Gore	Nelson	Smith, Md.	Walcott
Hale	New	Smith, S. C.	
Hardwick	Norris	Smoot	

Mr. CURTIS. I desire to announce the absence of the junior Senator from Pennsylvania [Mr. KNOX]. He is taking part in the liberty loan campaign.

I wish also to announce the absence of the Senator from Indiana [Mr. WATSON], who is also taking part in the campaign for the sale of liberty bonds.

Mr. JONES of Washington. I desire to state that the junior Senator from Iowa [Mr. KENYON] is absent and will be absent for some time in the liberty loan campaign.

Mr. SUTHERLAND. I announce that my colleague [Mr. GOFF] is detained on account of illness.

Mr. SHEPPARD. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] is detained on important public business. I also wish to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from California [Mr. PHELAN] are detained on official business.

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

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. McLAUGHLIN of Michigan managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 10205) to provide for the consolidation of national banking associations, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present certain memorials from the Montana Legislature to the Congress of the United States. I ask that they be printed in the RECORD in the order in which they have been arranged. I will state that the first memorial is in favor of the antisedition legislation which is now pending before this body.

The memorials were ordered to be printed in the RECORD, as follows:

House joint memorial 1. Introduced by Holt, Griffin, Kemmis, Davis, Sand, Hawks, Sektnan, and White.

A resolution memorializing Congress to pass necessary legislation defining as a crime, and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage.

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

Whereas under the present laws of the United States successful prosecution of persons has not been maintained in the Federal district of Montana for the making or circulating of false statements, arguments, and reports concerning the objects and purposes of executive officers of the United States and of legislative bodies thereof in declaring that a state of war exists between this Government of the United States and the Imperial German Government, criticizing, belittling, and ridiculing the armed forces of the United States to the detriment of the successful enlistment and procuring of men for service in the Army and Navy of the United States and interfering with the success of the sale of bonds of the United States for the purpose of raising money in carrying on the war with the Imperial German Government; and

Whereas the successful prosecution of individuals and organizations can not be maintained under the present laws of the United States for advocating and threatening the destruction of industrial and agricultural properties and interfering with the management and production thereof under the guise of bettering the conditions of workmen, and such actions being detrimental to the industrial and agricultural institutions in the various communities in the State of Montana: Now, therefore, be it

*Resolved by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, the Senate concurring therein, now assembled in extraordinary session, That we do hereby petition the Congress of the United States for the passage of the necessary legislation defining as a crime, and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships done or attempted to be done for the purposes aforesaid; and be it further*

*Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to the honorable Members of the United States Senate and House of Representatives from the State of Montana, requesting them to exert every effort within their power to enact such legislation.*

JAMES F. O'CONNOR,  
Speaker of the House.  
W. W. McDOWELL,  
President of the Senate.

Approved, February 20, 1918.

Filed February 21, 1918, at 10.20 o'clock a. m.

S. V. STEWART, Governor.  
C. T. STEWART,  
Secretary of State.

UNITED STATES OF AMERICA,  
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial 1, memorializing Congress to pass necessary legislation defining as a crime, and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
Secretary of State.

House joint memorial 2. Introduced by Kemmis.

Memorial to the Senate in Congress of the United States to pass an amendment to the Federal Constitution and submit the same to the several States for ratification, extending and giving throughout the United States the right of suffrage to women.

To the honorable Senate in Congress of the United States of America:

Your memorialists, the members of the Fifteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas the State of Montana has granted the franchise for the ballot to the women of this State and accorded to them equal political rights; and

Whereas the woman's suffrage in this State has been conducive to good government, has purified our politics, made better homes, and the ennobling influence of Montana's womanhood, exerted at the polls, has been for the best interests of this young and prosperous Commonwealth; and

Whereas there is now pending in the Senate in Congress of the United States a measure known as the "Susan B. Anthony amendment to the Constitution of the United States," the purpose of which measure is to propose an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women, and which measure has been passed by the House of Representatives, and is now pending in the Senate: Now, therefore, be it

*Resolved by the house of representatives (the senate concurring), That we, the members of the Fifteenth Legislative Assembly of the State of Montana, in extraordinary session assembled, do hereby petition and earnestly pray the Senate of the United States that such measure so proposing an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women, be passed and submitted to the several States for ratification; and*

*Resolved further, That a copy of this memorial be forwarded by the secretary of the State of Montana to the Senate of the United States; and that copies hereof be transmitted to the Senators in Congress of the United States from the State of Montana.*

JAMES F. O'CONNOR,  
Speaker of the House.  
W. W. McDOWELL,  
President of the Senate.

Approved February 23, 1918.

Filed February 23, 1918, at 2.30 o'clock p. m.

S. V. STEWART,  
Governor.

C. T. STEWART,  
Secretary of State.

UNITED STATES OF AMERICA,  
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial No. 2, petitioning the Senate in Congress of the United States to pass an amendment to the Federal Constitution and submit the same to the several States for ratification, extending, and giving throughout the United States the right of suffrage to women, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 23d day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State. Done at the City of Helena, the capital of said State, this 12th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
Secretary of State.

House joint memorial No. 6. Introduced by Henderson, Rainey, and Belden.

A resolution memorializing Congress for the passage of proper legislation enabling the President to order railroads to make additions and improvements necessary for war purposes and the public interest, and petitioning for an order directing the construction of the proposed line of the Great Northern Railway Co. from Richey, in Dawson County, to Winnett, in Fergus County.

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

Whereas in the year 1909 the Dakota & Eastern Montana Railway Co., a subsidiary of the Great Northern Railway Co., made a survey for a railroad from Newlon Junction, Mont., to Lewistown, Mont., passing through the central portion of the counties of Dawson and Fergus from east to west, and being equidistant from the main lines of the Great Northern and Northern Pacific Railways; and

Whereas during the year 1910 the right of way for the construction of said railroad was procured, and that during the year 1916 the said railroad was constructed as far as Richey, in Dawson County, Mont., on the eastern end, and as far as Winnett, in Fergus County, Mont., in the year 1917, on the western end; and

Whereas there is approximately 175 miles of the said proposed railroad between the said towns of Richey and Winnett which has not been constructed; and

Whereas the territory through which the railroad is proposed to be constructed is very fertile and productive agricultural land, and there are approximately 30,000 people residing in the territory now wholly without railroad service which would be tributary to the proposed line, practically all of whom are engaged in agriculture, and there are about 7,000,000 acres of agricultural land which would be tributary to the said proposed railroad, a very large percentage of which would immediately upon the construction of said railroad be cultivated and used in the production of small grains; and

Whereas the said proposed railroad will, when completed, form the only direct connection between the smelters of Great Falls and Lewistown and the rich and highly developed farm lands of the Judith Basin, on the one hand, and the markets of the east, on the other; and

Whereas there is a great emergency justifying the use of money and steel necessary to be used in the construction of said railroad, and that the said proposed railroad would be of great benefit to the Government as a war measure in increasing the production of wheat and other small grains and the marketing of said products; and

Whereas section 4 of Senate bill No. 3385, now pending before the Congress of the United States, provides: "The President may also on or in connection with the property of any carrier make or order any carrier to make any additions or improvements necessary or desirable for war purposes or in the public interest": Now, therefore, be it

*Resolved, That the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, in extraordinary session assembled, the Senate concurring therein, petition the Congress of the United States for the passage of necessary legislation enabling the President to order the construction of necessary improvements to and extensions of railroads necessary or desirable for war purposes and in the public interest; and be it further*

*Resolved, That we respectfully petition the President of the United States, in case of the passage of such legislation, to order the construction of the said proposed extension of the Great Northern Railway Co.; and be it further*



*Resolved*, That a copy of this resolution be transmitted by the secretary of state of the State of Montana to the presiding officer of each House of the National Congress and to the Senators and Representatives in Congress from the State of Montana and to the Director General of Railroads, and that every effort be used for the accomplishment of the purposes herein indicated.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 22, 1918.

S. V. STEWART,  
*Governor.*

Filed February 22, 1918, at 9.10 o'clock p. m.

C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial No. 6, memorializing Congress for the passage of proper legislation enabling the President to order railroads to make additions and improvements necessary for war purposes and the public interest, and petitioning for an order directing the construction of the proposed line of the Great Northern Railway Co. from Richey, in Dawson County, to Winnett, in Fergus County, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 22d day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 14th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

House joint resolution 1. Introduced by Mason.

A joint resolution relating to the labor situation throughout the State of Montana and the Northwest and the urgent need for legislation providing for the location, registration, classification, and proper assignment thereof.

*Be it resolved by the house (the senate concurring), That—*

Whereas the principal industries of the State of Montana, to wit, lumber, sugar beet, mining, and farming industries, are at the present time confronted with a very grave situation owing to the fact that there now exists a serious shortage in the various classes of labor required to properly conduct those industries and to the further fact that this condition is largely due to a lack of sympathetic organization of the available men thereof; and

Whereas the same situation confronts the railroads in this State and the United States, and State public road building now under way, and also the efficiency of the Forestry Department; and

Whereas owing to the fact that a tremendous number of men of various classes have been called to the defense of their country, leaving these industries and work of all kinds in the State of Montana and throughout the Northwest with a great deficiency of labor and more especially experienced help; and

Whereas at the present time the Government is in great need of lumber, more especially for shipbuilding and aeroplane construction, and also of minerals of the various kinds that are being daily used in the manufacture of armor and munitions, these therefore being necessary supplies for the conduct of the war and to properly and efficiently supply our allies; and

Whereas this Government is undertaking to provide the world with food-stuffs, in addition to provisioning our own Army and Navy and feeding our people, and will require therefor great quantities of wheat, sugar, meat, potatoes, and other farm products; and

Whereas these industries of the season of 1918 will not be able to operate at their full capacity and greatest efficiency without the proper steps being taken to relieve this condition; and

Whereas there has been great congestion of railroad business in the country due to this shortage of labor and a shortage of help which makes it impossible to give proper protection to the forests from fires of incendiary and other origin; and

Whereas it is now the immediate and paramount duty of every man, regardless of his business or station in life, to make every sacrifice and to bend every energy to aid and assist in carrying on the business of production and the accumulation of the energy and resources of our State and country; and

Whereas, without the location, registration, and proper classification and assignment of every man available for the work in which he can do the most good for his country, it will be impossible to save the crops that will be grown in Montana this year, and impossible to conduct other industries at their full capacity: Now, therefore, be it

*Resolved by the Legislature of the State of Montana*, That the Congress of the United States be urged to enact such laws as may be necessary for the proper registration, classification, location, and assignment of the various classes of labor in this State and throughout the northwestern part of the United States in order that this situation may be relieved and the industries and business above mentioned may be operated at full capacity; and be it further

*Resolved*, That a copy of these resolutions be forwarded to the Senators and Representatives of the State of Montana in the Congress of the United States with the urgent request of this assembly that they use their utmost efforts to immediately secure the enactment, if possible, of legislation which will relieve this condition and thereby greatly aid our Government in prosecuting this great world war to an early and a successful conclusion.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 20, 1918.

S. V. STEWART, *Governor.*

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House joint resolution No. 1, relating to the labor situation throughout the State of Montana and the Northwest, and the urgent need for legislation providing for the location, registration, classification and proper assignment thereof, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 16th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

House joint resolution 2. Introduced by Kemmis.

A joint resolution ratifying an amendment to the Constitution of the United States, prohibiting the manufacture, sale, and transportation of intoxicating liquors.

Whereas both Houses of the Sixty-fifth Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress." Therefore be it

*Resolved by the Senate and House of Representatives of the State of Montana*, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of Montana; and, further, be it

*Resolved*, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 20, 1918.

S. V. STEWART,  
*Governor.*

Filed February 21, 1918, at 10.20 o'clock a. m.

C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint resolution No. 2, ratifying an amendment to the Constitution of the United States, prohibiting the manufacture, sale, and transportation of intoxicating liquors, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

Substitute joint house resolution 3. Introduced by Harbert, Mason, and Larsen.

A resolution memorializing Congress for an appropriation of \$750,000 for the Flathead irrigation project for the ensuing year.

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

Whereas the Fifteenth Legislative Assembly of the State of Montana meeting in extraordinary session in response to a proclamation of the governor calling this body together for the consideration of measures necessary to a successful prosecution of the war, among which of primary importance is a bill providing for loans at low rates of interest to needy farmers for the enhancement of agricultural production in the State: Now, therefore, be it

*Resolved*, That the Fifteenth Legislative Assembly of the State of Montana hears with grave concern reports from Washington of the intention of Congress to reduce a contemplated appropriation of \$750,000 toward the completion of the Flathead Reservation irrigation project in western Montana to \$250,000, and does hereby go on record as in favor of and registers its wish for an appropriation of \$750,000 for said project; and it is further

*Resolved*, That a failure of the Congress of the United States to make such appropriation of \$750,000 would be violative of the best interests of this Nation, a great discouragement to the farmers and to the farming interests of Montana, hereby resulting in decreased farm production in one of the most fertile sections of the State of Montana, and being prompted by a consideration for the best interests of this Nation and the State of Montana demands favorable action by the United States Congress of an appropriation of \$750,000 toward the completion of the Flathead Reservation project, and it is hereby ordered that a

copy of this resolution be telegraphed to the Speaker of the House of Representatives, the President of the United States Senate, with the recommendation that it be read before both bodies and referred to the proper committee.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 19, 1918.

S. V. STEWART, *Governor.*

Filed February 19, 1918, at 3.20 o'clock p. m.  
C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of substitute joint house resolution No. 3, memorializing Congress for an appropriation of \$750,000 for the Flathead irrigation project for the ensuing year, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 19th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

House joint resolution 4. Introduced by C. F. Holt.

A resolution memorializing Congress to vest in the President such authority as may be necessary to regulate the production, distribution, and price of commodities necessary for the production of the cereal crops of the Nation.

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

Whereas farm implements, grain sacks, binding twine, and other commodities necessary to the production of wheat and other cereals have increased in price from 50 to 400 per cent; and

Whereas there is either an actual or artificial shortage of some of these commodities; and

Whereas this condition threatens to lessen the food production of the Nation: Now, therefore be it

*Resolved*, That we petition the Congress of the United States to vest in the President such authority as may be necessary to regulate the production, distribution, and price of such commodities, and that such action be taken in time to guarantee an abundant supply and reasonable price of such commodities for the production of the 1918 crop: And, further, be it

*Resolved*, That a copy hereof be transmitted by the secretary of State of Montana to the Senators and Representatives in Congress of the State of Montana with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 22, 1918:

S. V. STEWART,  
*Governor.*

Filed February 22, 1918, at 9.10 o'clock p. m.  
C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint resolution 4, memorializing Congress to vest in the President such authority as may be necessary to regulate the production, distribution, and price of commodities necessary for the production of the cereal crops of the Nation, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana and approved by S. V. Stewart, governor of said State, this 22d day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

House joint resolution 10. Introduced by Holt.

A resolution petitioning Congress to take steps and measures to investigate the feasibility of constructing a spur track from the main line of the Great Northern Railroad running through the city of Belt, State of Montana, to the coal fields lying on the east edge of said city.

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

Whereas at the present time the demand for coal throughout the United States greatly exceeds the output now available; and

Whereas on the east side of the city of Belt, Mont., lies an immense coal field, containing millions of tons of coal with several mines already producing jointly from 250 to 300 tons of coal daily, but, owing to the fact that there is no railroad spur constructed to the said coal field, the output of said mines is limited, and the cost of producing coal under present conditions is almost prohibitive; and

Whereas should a spur track be built from the main line of the Great Northern Railroad, a distance of approximately 1½ miles to said coal fields, the production thereof could very easily be increased from the present tonnage to approximately 3,500 tons daily: Now, therefore, be it

*Resolved*, That the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana, in extraordinary session assembled (the Senate concurring herein), that we petition the Congress of the United States to take steps and measures to investigate the same and if feasible to construct such a spur at the earliest possible time so that the increased tonnage from said coal field will be available for use within the near future; be it further

*Resolved*, That a copy of this memorial be forwarded by the secretary of state of Montana to the Senate of the United States; and that a copy of this memorial be forwarded by the secretary of the state of Montana to the House of Representatives of the United States; and be it further

*Resolved*, That a copy hereof be transmitted by the secretary of state of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 22 1918.

S. V. STEWART,  
*Governor.*

Filed February 22, 1918, at 9.10 o'clock p. m.  
C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House joint resolution No. 10, petitioning Congress to take steps and measures to investigate the feasibility of constructing a spur track from the main line of the Great Northern Railroad running through the city of Belt, State of Montana, to the coal fields lying on the east edge of said city, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 22d day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 16th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

Mr. RANSDELL. I present a communication from the Teachers' Association of Porto Rico, expressing appreciation and gratitude to the President and Congress of the United States for conferring a larger measure of self-government and full citizenship upon that island, and pledging loyalty and support of the Government in the world war. I move that it be referred to the Committee on Pacific Islands and Porto Rico.

The motion was agreed to.

Mr. RANSDELL. I also present a telegram transmitting resolutions unanimously adopted at a mass meeting of citizens of Monroe, La., one of the largest towns in the northern part of my State, urging me to use my best efforts to secure amendments to the espionage law so as to make the punishments thereunder more severe, and to include women, and so forth, in order that they may be prosecuted. I move that the telegram be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BORAH. I desire to present a large number of petitions, signed by a number of people in my State, asking for the enactment of a law to punish those who impede or interfere with the operations or success of the United States in the war or in recruiting or enlistment, and so forth. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN. I present resolutions from the Interstate Association of Building Contractors and also a memorial from the Chamber of Commerce of the city of East St. Louis, Ill., which I ask be printed in the RECORD without reading.

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

INTERSTATE ASSOCIATION OF BUILDING CONTRACTORS.

Whereas it is essential to the welfare of our entire country that each and every part of the country participate to the greatest possible extent in all activities leading to a successful and honorable prosecution and termination of the war; and

Whereas the experience of the past year has demonstrated the necessity of avoiding an unbalanced condition of business caused by concentrating an undue proportion of war activities along one edge of the country, with the resultant evils of traffic congestion, coal and food shortages, labor difficulties, and lack of housing, all of which react on the entire country and leads to profiteering and unwarranted increase in the cost of living; and

Whereas the States of Iowa, Nebraska, Missouri, Kansas, Minnesota, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin have enormous resources, available to the Government but not yet made full use of, in the lines of finance, manufacture, production of raw material, rail and water shipping facilities, housing, labor supply, and construction facilities, which can be made use of most effectively in their several home localities, thereby restoring the country to its normal balance and relieving it from the evils due to unbalanced conditions: Be it

*Resolved*, That we, as loyal citizens and business men of the loyal States above mentioned, do hereby tender to the Government of the United States the immense uncontracted resources of these great States, and do most strongly urge the utmost possible use of these resources toward the attainment of an honorable and lasting peace.

*Resolved*, That we urge concerted action by the building organization and all other business and labor organizations in these States to place before the authorities at Washington complete and up-to-date data regarding such of our resources and output as are not yet contracted for or susceptible to increase and, if desirable, to maintain a permanent bureau at Washington for prompt cooperation by these States with the Government in war and other activities.



*Resolved*, That we, the representatives of the building industry of the States of Iowa, Nebraska, Missouri, Kansas, Minnesota, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, assembled here at the city of Des Moines, Iowa, this 20th day of March, 1918, do hereby unanimously request that a representative from the States mentioned above be appointed to serve upon the war emergency construction board; and be it further

*Resolved*, That our Representatives in Congress be requested to present this request to the proper authorities for their immediate and favorable consideration.

CHAMBER OF COMMERCE,  
East St. Louis, Ill., April 2, 1918.

To the Illinois delegation in Congress:

The cities comprising the East St. Louis district are lacking in postal service; it might be said that they have no service at all. East St. Louis has 93,000 inhabitants, and the whole district, which includes Granite City, National City, and Dupon, besides other towns, has a combined population of nearly 200,000. This district forms practically one community.

The joint congressional committee has just recommended an extension of the pneumatic-tube system in St. Louis, Mo., but has ignored the imperative requirements of this district in Illinois, which is now approximately one-fourth as large as St. Louis.

We feel that this disregard of interests of East St. Louis justifies us in calling on the whole Illinois delegation in Congress to cooperate with Senators LEWIS and SHERMAN and Congressman ROSENBERG in securing justice for us.

You will notice in the report of the hearings conducted by the committee that we showed that this city and district are grossly neglected, and that improvements, including a tube extension, are necessary. All the mail from all parts of the United States, as report shows, is handled at the round table of the St. Louis post office.

We respectfully request you to urge the committee to recommend extensions to East St. Louis, and that due pressure be brought to bear also on the Post Office Department. We have asked the First Assistant Postmaster General to assign an expert to investigate conditions here, with the object of improving the postal service generally. We would be glad to have you join in this request.

As you know, St. Louis is using the war as a subterfuge to get unfair advantages over the neighboring Illinois cities. You are familiar, no doubt, with the recent fight which we have had over our coal differential. St. Louis is employing every means and artifice against this district, and therefore we ask you to support our cause at every opportunity with Senators LEWIS and SHERMAN and Congressman ROSENBERG. We need your support and cooperation.

Truly, yours,

J. N. FINING, *Secretary-Manager*.

Mr. SHEPPARD presented a petition of the congregation of the Boulevard Baptist Church, of Fort Worth, Tex., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Oakland County, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of sundry members of the Academy of Medicine, of Kalamazoo, Mich., praying for advanced rank for officers of the Medical Corps in the Army, which was referred to the Committee on Military Affairs.

Mr. WARREN presented petitions of sundry citizens of Fort Laramie, Guernsey, Lingo, Thermopolis, and Gebo, all in the State of Wyoming, praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Newport, Corvallis, and Portland, all in the State of Oregon, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Peak, Oreg., praying for a repeal of the present zone system of postage rate on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a resolution adopted by the Symposium Society of Los Angeles, Cal., favoring the enactment of legislation providing for advanced rank for officers of the Medical Corps in the Army, which was referred to the Committee on Military Affairs.

Mr. WALSH. I send to the desk various memorials and resolutions passed by the Legislature of the State of Montana, and ask that they be incorporated in the Record and appropriately referred. I shall ask that the Secretary read from the desk one which relates to a piece of legislation now pending before the Senate.

The Secretary read as follows:

House joint memorial 1. Introduced by Holt, Griffin, Kemmis, Davis, Sand, Hawks, Sektman, and White.

A resolution memorializing Congress to pass necessary legislation defining as a crime and providing punishment therefor all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage.

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

Whereas under the present laws of the United States, successful prosecution of persons has not been maintained in the Federal district of Montana for the making or circulating of false statements, arguments, and reports concerning the objects and purposes of executive officers of the United States and of legislative bodies thereof in declaring that a state of war exists between this Government of the United States and the Imperial German Government, criticizing, belittling, and ridiculing the armed forces of the United States to the detriment of

the successful enlistment and procuring of men for service in the Army and Navy of the United States and interfering with the success of the sale of bonds of the United States for the purpose of raising money in carrying on the war with the Imperial German Government; and

Whereas the successful prosecution of individuals and organizations can not be maintained under the present laws of the United States for advocating and threatening the destruction of industrial and agricultural properties, and interfering with the management and production thereof under the guise of bettering the conditions of workmen and such actions being detrimental to the industrial and agricultural institutions in the various communities in the State of Montana: Now, therefore, be it

*Resolved by the House of Representatives of the Fifteenth Legislative Assembly of the State of Montana (the Senate concurring therein), now assembled in extraordinary session*, That we do hereby petition the Congress of the United States for the passage of the necessary legislation defining as a crime and providing punishment therefor, all acts of individuals, associations, corporations, and partnerships done or attempted to be done for the purposes aforesaid; and be it further

*Resolved*, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to the honorable Members of the United States Senate and House of Representatives from the State of Montana, requesting them to exert every effort within their power to enact such legislation.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 20, 1918.

Filed February 21, 1918, at 10.20 o'clock a. m.

S. V. STEWART,  
*Governor.*

C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint memorial 1, memorializing Congress to pass necessary legislation defining as a crime and providing punishment therefor all acts of individuals, associations, corporations, and partnerships, done or attempted to be done, that may be construed as sedition or sabotage, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana, and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
*Secretary of State.*

Mr. WALSH presented a joint resolution passed by the Legislature of Montana, which was read and ordered to be filed, as follows:

House joint resolution 2. Introduced by Kemmis.

A joint resolution ratifying an amendment to the Constitution of the United States prohibiting the manufacture, sale, and transportation of intoxicating liquors.

Whereas both Houses of the Sixty-fifth Congress of the United States of America at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Therefore be it

*Resolved by the Senate and House of Representatives of the State of Montana*, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of Montana; and further be it

*Resolved*, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and to the Presiding Officers of each House of the National Congress.

JAMES F. O'CONNOR,  
*Speaker of the House.*  
W. W. McDOWELL,  
*President of the Senate.*

Approved February 20, 1918.

Filed February 21, 1918, at 10.20 o'clock a. m.

S. V. STEWART, *Governor.*

C. T. STEWART,  
*Secretary of State.*

UNITED STATES OF AMERICA,  
*State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of house joint resolution 2, ratifying an amendment to the Constitution of the United States prohibiting the manufacture, sale, and transportation of intoxicating liquors, enacted by the extraordinary session of the Fifteenth Legislative Assembly of the State of Montana and approved by S. V. Stewart, governor of said State, this 20th day of February, 1918.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the City of Helena, the capital of said State, this 15th day of March, A. D. 1918.

[SEAL.]

C. T. STEWART,  
Secretary of State.

Mr. WALSH presented a joint resolution adopted by the Legislature of the State of Montana, relating to the labor situation throughout the State of Montana and the Northwest and the urgent need for legislation providing for the location, registration, classification, and proper assignment thereof, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Legislature of the State of Montana, memorializing Congress for the passage of proper legislation enabling the President to order railroads to make additions and improvements necessary for war purposes and the public interest, and petitioning for an order directing the construction of the proposed line of the Great Northern Railway Co. from Richey, in Dawson County, to Winnett, in Fergus County, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Legislature of the State of Montana, petitioning Congress to take steps and measures to investigate the feasibility of constructing a spur track from the main line of the Great Northern Railroad running through the city of Belt, State of Montana, to the coal fields lying on the east edge of that city, which was referred to the Committee on Interstate Commerce.

He also presented a petition adopted by the Legislature of the State of Montana, memorializing Congress to vest in the President such authority as may be necessary to regulate the production, distribution, and price of commodities necessary for the production of the cereal crops of the Nation, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Legislature of the State of Montana, memorializing Congress to pass an amendment to the Federal Constitution and submit the same to the several States for ratification, extending and giving throughout the United States the right of suffrage to women, which was ordered to lie on the table.

#### COST OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. Mr. President, some time ago the Senate passed a bill, requiring the Government to furnish uniforms to officers at cost. That bill was referred to the proper committee in the House, and the chairman of that committee sends me a report from the office of the Quartermaster General that I think it is appropriate to call attention to, especially in view of many letters I am receiving from persons interested. I quote a paragraph from this report:

At the present time the Quartermaster Corps will sell to all officers all quartermaster supplies that are in stock for issue to troops, with the exception of the wool coat and breeches, which are only furnished to officers overseas or on priority lists. This slight restriction will be entirely removed when there is an availability of wool garments. The Quartermaster Corps can easily comply with the act and keep in stock the equipment referred to, provided a uniform specification for each item is furnished, so that the same shall be similar in quality and design.

That is one of the important provisions in the bill the Senate passed. It gave to the Secretary of War the authority to fix the quality and design of these uniforms. In view of the report of the Quartermaster Department, it seems to me there ought to be no objection anywhere to the passage of the bill. It is very important that it should be passed so as to prevent the recurrence of a situation which has existed heretofore, where the Government has refused to furnish these supplies, and which led to the passage of this bill by the Senate. It is very important that the department should be given the authority to determine the quality and the design, and then, as the department says here, it can very easily comply with the act. There seems to be no objection from any source that should be given any weight.

So I hope the House committee will act very promptly and that the House will act promptly. I am glad I can make that reference without violating the parliamentary rules of this body.

I ask that the letter be printed in full in the RECORD.

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

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,  
Washington, March 25, 1918.

(Memorandum for Secretary of War.)

With reference to Senate 3433, an act requiring the Government to furnish uniforms to officers of the Army and Navy, sent to this office for report by the chairman of the Committee on Military Affairs, House of Representatives, the following is submitted:

At the present time the Quartermaster Corps will sell to all officers all quartermaster supplies that are in stock for issue to troops, with the exception of the wool coat and breeches, which are only furnished to officers overseas or on priority lists. This slight restriction will be entirely removed when there is an availability of wool garments. The

Quartermaster Corps can easily comply with the act and keep in stock the equipment referred to, provided a uniform specification for each item is furnished, so that the same shall be similar in quality and design.

At present officers are required to purchase all their own clothing and quartermaster equipment for personal use, except as noted below:

Special articles of clothing for aviation purposes issued to all officers on duty in the Aviation Section.  
Pins, tent shelter, issued to officers below the rank of major.  
Poles, tent shelter, issued to officers below the rank of major.  
Tent, shelter, half, issued to officers below the rank of major.  
Whistle and chain issued to company, battalion, and regimental officers, except chaplains and medical officers.

GEO. W. GOETHALS,  
Acting Quartermaster General.

#### REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3943) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws, reported it without amendment and submitted a report (No. 357) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3923) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise, reported it with an amendment and submitted a report (No. 358) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 3572) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims, reported it with amendments and submitted a report (No. 359) thereon.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. MYERS:

A bill (S. 4273) canceling Indian trust patents Nos. 307319 and 366449; to the Committee on Indian Affairs.

By Mr. RANSELL:

A bill (S. 4274) providing for the establishment of the Port of San Juan, customs district of Porto Rico, as a port of entry for immediate transportation without appraisal of dutiable merchandise; to the Committee on Finance.

A bill (S. 4275) to relieve Congress from the adjudication of private claims against the Government; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 4276) to provide for the care and relief of destitute Indians in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4277) providing for the protection of the uniform of friendly nations, and for other purposes; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 4278) granting an increase of pension to Charles A. Nimocks (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 4279) for the relief of Francis L. Flanders (with accompanying papers); to the Committee on Claims.

By Mr. CALDER:

A bill (S. 4280) to amend the act of October 3, 1917, entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 4281) referring claim of Fred Hartel et al. to the Court of Claims; to the Committee on Claims.

By Mr. KING:

A bill (S. 4282) to prevent in time of war departure from or entry into the United States contrary to the public safety; to the Committee on the Judiciary.

By Mr. RANSELL:

A joint resolution (S. J. Res. 146) extending to Porto Rico the same rights and privileges as is accorded the several States under the act of February 23, 1917, providing for the promotion of vocational education; to the Committee on Education and Labor.

By Mr. MYERS:

A joint resolution (S. J. Res. 147) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

#### AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. SHIELDS submitted an amendment proposing to increase the compensation of postal employees, etc., intended to be pro-



posed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ELIZABETH CROCKETT.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 5481, Sixty-fourth Congress, second session, granting a pension to Elizabeth Crockett, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PAY OF RETIRED CHIEF WARRANT OFFICERS—CONFERENCE REPORT.

Mr. SWANSON. Mr. President, on yesterday I submitted to the Senate a conference report on the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty, and it was received and ordered to lie on the table, as it had to be acted upon first by the other House. I understand a message from the House has been received, announcing that the report of the committee of conference had been adopted, and I ask that the conference report submitted by me be taken from the table and considered at this time.

The VICE PRESIDENT. 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 amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty 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 amending the title, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House inserting section 2, and agree to the same with an amendment as follows: In lines 1 and 2 of the engrossed amendments strike out the words "performed or" and in lieu thereof insert the following: "been on active duty since August 29, 1916, or who"; and the House agree to the same.

B. R. TILLMAN,  
CLAUDE A. SWANSON,  
H. C. LODGE,

*Managers on the part of the Senate.*

L. P. PADGETT,  
J. FRED. C. TALBOTT,  
THOMAS S. BUTLER,

*Managers on the part of the House.*

The VICE PRESIDENT. The report is agreed to.

PROMOTION OF EXPORT TRADE—CONFERENCE REPORT.

Mr. POMERENE. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes. I ask that the report lie on the table for the present and await action thereon by the other House.

The report was read and ordered to lie on the table, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, 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 amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 5 and 6, and agree to the same with amendments as follows: In lieu of the matter stricken out and the matter inserted by said amendments strike out in lines 1, 2, and 3, page 3, all of section 2 after the word "or," in line 1, page 3, the matter stricken out being "intentionally and unduly enhances prices within the United States of commodities of the class exported by such association," and insert in lieu thereof the following: "intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens com-

petition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 18, page 5, in addition to the matter stricken out by the Senate amendment, strike out the words "and unduly," and in addition to the words added by the Senate amendment add in line 20, page 5, after the word "association," and before the word "it," the following: "or which substantially lessens competition within the United States or otherwise restrains trade therein"; and the Senate agree to the same.

ATLEE POMERENE,  
JOE T. ROBINSON,  
ALBERT B. CUMMINS,

*Managers on the part of the Senate.*

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

*Managers on the part of the House.*

AGRICULTURAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. GRONNA, and Mr. NORRIS conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 10205. An act to provide for the consolidation of national banking associations, was read twice by its title and referred to the Committee on Banking and Currency.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On April 4, 1918:

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*.

On April 5, 1918:

S. 3714. An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

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

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 8753.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. BORAH obtained the floor.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do.

Mr. LODGE. I merely desire at this time to offer an amendment, which I propose later to move to the bill now pending. I ask that the amendment be read. It is very brief.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The use of the mails shall not be permitted to any newspaper, magazine or periodical, circular, or pamphlet, which is printed in whole or in part in the German language.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I do.

Mr. WALSH. I desire to inquire if the amendment which has just been read is intended to be proposed to the bill now under consideration?

Mr. LODGE. Yes; it is to be proposed to the bill now under consideration.

Mr. WALSH. I rose to say to the Senator from Massachusetts that the Judiciary Committee has under consideration another bill, the purpose of which is to exclude from the mails matter that is regarded as not properly mailable, and that, in my judgment, the amendment would be more germane to that bill than to the bill now under consideration. Possibly the Senator being so advised, he might choose for the present to withhold the amendment.

Mr. LODGE. I am glad the Committee on the Judiciary is considering the subject, but I can see no objection to adding the amendment to this bill. This is simply exclusion by act of Congress, and does not leave the matter to the discretion of the Postmaster General.

Mr. BORAH. Mr. President, I suggested yesterday that I should like to see the word "calculated," in line 24, page 2, stricken out, and the word "intended" or the word "designed" inserted in its place. I desire to ask the chairman—

Mr. HARDWICK. The word "intended" is better than "designed," for "designed" might mean "calculated."

Mr. OVERMAN. I can not agree to substitute the word "intended," because it is very hard to prove an intent. I think "designed" is a better word.

Mr. BORAH. I think the word "intended" there would be perfectly safe. A man is presumed to intend the natural consequence of his act, but I think as it now exists the intent would have to be proved, because the authorities—

Mr. OVERMAN. I merely suggested that I thought "designed" was the better word. I am not objecting to the Senator's amendment.

Mr. BORAH. Then, Mr. President, I move to strike out the word "calculated" and to insert the word "intended," in line 24—

Mr. POINDEXTER. Mr. President, will the Senator from Idaho permit me to interrupt him?

Mr. BORAH. Certainly.

Mr. POINDEXTER. I hope the Senator from Idaho will not assume from the statement of the Senator from North Carolina [Mr. OVERMAN] accepting his amendment that it is an immaterial amendment, or that the entire committee is willing to accept the amendment.

Mr. OVERMAN. No, Mr. President. The Senator from Washington misunderstood me. I only speak for myself always and from my own personal standpoint. I do not intend to bind the committee. I said I would not fight the amendment. That is all I said.

Mr. POINDEXTER. My opinion is that it is a very important amendment, and I wish the Senator from Idaho would reserve it for a while, in order that we may confer a little further about it.

Mr. BORAH. I am perfectly willing to reserve the amendment for the present.

Now, Mr. President, I want to make some general remarks in regard to this bill before we proceed to its further consideration. The amendment which the Committee on the Judiciary have reported to the bill as it came from the other House begins upon page 2, line 18, and reads as follows:

And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States—

Leaving the remainder of the amendment out for the present, and discussing the portion which I have just read, the first provision provides for the protection of the form of government, the Constitution, the soldiers and sailors, and the uniform of the Army and the Navy. Any scurrilous, abusive, profane, or contemptuous language used against these several objects or subjects is made punishable under this proposed act. I take it that up to that point there would be very little difference of opinion; I rather suppose that no one would object to that portion of the amendment. I assume that in these times it will not be deemed improper to punish those who profane those things for which our people are making such great sacrifices and for which many of our countrymen are offering their lives.

Mr. LODGE. If the Senator from Idaho will allow me to ask him a question in regard to the phrase "the form of government"; as it reads it is all right, but is that supposed to cover the persons engaged at the moment in the Senate or in the House of Representatives or elsewhere who are carrying on the Government?

Mr. BORAH. I do not so understand at all; in other words, I understand that a person would be perfectly free, under this bill should it become a law, to discuss, for instance, the incompetency of any officer, or the policy of any office or officer, or the policy of the administration, or the inefficiency of any department. That is my understanding of it; I believe that to be a fair interpretation of it. I do not believe the courts could place any other construction upon the language here used.

Mr. POINDEXTER. Mr. President, I understand that the words "form of government" as used there principally have reference to language that is used in the Constitution and in oaths administered to certain officials, to immigrants arriving in the United States, and not to laws already on the statute books—namely, a republican form of government.

Mr. BORAH. Yes.

Mr. POINDEXTER. That is the principal significance of that language, in my judgment.

Mr. JONES of Washington. Mr. President—

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

Mr. JONES of Washington. I have just received a resolution as to which I should like to ask the Senator's judgment whether or not it would come within the prohibition of this proposed law? The resolution reads as follows:

Whereas the courts of the United States are the most serious menace to the constitutional rights of the American people;

Whereas the power now exercised by the courts to declare laws passed by a legislative body unconstitutional was expressly denied the judiciary by the convention that framed our Federal Constitution;

Whereas the constitutional rights of the American people are not secure while an irresponsible oligarchy are permitted to exercise the powers above enumerated. Democracy does not and can not exist while such unlimited powers are wielded by judges responsible to nobody. The American people have permitted the judiciary to assume all of the governmental functions;

Whereas there are problems in modern industrial life that must be solved by the ordinary machinery of popular government. If the courts continue to hamper the people in the exercise of that sovereign power, then the courts must be controlled by the people: Therefore be it

Resolved by the Spokane Central Labor Council in regular meeting assembled, That we demand that Congress shall immediately prepare and submit to the American people, through the proper channels, an amendment to the United States Constitution providing for the election of all Federal judges, with short terms of office, and placing the power to recall Federal judges in the people, the only place that power should exist.

Mr. BORAH. From simply hearing the matter read I understand that it is the advocacy of an elective instead of an appointive judiciary. I do not believe that would come under this proposed law. I am sure it would not. Our Constitution itself provides for amendments.

Mr. JONES of Washington. It struck me that it would; but I have not given the measure very much consideration. I merely wanted to get the Senator's judgment about it.

Mr. BORAH. I do not understand that that resolution has any other import or purpose than that of asking for a change in the Constitution so as to provide for the election of judges instead of appointing them.

Mr. JONES of Washington. It denounces the present form of government, as they construe it.

Mr. GORE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BORAH. I yield.

Mr. GORE. I was wondering whether the Senator thinks that one who advocates by argument and by peaceful means State socialism or the substitution of social democracy for our present form of government would be liable to punishment under this act?

Mr. BORAH. I do not think so. This law punishes the denunciation of our Government through profane and scurrilous language.

Mr. GORE. I wanted to get the Senator's opinion in that regard, because it might be serviceable in the future.

Mr. HARDWICK. Mr. President, if the Senator from Idaho will yield to me, I was wondering how he could have condemned Mr. George Creel's editorial if he thinks that the resolution just read does not come within the prohibition of this bill?

Mr. BORAH. The Senator seems to have confused the Senator from Idaho with the Senator from Indiana [Mr. WATSON].

Mr. HARDWICK. But the Senator said that Mr. Creel could, in his judgment, be indicted for the editorial in the Rocky Mountain News, which is about the same thing.

Mr. BORAH. I think that was an entirely different proposition. That, as I was impressed from hearing it read, was a denunciation of our entire scheme of government.

Mr. HARDWICK. If the Senator will examine he will find it is not any different, I think. I listened to it very carefully.

Mr. BORAH. Then I would change my view with reference to the editorial; but, as I remember the editorial, it was an attack in abusive language upon our entire system of govern-



ment; that the writer was opposed to republican representative form of government.

Mr. HARDWICK. The editorial I had in mind—the Senator may not have based his opinion on that editorial—was almost entirely on this identical subject.

Mr. BORAH. I do not understand, Mr. President, that this bill goes that far. If I thought the bill covered the right to present a demand to change our Constitution by amendment, or anything of that kind, I certainly would be opposed to it; but the resolution to which reference has been made does not propose to change the form of government, but simply amplifies some particular power covered by the fundamental law and already preserved by it.

Mr. NORRIS. Mr. President—

Mr. BORAH. I yield.

Mr. NORRIS. I wonder if I am correct in drawing the conclusion from what the Senator has just stated, that he thinks anyone who favors a complete change of our form of government would come within the prohibition of the pending measure?

Mr. BORAH. I do, if the change is advocated by methods other than provided in the Constitution and by the use of profane and disloyal language.

Mr. NORRIS. Then, if that be true, the man who believes that a monarchical form of government, for instance, is the best—assume that he honestly believes it and is conscientious in his belief—would be liable to be sent to jail if he dared advocate it.

Mr. BORAH. Well, not if he simply dared to advocate it; but if he advocated it in disloyal, profane, scurrilous, or abusive language I think he would. For instance, I received a paper from a Western State this morning that gave an account of an incident one day last week, when the German Army seemed to be winning its cause, where a number of persons congregated and made eulogistic speeches upon the German form of government, eulogized the Kaiser and the Hohenzollern dynasty, and said it was a much better and more efficient and more effective form of government than this Republic for which we are fighting now. I want to say that I am perfectly aware that it is very difficult to enact a law to cover that kind of a situation without seeming to cover cases which ought not, of course, to be covered by the law, and to cover acts which ought not to be punishable; but there was just one thing that saved those gentlemen from mob law, and that was the fact that there happened to be at hand just at that time sufficient authority to protect them.

Mr. NORRIS. Mr. President, if the Senator will permit me, I do not want him to get the idea by any question I ask or by anything I may say that I am defending any conduct of that kind. Those men were disloyal, and I would be glad to see that kind of men sent to the penitentiary; but they were disloyal because they were opposed to our Government; they would have been opposed to it no matter what the form might have been; they were loyal to Germany rather than to the United States. I take it that in their disloyalty the probabilities were the form of government did not enter as a moving feature; but it seems to me it does not quite answer the question I put. I do not advocate it, and of course do not believe in it at all, but I can conceive of men—and I know there are a good many such men, loyal men; I have talked often with them—who think our form of government is not the best, who think that a monarchical form of government would be better. While I do not agree with them, I can see how that kind of a man might be just as loyal as though he believed our form of government was the best in the present emergency, for instance.

Mr. BORAH. I should like to say to the Senator that it is impossible for me to conceive of that man being as loyal as the man who thinks our form of government is the best.

Mr. NORRIS. It seems to me that he might be just as loyal.

Mr. BORAH. He might; but I can not grasp it.

Mr. NORRIS. In other words, if the Senator's statement is entirely correct, then the man who favored an amendment to the Constitution giving suffrage to women, for instance, would not be quite as loyal as the man who is absolutely satisfied with the Constitution as it now exists.

Mr. BORAH. No; the advocacy of suffrage does not change the form of government at all; it does not affect the form of government in any way, shape, or form; if anything it accentuates and strengthens the form of government from the standpoint of a wider basis for the electorate.

Mr. NORRIS. A more liberal basis?

Mr. BORAH. Yes.

Mr. NORRIS. Well, suppose we take the man who is opposed to the appointment, for instance, of members of the Supreme Court, or who adopts the idea Col. Roosevelt expressed before the Ohio convention and advocated publicly, and that a great many good men believe in, that there ought to be some sort of appeal from the decisions of the Supreme Court to the people.

I know there are men who think that would be absolutely disastrous to our form of government, although it is supported by those who want to make the form of government more liberal than it is now. I should like to go just as far as I possibly can to punish any man who in any way is disloyal, but I would not want to punish a man because he advocated a different form of government if he honestly believed in it.

Mr. BORAH. Mr. President, I will ask the Senator a practical question. Suppose that a person held the view that the Senator has just expressed with reference to the election of judges, instead of the appointment of judges, or with reference to the recall of judicial decisions instead of the present system, and suppose that some district attorney should bring that man into court and undertake to prosecute him for presenting such a proposition in a reasonable and in a proper way, how far does the Senator think they would get toward punishing that man under this bill?

Mr. NORRIS. If I were on the jury I am satisfied that I would not agree to a conviction, no matter what the bill might say. My own idea is that he could not be convicted. But even though that would be true in every case, that they could not be convicted, if there were prosecutions even that we knew would result in the release of the defendant, that is a very serious proposition.

Mr. BORAH. Precisely so; but the Senator will understand that right now, if a district attorney is corrupt enough and crooked enough, he can bring into court any citizen of the country, however innocent he may be, and undertake to give him a trial, and put him through the form of a trial, regardless of whether he hopes to convict him or not.

Mr. NORRIS. I think that is true; and we ought to be careful, in passing laws, that we do not encourage that kind of conduct.

Now, on the recall of decisions—

Mr. BORAH. Let me ask the Senator another question in that connection. I have asked the Senator one question, and now I ask him this question: How would the Senator deal, under any present law upon the statute books, with the case which I cited to his attention a few moments ago? What law is there on the statute books now to punish the man who simply eulogizes the advances of the German Army and the superior worth of the Hohenzollern dynasty? What law is there by which we can punish him?

Mr. NORRIS. I do not know that there is any; and I will go just as far as the Senator will in enacting a law that will inflict any kind of severe punishment on anybody that will do that.

Mr. BORAH. What law will suffice to meet that situation other than the measure which we now have before Congress?

Mr. POINDEXTER. Mr. President, I beg leave to interject, if the Senator will permit me, that if we had juries and judges that responded to the needs of the situation, so as to give a construction to the existing law in harmony with the purposes for which it was enacted—a law which provides a penalty for the man who does an act which obstructs the enforcement of the draft act or the sale of liberty bonds—they would find that such conduct as the Senator has described had that effect and was a violation of that law.

Mr. BORAH. It may be true that the law as at present upon the statute books would cover that situation if it were properly construed; but we do know that it has been so construed as to relieve that kind of conduct from punishment, and that is the very object of this bill, as I understand.

Mr. GORE and Mr. STERLING addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from South Dakota, and then I will yield to the Senator from Oklahoma.

Mr. STERLING. Mr. President, let me call the attention of the Senator from Idaho to the very language of the bill now. In order that the party may be amenable under the bill, the language must be disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government.

Mr. BORAH. Exactly.

Mr. STERLING. Does the Senator from Idaho think that a mere academic discussion of the forms of government, and an assertion by one that he believes a monarchical form of government superior to a republican form of government, would render a party liable under this law?

Mr. BORAH. No. I stated, as I thought, in answer to the Senator from Nebraska, that if it was simply a presentation of a man's view in a proper way, as to his difference of opinion as to the worth of different forms of government, or as to a change in the Constitution, or something of that kind, it would not come within the purview of the law at all.

I now yield to the Senator from Oklahoma, if he desires to interrupt me.

Mr. GORE. Mr. President, I first want to suggest that there is another provision in the pending bill which would meet that exact situation. It is found in the provision contained in line 17, page 3:

Whoever shall by word or act support or favor the cause of the German Empire.

But I wanted to ask the Senator this question: The Declaration of Independence, after reciting certain inalienable rights of life, liberty, and the pursuit of happiness, and averring that to secure these ends governments are instituted among men, adds that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, to organize its powers in such form, and so forth. Does the Senator think that that declared right would collide with the provision in the bill?

Mr. BORAH. No; I do not.

Mr. GORE. Then, I will ask the Senator one other question. If anybody outside of Congress should insist that the Constitution of the United States is suspended or should be suspended pending war, and that we should substitute an autocracy during war, that a democracy is unfitted for war, would that subject him to prosecution under this bill?

Mr. BORAH. I do not so understand, if a man should make that kind of a statement; but if a man should speak of the Constitution and the Government of the United States in an abusive or profane way, I think he would come within the purview of the proposed law.

Mr. GORE. Then, Mr. President, there is a provision that anyone using any language calculated to subject the Constitution to contempt is liable to prosecution.

Mr. BORAH. We will come to that in a minute.

Mr. GORE. I am anxious, the Senator will see, to protect some of our associates and others. I want to know exactly the boundaries of this provision.

Mr. BORAH. I do not understand that the Senator from Oklahoma is uneasy about himself.

Mr. GORE. No. I cherish some lingering respect for the charter of our liberties.

Mr. POINDEXTER and Mr. COLT addressed the Chair.

Mr. BORAH. I yield to the Senator from Washington; then I will yield to the Senator from Rhode Island.

Mr. POINDEXTER. I wish to ask just a very brief question of the Senator from Oklahoma, in view of the question that he has just asked.

Of course, this legislation is a product of the times. Many of the things that are proposed to be punished by this bill might very well go unnoticed and be of trivial public importance in times of peace; but the bill ought to be judged by its application to the emergency that confronts the country. It is a great emergency. Everything that the country stands for is in the balance as the result of the efforts of our people, acting under our Government, under the laws as they exist to-day. Now, does the Senator think that it is consonant with good public policy in that situation to speak contemptuously of the Government or of the Constitution or of the Army and Navy of the United States?

Mr. GORE. Not at all; not at all. I think perhaps that has been done in some high places, and I wanted to know just the boundary of the rights and privileges the people would be permitted to enjoy hereafter and the words and acts that would be subjected to punishment.

I think that one of the chief objects of our free institutions—in fact, the object recited in the first amendment to the Constitution, and the assurance that that amendment would be adopted procured the ratification of the Constitution—was the guaranteed right of freedom of thought and freedom of speech. Now, if our institutions stand for anything at all, freedom of thought and freedom of speech are among the cardinal and inalienable rights of American citizens, and those rights are baptized with the blood of our ancestors. I think the Senator put his finger on the point when he said there were trivial things in times of peace, and I think there may be trivial things in times of war that ought not to be magnified into serious breaches of the law or the Constitution.

I think Lloyd-George was right when he said that the Government which could not hear the truth about itself, which was not virile enough to hear the truth about itself, had not reached the status of a first-class power. It is an ancient and it is a correct principle of law that the law takes no account of trifles. All I desire is to differentiate between trifles and matters of serious moment.

Of course, everything done and everything said, intended, and calculated to inspire sedition ought to be punished. This

bill undertakes to penalize a man who merely favors certain things, unaccompanied by word or act. It undertakes to turn an X ray into hearts and minds of men. As I remember, Monus, one of the Greek gods, had a window in his breast, so that you could read his feelings and his thoughts. If we had any intellectual X ray of that sort, I should not hesitate to vote even for the word "favor"; but I know of no means of scrutinizing the inner thoughts of men as disembodied from word or deed. I think we ought to be careful not to go too far or too fast and not to become too intolerant. I am afraid that some acts of intolerance in this country have contributed more or less to the social dissolution prevailing in Russia.

The guaranties in favor of freedom of thought and freedom of speech are the fruits of immemorial centuries of experience. They were embodied in our Constitution because experience had demonstrated that freedom of thought and freedom of speech did not work as much mischief as the intolerance and the despotism which undertook to cut the tongues out of the throats of men who sought to give utterances to honest convictions.

Mr. POINDEXTER. Mr. President, that is very beautiful rhetoric that the Senator from Oklahoma has entertained the Senate with, but it is not very practical in the solution of the problems of this war.

Mr. GORE. Mr. President—

Mr. POINDEXTER. Just a minute. Let me ask the Senator—

Mr. GORE. It will not be necessary, if the Senator will permit me to interrupt long enough, to say that I will join the Senator in all practical and well-advised measures.

Mr. POINDEXTER. I do not think it is necessary myself, but it is appropriate. The Senator says there is no way provided in this bill for determining whether or not a man favors the German cause. I assume from his argument that he thinks that a citizen of the United States should be allowed to favor the German cause.

Mr. GORE. Mr. President, I do not think so.

Mr. POINDEXTER. Then, if the Senator does not think so, he ought to vote for this bill.

Mr. GORE. The Senator misunderstands my criticism. I did not refer to the word "favor" where it appears in connection with the German Government. In that connection the bill expressly requires, as it should, that such fact shall be proved by words spoken or acts done. I approve of that. I referred to the word "favor," in line 15, where it is merely defined as a state of mind, unaccompanied by word or deed. I think that any American citizen who favors the German cause, if that fact can be proved by competent evidence, ought to be subjected to swift and merited punishment. He is entitled to no immunity in the courts of this country. He has no right to live in this country under our flag and enjoy its protection, and favor any other country or any other government which is at war with our own, if that fact can be established by competent evidence. We want no double allegiance, no divided loyalty in this country. In their nature these things are indivisible. They must be one or they must be none, if I may say so.

Mr. BORAH. Mr. President, permit me to say that if that is the attitude of the Senator this bill is not strong enough. This bill does not go to any such length as that. This bill does give the man who favors the German Government the benefit of the institutions of America, its representative form of government, its courts, and its juries, to determine whether he is guilty or innocent.

Mr. GORE. That ought to be so. Perhaps I did not finish the statement. I intended to say that the fact that he favors the enemy ought to be proven in a court by admissible evidence, and by evidence that accords with the established principles of law and civilized jurisprudence. Now, I will point out to the Senator from Idaho and the Senator from Washington the distinction which I make.

The word "favor," as it occurs in line 15, page 3, provides no rule of evidence and suggests no principle of law by which that fact shall be ascertained. In line 17, page 3, it provides that whoever shall by word or act favor the German cause shall be subject to punishment. Unquestionably such a person should be subject to punishment, but that prescribes a method of proof or a character of proof that is sanctioned by time and approved by experience. Men's motives and men's intentions can be ascertained only by acts done and by words spoken. That prescribes a method of proceeding which comports with the spirit of free institutions, but the word "favor" as used in the other sentence does not. That was the distinction which I had in mind.

Mr. BORAH. Mr. President, this bill does not purport to deal at all with the question of rules of evidence. The same mode of procedure, the same rules of evidence, the same method



of establishing a fact, the same presumption of innocence, would accompany a party through the trial from the beginning to the end under this law just as it would under any other statute of the United States.

Mr. GORE. Mr. President, in line 17 the bill provides for the punishment of any person who by word or act favors the German cause.

Mr. BORAH. Any person who supports or favors it.

Mr. GORE. Yes. In the other line it does not say "by word or act." A court would construe the omission of the phrase "by word or act" in the first instance as meaning that Congress had left out those words deliberately and by intention.

Mr. POINDEXTER. Which are the lines?

Mr. GORE. Line 15 in the first instance, line 17 in the second. The point I was making is that we ought to insert "by word or act" in line 15 as well as in line 17; and if that be done, certainly that objection is removed.

Mr. POINDEXTER. I do not think anyone could reasonably object to that suggestion. That is a very practical suggestion. There is no objection to that, I am sure, on the part of the chairman of the committee or anyone else.

Mr. GORE. That is the point which I had in my mind.

Mr. POINDEXTER. I should like to add just this word as to the criticism which the Senator has made that there is no rule of evidence provided. That being the case, the rule of evidence as it is now established in our courts remains. It is not changed in any way, as the Senator says.

Mr. GORE. Well, here was the point: Perhaps I did not make it plain. In one instance we use the expression, "Whoever shall, by word or act, favor." In the other instance we do not use the phrase, "By word or act," and yet we make the favoring of certain things a crime. Now, the omission of those words in the one instance would be construed by a court to be deliberate and intentional.

Mr. BORAH. Mr. President, it would be interesting to know how you could possibly prove that a man favored a thing except by some word or act.

Mr. GORE. That is the point; and I thought the safeguards ought to be erected in both instances as they are in one. The committee thought it advisable, if not necessary, to state how you would prove it in line 17, "by word or act." They did not conceive it to be necessary or advisable to state the way in which it should be determined in the other instance. I do not know why the difference was made. I assumed that there was some reason for making it. If the clauses are exactly identical, notwithstanding the omission of those words, of course, that is satisfactory. I do not know how we can determine in advance that they are; and they might be differently construed.

Mr. NELSON and Mr. COLT addressed the Chair.

Mr. POINDEXTER. I should like to suggest to the Senator from Oklahoma that part of the section of the bill he has quoted is a copy of an act of the Legislature of Montana, and a part of it was framed here in the Committee on the Judiciary, without any reference to the act of Montana; and that accounts for the difference in the language.

I agree with the Senator from Idaho that, so far as the protection of the party accused is concerned, the insertion of the words "by word or act" adds nothing whatever, because it is obvious that you never could show a man's guilt except by some word or act. My impression is that the insertion of the words "by word or act" tends to strengthen the statute from the standpoint of the Government, because without the insertion of those words it might well be argued, and certainly would be argued if lawyers in the courts are as technical as lawyers are in the Senate in the debates on this bill in defining its terms, that a mere act could not be construed as favoring the cause of Germany. The reason why "by word or act" is inserted in the bill is in order to enable a court to punish a man for taking an attitude, even though it is shown only by his act and not by his word.

Mr. NELSON. Will the Senator yield?

Mr. BORAH. I yield.

Mr. NELSON. I think the controversy here arises over a misapprehension of the two paragraphs. They relate to different subjects. The part which the Senator from Oklahoma refers to in line 16 is as follows:

Whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated.

That paragraph relates only to the acts enumerated in the law. Then the next paragraph is of general character and is more comprehensive. I will read it:

And whoever shall by word or act support or favor the cause of the German Empire—

And so forth.

One is of a general character and the other is confined to the matters referred to in the bill. We have those words of a general character.

If the Senator will allow me, some criticism of that paragraph was indulged in on yesterday. There are some offenses that are committed that we have to define by general terms. Take the crime of usury. Take the crime of fraud and deception. You never can get into any statute a specific definition as to what acts shall constitute usury or what acts shall constitute fraud or deceit. The courts are unwilling to lay down any definition in those cases.

So in this case it is impossible, any more than you can define in the case of fraud or usury or deceit, to define specifically what acts or what words will be in favor of the Germans and will be against our Government. You have got to lay down a general term; it is unavoidable; and it is for the court and jury to determine whether the act committed by the defendant is hostile to the United States and in favor of the German Government, just as it is for the jury and the court in a case of usury to determine whether the roundabout acts committed in a usurious case are acts that constitute usury, and just as in the case of fraud whether the acts resorted to taken collectively as a whole constitute an act of fraud.

Mr. BORAH. I quite agree with the construction of the Senator with reference to this general clause. Let me call attention, while it is upon my mind, to the fact that there has been upon the statute books of the United States for 40 years, at least, a general provision punishing those who conspire to injure the United States. There could scarcely be a broader definition of a crime than a conspiracy to injure the United States; but, as the Senator has just said, when the matter comes to be dealt with in the courts before a jury all the acts and deeds of the parties charged are taken into consideration, and the court and the jury come to the conclusion whether or not combined as a whole it constitutes an injury to the United States. You can not define every crime that you mean to punish by specific or limited terms or definitions so as to prevent the possibility of unwise construction.

Mr. HARDWICK and Mr. GORE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield to the Senator from Georgia first.

Mr. HARDWICK. The Senator, I understand, offers an amendment to strike out the word "calculated," in line 24, page 2, and substitute the word "intended."

Mr. BORAH. I suggested that amendment.

Mr. HARDWICK. Does the Senator also intend to suggest an amendment to strike out the word "calculated," in line 5, page 3, and substitute the word "intended"?

Mr. BORAH. If I should succeed in inserting the word "intended" for "calculated" in the first instance, I think the second would follow.

Mr. HARDWICK. That would make the intent apply to every one of these sentences?

Mr. BORAH. I think so, but I desire to say that I am not at all sure that that is necessary, because, with the single exception of one decision, I have found no authority that holds that the word "calculated" involves the intent of the party, and, with the single exception of a Federal case, that has been the definition which has been given. The purpose of the party, the intent of the party, the design of the party, is synonymous with "calculated," and it was only for clarity that I suggested it.

Mr. HARDWICK. Are there not two decisions exactly the reverse of that?

Mr. BORAH. I would be glad to see them. I have found that one.

Mr. HARDWICK. A decision of the United States Supreme Court?

Mr. BORAH. No; a decision of a lower court.

Mr. COLT. If the Senator from Idaho will allow me a question, I would like to ask him if he does not think the word "disloyal," which precedes the word "profane," is the most significant word in that paragraph?

Mr. BORAH. It characterizes the whole statute.

Mr. COLT. It characterizes the whole statute. I think in the construction of a statute we should always fall back upon the great principle of reasonableness, or what is a reasonable and fair construction under all the circumstances. I should like to ask the Senator if he does not construe the word "disloyal" to mean that the utterance, or writing, looking at all the circumstances, must be, by reason of its very nature, disloyal; and, further, that no academic discussion of the question of the form of government was intended to come within the statute.

I do not think this act was intended to include the discussion of the question whether under the Constitution the court has the power to declare a law unconstitutional, or the discussion of true democracy as distinguished from a republican form of government, or the discussion of a constitutional monarchy as distinguished from a republican form of government—all those questions when discussed in an abstract way, I think the Senator will admit, do not come within this act.

The question, then, is not whether a man may express his belief in one form of government rather than another, but whether he expresses his belief in such a way and under such circumstances as to show a disloyal intent.

Mr. BORAH. I thank the Senator from Rhode Island for his suggestion.

Mr. GORE. Mr. President—

Mr. BORAH. I yield to the Senator from Oklahoma.

Mr. GORE. I presume I did not quite make my point clear. To advocate or defend or conspire are, of course, affirmative acts. In the nature of things they involve either the utterance of words or the performance of deeds. Favor may be a mere state of mind, never taking form either in act or word.

Mr. BORAH. You can not prove favor except by some fact, however.

Mr. GORE. That is true. It seemed to me that the phrase "by word or act" ought to be inserted in both instances or ought to be omitted in both instances. I did not know the history of this bill, but I am familiar with the high abilities of the Judiciary Committee, and when they inserted the phrase "by word or act" in one instance preceding the word "favor" and omitted it in another sentence containing the word "favor," of course I was compelled to presume that they had done so for some reason, and that the use of different language was to impart a different sense and significance. It was to call attention to that disparity that I injected myself into this debate.

Mr. BORAH. The Senator from Rhode Island refers to the word "disloyal" as characterizing this section, and I think it does; but all the adjectives used—disloyal, profane, contemptuous or abusive language, in speaking of the Government and the Constitution—imply a willful, a criminal, or a disloyal mind or spirit on the part of the party who is using the language. Of course, there would have to be, in my judgment, a clear proof of that state of mind or that condition of mind in order to satisfy any court or jury that the party was guilty under the law.

Now, Mr. President, may I say in reference to some remarks made by the Senator from Oklahoma [Mr. GORE] and others since I have risen that if our soldiers are not in France for the purpose of maintaining and protecting against assault our form of government, our Constitution, and our flag, the things which are here protected, I should be glad to know why they are there at all. If they are there for that purpose, I ask in all sincerity is it too much to ask complete devotion upon the part of those who remain at home to the things for which our boys are fighting and dying upon the western front?

It may be that this will interfere to some extent with the mental processes of some of those who remain behind and are out of sympathy with the purpose for which those boys have been called into foreign lands; but I submit when you consider the ten thousand ways in which a disloyal man may pour his subtle poison into a community to embarrass the cause in which those boys are engaged, it is not too much to place upon the statute books that which will turn upon him the calcium light of investigation by a court and by a jury. I know this is a drastic law, and I would not support it except in times like these and unless I believed it necessary to prevent things far worse.

I am just as well satisfied as that I stand here that unless the Senate of the United States provides an orderly method by which to deal with this class of cases, unless it provides a means by which it can be taken into court and determined by the court and by the jury, just so surely as matters proceed as they are we will either come to military trial or to mob rule or vigilance committees.

Mr. OVERMAN. Will the Senator let me introduce a telegram just received?

Mr. BORAH. Certainly.

Mr. OVERMAN. I send to the desk a memorandum, including a telegram handed me by a distinguished Senator from the West along this same line. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Senator CURTIS received the following telegram recently from an assistant attorney general of the State of Kansas:  
"Good men from central Kansas complain that American citizens of German birth frequently and publicly express desire for German success

in the war and their own wish to help Kaiser; also complain that Department of Justice declares it has no power to act. They fear serious trouble. Can you advise me definitely as to power of Federal authorities under present law; and if new legislation is needed, can you secure such legislation soon?"

Mr. OVERMAN. I want to say that we have no law at all to cover it.

Mr. BORAH. Now, we come to the second clause, to which most objection has been made:

Or any language calculated—

Or, I will say, "intended"—

to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

Mr. President, is it too much to ask that those who are not making the supreme sacrifice, but are here enjoying the protection of our form of government and the protection of our Constitution and the protection of the flag, to refrain from the use of such language as is profane or abusive or calculated to bring these different objects into contempt? Is it too much to ask that they conform their words, their language, and their conduct so as to harmonize with the feelings and sentiments of those who have sent their boys to the front?

I might myself individually be willing, treating him with the contempt which I should feel for him, to listen to one who would advocate the success of the German cause, or I might be willing to content myself while some would express doubt as to our form of government and as to whether it were better for the human race that it should survive or not, but I venture to say, Mr. President, that the countless hundreds of thousands of homes in this country whose own kith and kin and blood are in Europe fighting for the preservation of these things will not be tolerant about it. The true friend of representative government and of order and of law is the man who undertakes to deal with these classes in the courts and in a method established from time immemorial by Anglo-Saxon procedure rather than to leave it to the movement of those whose passions are aroused by this constant carrying on in their community. It is too much to ask, too much to expect of human nature that those who are giving up those who are near and dear to them, who are making the supreme sacrifice to preserve our Government and maintain our flag to stand unmoved while disloyal individual denounces and profanes the one and insults the other. If we do not do our duty here, the impulses of loyal men and women will seek justice in rougher ways. Senators may hesitate and draw back, but already the news comes over the wire that patriotic citizens are taking the law in their own hands. I abhor military trials. I shudder at the thought that this proud Republic is about to resort to the law of riot and disorder. I would rather trust the courts and the jury with a drastic law, believing that in that way we can still protect the innocent and punish the guilty. We live in days of sad hearts and agonizing minds, and such days involve hazard and some new experiments. We would not pass this law in peace, but I believe it is demanded now.

I know, Mr. President, that there have been letters pouring into my office, as I have no doubt there have been in other offices in this city, for the last six months calling attention to just this situation, and already movements have been started locally to deal with the matter. I heard a very able Senator say upon the floor a few days ago that his people dealt with such a situation with the shotgun. I do not believe that it is necessary for us to resort to mob law or to the vigilance committee or to the shotgun, used indiscriminately by those whose passions have been aroused, if we will properly appeal to our courts and our juries to enforce a drastic law in the ordinary method. It is for this reason that we are driven to the adoption of such a law. It is for this reason that we must appeal to it in time of war, whereas, as the Senator from Washington [Mr. POINDEXTER] said, that might not be thought of at all in time of peace. Indeed this law itself expires when peace comes.

Mr. FRANCE. Mr. President—

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

Mr. BORAH. I yield.

Mr. FRANCE. I am very sorry to say that I do not agree with all the Senator is saying.

Mr. BORAH. That is discouraging to the Senator from Idaho.

Mr. FRANCE. Personally I believe that this country is essentially sound. I believe we have here a country of patriots devoted to our cause. I refuse absolutely to believe that we have in this great Republic any substantial number of people who under these circumstances favor the cause of the German Empire.



I interrupt the Senator to ask him a question—

Mr. BORAH. Just a moment. Before the Senator proceeds further I will pay the Senator the courtesy to say I agree with the Senator entirely. I approve all that the Senator says, that this country as a whole is essentially sound. I further say that the great mass of the German citizens are patriotic. But the Senator will not contend that there are not in this country those who are conspiring to embarrass the Government in the prosecution of the war. Fortunately the percentage is very small.

Mr. FRANCE. I entertain the highest regard for the Senator from Idaho. I believe that he is a statesman whose reputation is fully established, and I like to follow him when I can. I rose to ask the Senator a question, and that question is this: Upon what theory can he explain the alleged fact that there is in this country a large body of American citizens who favor the cause of the enemy? I can myself find no ground for such an allegation. I am very happy to say that, so far as Maryland is concerned, there is no evidence which compels me to adopt any such theory, because we have a loyal people. I do not know of a single man in Maryland who favors the cause of the enemy.

Mr. BORAH. Mr. President, I am very frank to say that I have no theory upon which I can explain it at all. I am simply dealing with concrete facts.

Mr. FRANCE. I can not understand how such a condition could possibly arise, and I do not believe that it exists. So far as I am concerned, I voted against the espionage bill, and I shall vote against this measure, because I believe in the soundness of the American people, and I believe that when a man complains he is complaining against conditions which need correction, and there are conditions which need correction, and I believe that we should correct them. I believe that we have a patriotic country, and that these men who are, perhaps in a tone of petulance or irritation, uttering sentiments which might seem to be disloyal are not in heart disloyal. I believe our country is sound, and I do not believe that such legislation as this is necessary.

Mr. BORAH. I am very frank to say that I have no theory upon which I can explain the disloyalty of a man to this Government. I can not conceive, and I have never been able to conceive, how a man could flee from the environments of the Old World, to get away from conditions which he there believed to be unfriendly to his interests, and come to this country and enjoy the freedom of this Republic, avail himself of the western opportunities, and then turn, whenever the crisis arises, to aid the power from which he had fled.

I have no theory, Mr. President, whatever by which I can explain why it is that a few days ago when the Germans seemed to be conquering there were bodies of men congregated in different parts of this country who shouted for the success of the German cause. I have no theory by which I can explain it. I simply state that it is a fact; that is all I know; and with the fact I deal.

I call the Senator's attention to the fact that a man was a candidate for the Senate in one of the great States of this Union a few days ago who advocated the withdrawing of our soldiers from Europe, who advocated, according to the papers, the abandoning of the cause of America in this fight, and who got a hundred thousand votes. I deal with facts and not with theories.

Mr. FRANCE. I am glad he ran—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. FRANCE. I wish to say with reference to the candidate that some people would have withdrawn him from the field from fear that he might be elected; but I am glad that he ran, and I rejoice that he was defeated in a fair and square election. I know that many thousands of the men who voted for him were not disloyal citizens, but they voted for him because they hold a theory of government which they think, if adopted, would mitigate some of the unnecessary evils which we have allowed to exist in this Government. Many of the men who voted for him I believe were not disloyal.

Mr. BORAH. Mr. President, I do not want to discuss that question with the Senator from Maryland; and I trust, when the Senator from Maryland comes to reflect upon his language that, out of respect to the Senate of the United States, he will strike that part of it out.

Mr. HARDWICK. Mr. President, will the Senator from Idaho yield to me?

Mr. FRANCE. Mr. President, I will appreciate it if the Senator from Idaho will tell me what portion of my remarks he would like to have stricken out as indicating a lack of respect for the Senate?

Mr. BORAH. When the Senator says that he is glad a man who ran for the Senate on the platform upon which Mr. Berger ran, a platform, if correctly reported, of disloyalty in every

sense of the word and received 100,000 votes, he is uttering sentiments not creditable to this body.

Mr. FRANCE. I did not say that. I said I was glad that he was defeated, instead of being withdrawn, because that is the proper method of dealing with such a man under our system.

Mr. BORAH. I leave the Senator to review his language when he comes to read it.

Mr. HARDWICK. Mr. President—

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

Mr. BORAH. I yield.

Mr. HARDWICK. I thoroughly disagree with all I have read which was published about Mr. Berger's platform, but I rise to ask, Does the Senator from Idaho contend that a man is disloyal to this Government if he advocates the conclusion of peace with Germany now or later?

Mr. BORAH. That would depend upon the terms on which he advocates it. If he advocates it upon the terms that Mr. Berger does, I contend that he is disloyal.

Mr. HARDWICK. I do not know what those terms are.

Mr. BORAH. They mean the triumph of the Hohenzollern dynasty and the domination of that Empire over this Republic. They mean the ruin of all which we as Americans hold dear and all for which our fathers and our forebears fought.

Mr. HARDWICK. What I want to ask the Senator is, Can it be true in a free country that it is perfectly loyal to advocate one policy and absolutely disloyal, no matter what the circumstances are, to advocate another?

Mr. BORAH. No; that is not the proposition.

Mr. HARDWICK. Who is to judge of the circumstances?

Mr. BORAH. The Senator from Georgia did not understand me to state any such proposition.

Mr. HARDWICK. That is exactly the proposition. This man, you say, advocated the conclusion of peace, and you say that, in your judgment, he favors a peace now which would mean the triumph of the Hohenzollern dynasty. Probably Mr. Berger does not agree to that; but can it be contended under this proposed law that any man who either now or later advocates a conclusion of peace by this country, either on the terms suggested by Mr. Berger or on other terms, or any man who contends that the time has come to begin peace negotiations, is disloyal to his country, and is subject to indictment under this bill, should it become a law?

Mr. BORAH. Mr. President, I repeat that it depends upon the conditions of peace which such a man advocates. If the conditions are such as to involve the ruin of my country, he is a traitor.

Mr. HARDWICK. But who is to be the judge of that?

Mr. BORAH. He is to be judged in that matter by the institution set up in this country to pass judgment. It is perfectly easy to determine whether a proposition for peace is in conformity with loyalty to this Government; there would be no difficulty about that at all. We had that same situation to deal with from 1861 to 1865. The copperheads of the North advocated peace from the first hour of the fight, and they advocated it upon the proposition of permitting the South to go out from the Union and to destroy the Republic. It was disloyalty; and Mr. Berger's scheme is just as disloyal. Both mean ruin—absolute ruin—to the Republic.

Mr. HARDWICK. I do not know anything about Mr. Berger's scheme; but the Senator from Idaho can not maintain here, or in any other forum of reason, at least—and I do not think the Senator from Idaho would undertake to do it—that loyalty to this country necessarily always means that this country shall continue at war. Otherwise how would we ever end the war?

Mr. BORAH. The Senator from Idaho has not advanced any such doctrine at all.

Mr. HARDWICK. I was wondering if the Senator's argument did not lead to that.

Mr. BORAH. I have said that whether advocacy of peace is loyal or disloyal depends upon the conditions upon which the peace is advocated.

Mr. LODGE. Mr. President—

Mr. BORAH. I yield to the Senator from Massachusetts.

Mr. LODGE. Is it not true that Mr. Berger favored withdrawing our troops?

Mr. BORAH. I so stated.

Mr. LODGE. That is what I understood; and I think in the present situation that is an absolutely disloyal proposition.

Mr. BORAH. It is not only disloyal, but, in my judgment, if it is not, it ought to be brought within the purview of the criminal law. The advocates of peace of this kind encourage the enemy and nerve them on to kill a few more American

boys. They are just as truly the aids and friends of that blood-soaked dynasty as if they stood on the other side of that fearful battle line and hurled their poisonous gas at our soldiers.

Mr. LODGE. One other thing. Is it not true that Mr. Berger is now under indictment?

Mr. BORAH. Yes; that is true.

Mr. HARDWICK. What I wanted to ask the Senator was this: Of course, I do not know anything about what Mr. Berger contended in Wisconsin—

Mr. BORAH. That is all we are discussing.

Mr. HARDWICK. I know, but I am merely discussing the general proposition of how in the world a nation would ever arrive at peace.

Mr. BORAH. That proposition has not been adverted to by the Senator from Idaho.

Mr. HARDWICK. But you have referred to one man who, you say, is guilty of treason because he did want to conclude peace.

Mr. BORAH. I referred to that man because he was the party under discussion and stood on a disloyal platform.

Mr. HARDWICK. I know that.

Mr. BORAH. I say, now, generally, that a man may advocate peace, even with the Germans, under conditions which are in conformity with the preservation of free institutions and the honor of the American Government and the future safety of the American people and be perfectly loyal.

Mr. HARDWICK. Who is to be the judge—each man for himself?

Mr. FALL. Mr. President—

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

Mr. BORAH. I do.

Mr. FALL. I merely want to suggest that if this bill becomes a law the courts and the juries will be the judges, and that is exactly what those of us who are advocating this bill want to bring about.

Mr. HARDWICK. In other words, you want to have it—and if this bill becomes a law you will have it—so that if the time has come when what a man regards as perfectly honorable terms of peace could be concluded he could not advocate it without being guilty of treason.

Mr. BORAH. Neither the Senator from Idaho nor the Senator from New Mexico has made any such suggestion.

Mr. HARDWICK. I merely wanted to see how far it is going.

Mr. POINDEXTER. If the Senator will allow me just a word, I would suggest that Mr. Berger did not propose honorable terms, or what he regarded as honorable terms of peace; he did not propose any terms at all, but he proposed an unconditional surrender.

Mr. BORAH. He proposed precisely what Trotsky and Lenin gave Russia—a surrender to the German Government. That is disloyalty; it is treason in every conceivable sense of the word.

Mr. LODGE. It is.

Mr. HARDWICK. The Senator from Idaho will not, of course, understand that I favor any such policy as that.

Mr. BORAH. No; I did not so understand.

Mr. HARDWICK. The very reverse is true about that; but I want to get this plainly before the Senate. The time may come when we may be able to conclude peace, and will be able to conclude peace, I hope, on terms that are perfectly honorable to this country.

Mr. BORAH. Then all of us will be for it.

Mr. HARDWICK. When that time does come, is not the humblest citizen in this land to have just as much right to advocate it as the President of the United States or anybody else in authority, without being guilty of violating the criminal laws of this country?

Mr. BORAH. I am perfectly satisfied with the Senator's proposition now. Nothing in this proposed law would interfere with the humblest citizen advocating peace upon that kind of a basis; and there will never be any law passed by the Congress of the United States which will do so, in my judgment.

Mr. HARDWICK. I was just wondering whether it would or not.

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

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

Mr. BORAH. I yield.

Mr. FRANCE. The Senator from Idaho has apparently misunderstood me, and evidently I did not make myself clear. I desire to say that the Socialist candidate in Wisconsin in no

way represents my views; in fact, all of his views, all of his theories of government, and all of his doctrines concerning this war are utterly repugnant to me; but believing, as I do, in the essential soundness of our people, and believing, as I do, in the reliability of the judgment of our citizens, inasmuch as Mr. Berger had declared himself as a candidate, I much preferred to have him defeated fairly at the polls to having him withdrawn as a result of threats or violence against him. I think that the results of the election in Wisconsin have proved conclusively the soundness of the American people and the soundness of the judgment of the people of Wisconsin.

Mr. BORAH. Yes; Mr. President, Mr. Berger enjoyed all the privileges and blessings of a representative Republic; he was permitted to run for office without hindrance and without disturbance; he was given all the rights of a free citizen to acquire position and place in a Government which he stood ready to surrender to the domination of the Hohenzollern dynasty, and I can not conceive of a more despicable and contemptible creature under the protection of the American flag than the man who would seek to avail himself of the privileges and the honors of this Republic at a time when he stands ready to surrender it to a foreign power. His plan to withdraw our Army and our support would place bleeding and heroic France where torn and dismembered Russia is to-night. It would probably bring ruin to England, whose soldiers are fighting our cause in this very hour; and it would ultimately bring additional misery and suffering to our own land, if not complete ruin to our whole form of government, and annihilation to our entire conception of civilization. I do not know Mr. Berger, but his platform, if properly reported, was moral if not technical treason.

Mr. FRANCE. Mr. President, will the Senator from Idaho, in order that my record may be perfectly clear, allow me to indorse all that he has said in that very eloquent paragraph? He has expressed himself far more eloquently and forcefully than I could have done.

Mr. BORAH. I am glad to have the Senator's conversion.

Mr. FRANCE. I will say, in order to correct the Senator again, that there has been no conversion.

Mr. BORAH. Then I express my keen regret.

Mr. FRANCE. My attitude toward this war has never changed since last April. My policies have not changed. I would unite this whole country to a man and organize it for the prosecution of the war, and I believe that the country would respond.

Mr. BORAH. If the Senator ever assumes that task, I assign to him first the duty of converting Mr. Berger himself and bringing him into the cause. [Laughter in the galleries.]

The PRESIDING OFFICER. Before the Senator from Idaho proceeds, the Chair will say to the occupants of the galleries that, under the rules applying in this body, no evidence of approval or disapproval is permitted. The statement is made merely for the sake of order and that the debaters may not be disturbed. The Senator from Idaho will proceed.

Mr. BORAH. Now, Mr. President, I go to the other clause, which reads:

Or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

Mr. KING. Before the Senator proceeds to a discussion of that clause—

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

Mr. BORAH. I yield.

Mr. KING. May I venture to inquire of the Senator whether it would weaken the general purpose, indeed the specific purpose, of the measure if the words last discussed by the Senator were eliminated, the words being—

Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

Do not the preceding words in the section characterize the things that are offending, the acts and words which are criminal, so that the words which I have just read really are meaningless, and will lead to controversy, misunderstanding, and honest, legitimate criticism? If the Senator will further pardon me, if we say:

And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States.

Does not the very fact of saying or writing or publishing these things tend, directly or indirectly, to bring into contempt



the Government of the United States, the Constitution, the flag, and the uniform; so that we might, without weakening the purposes of this measure, eliminate from it the words to which I have alluded?

Mr. BORAH. I am rather inclined to think that would be a better expression.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

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

Mr. BORAH. I yield.

Mr. NELSON. I call the attention of the Senator from Utah to the clause following that to which he alluded. It constitutes an entirely different offense from that provided in the preceding clause. It reads:

Or shall utter, print, write, or publish anything calculated to incite or inflame resistance to any duly constituted Federal or State authority.

Mr. KING. Mr. President, if the Senator will pardon me, I did not allude to those words. I would leave those words in.

Mr. NELSON. I thought the Senator referred to that language.

Mr. KING. No; I was not asking for the excision of those words from the measure. While fully concurring in all that the able Senator from Idaho has said and indorsing every word he has uttered, my judgment is that the elimination of the words to which I have referred would perhaps relieve this bill of some objections and criticism, relieve it from the criticism which has been urged that some persons, not using wisdom or discretion, might employ the act oppressively, and thus insure a more hearty response upon the part of the Members of the Senate.

Mr. STERLING. Mr. President—

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

Mr. BORAH. I yield.

Mr. STERLING. I did not quite understand what language the Senator from Utah would eliminate.

Mr. KING. I was merely suggesting it; I am not quite clear in my own mind, but it occurred to me, in listening to the discussion and in reading the bill, that the words I alluded to were not necessary and did not add to the strength of the section itself.

Mr. OVERMAN. What are the words?

Mr. KING. The words are found in lines 24 and 25, on page 2, and lines 1, 2, and 3, on page 3, and a part of line 4, as follows:

Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

The very acts charged in the preceding language of the bill necessarily would bring or have for their object bringing into scorn, contempt, and contumely the Constitution, Government, and the uniform of the sailors and soldiers; and if we state that the uttering of certain words shall constitute a crime, why go on and attempt to define what the effect would be? Necessarily the effect of language of the character referred to would be calculated to bring the Government into disrepute.

I am not moving that as an amendment, because the Senator from Montana [Mr. WALSH], who more than anybody else is responsible for this provision, is not here, and I would not offer the amendment in his absence, but I suggest it to the able Senator from Idaho, because he has been discussing so ably the provisions of this bill.

Mr. HARDWICK. Mr. President—

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

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

Mr. HARDWICK. I want to call the attention of the Senator from Idaho to the concluding section of this bill, which contains seven substantive proposals, if he will allow me to do so—and I dislike to trespass so much on the time of the Senator—

Mr. BORAH. The Senator from Georgia knows that the Senator from Idaho is always glad to have his suggestions.

Mr. HARDWICK. I read the following from the last paragraph of the bill:

And whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein—

The Senator from Idaho will recall that some time ago, when the President of the United States presented to both Houses of Congress what he termed the war aims of this country and made what might have been regarded, and was regarded, throughout the world as a proposal which presented a substantive basis upon which peace could be concluded, in his judgment, even then so high an official as the President of the

United States did not escape criticism, and severe criticism, from some people in this country on the ground that he was injuring the cause in this country in the war and was really aiding the German cause by doing that.

Now, having laid that much premise for the question I am about to ask, let me say that I did not intend—as, of course, the Senator from Idaho and, I take it, every Senator understands—to convey the impression by the question I asked just now that I approved in any way, shape, form, or fashion of Mr. Berger or his campaign for the Senate or his platform. As a matter of fact, the very reverse of each one of those propositions is true. But it was stated baldly here on the floor of the Senate that this man was disloyal to the country because—as I understood it, at least, it was stated in that way—he had proposed peace with Germany.

I believe it is fundamental, if this is to remain a free country, and even the remnants of free speech are to be left to its people, that people should have just as much right to advocate peace as to advocate war. The advocacy of peace, on conditions that are honorable to this country and on terms that are fair to its opponents, at some proper time must come.

Mr. POINDEXTER. Mr. President—

Mr. HARDWICK. Just a moment.

Mr. BORAH. Mr. President, if the Senator will permit me, I was going to say that I should be glad to yield the floor, and then the Senator can go ahead with his statement. I dislike to hold the floor quite so long, and I am really through.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. HARDWICK. All right. Then I will yield to the Senator from Washington in just a moment.

Mr. President, what I had in mind was not to have anything enacted into law, based on which the contention could be made in any moment of hysteria, from which any possible construction could come from any court, that the humblest citizen of this land, in private station though he be, should not have just as much right to advocate a peace as the mightiest official in all the Republic should have a right to advocate a continuance of war; and I am afraid that some of the language in this bill is capable of a construction that makes it doubtful whether that right—one of the inherent and fundamental rights of freemen in a free land through all time—will remain unimpaired if this bill is enacted.

At a later period during this discussion I propose to address the Senate at length on this question, and I propose to show how certain provisions in this law may quite probably be construed to deny a great many of the fundamental rights of free speech to people who are in no sense disloyal, who have a right to differ with anybody on earth they please about what policy this Government shall adopt, or what plan it shall pursue, or what methods it may take, either in the prosecution of this war or in the conclusion of a peace.

Now, I yield to my friend, the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. Mr. President, I was just going to inquire of the Senator if he thought that Mr. Berger's program, or the program of the people advocating peace whose rights he is defending, tends toward the maintenance of liberty of speech and free government?

Mr. HARDWICK. I must confess that while I believe myself that this is no time to talk peace—we have not done enough in the war yet to give us the right to force a peace, and while I would be anxious to see one concluded if it could be done with honor to this country, I do not think that time has yet come—but I hope, in the providence of an Almighty and Merciful God, it may come to this country before too much blood is shed and before too much misery is undergone; and when the time does arrive when we can in honor compose our quarrels with our foe, I do not want to see any statute on the law books of this country that will make it possible for men who venture to assert their belief that the time has arrived to be treated as criminals.

Mr. POINDEXTER. The great mistake which I think is made by men who are so jealous of the liberty of speech being preserved, regardless of its effect upon the conduct of the war, is the assumption that under German rule we would have all sorts of these beautiful privileges. Another thing that seems strange—and I am not applying this to the Senator from Georgia but to the general class of people who do contend that none of their privileges must be interfered with—is why they attach so much more importance to and value so much more preciously the right to talk as they choose and express all sorts of opinions than they do the right of life and the right of property and the right of trade, all of which were involved in our cause against Germany when they opposed any action

on the part of the United States to protect those rights. Ships were being sunk with American citizens, who, under every guaranty of government and of law that the human race knew anything about up to that time, were within their rights. They were engaged on business as important to them as business can be to anybody. Their property was just as essential to life, liberty, and the pursuit of happiness as the Senator's property is or his business or anybody else's. We went to war, among other things, for the purpose of giving to those people, in the enjoyment of those privileges, the protection of the Government of which they formed a part. That was opposed by a great many people who did not think that those rights and privileges were important or precious enough to involve the United States in a war. Why is it that, regardless of its effect upon the war, they attach so much more importance to the right of free speech, while at the same time we take men's bodies, conscript them into the Army, and subject them to the dangers of the firing line? We pass laws here without very much objection as war measures, to commandeer manufacturing plants, to take the property of the citizens of the country and subject it to the purposes of the war. Now, I should like to know what distinction there is, if in the judgment of men it is necessary to the successful prosecution of the war, while we are taking their bodies and their property if we also take away from them somewhat of this license of speech which is so much defended.

Mr. HARDWICK. If the Senator has finished his interruption, which I welcome, my reply to him, of course, is that I fully agree with him in his last statement: Liberty of speech, freedom of speech, does not mean license. No man ever did have in this country, in time of war or in time of peace, the right to speak freely his own opinion except subject to the laws of the land; and if he spoke falsely or injuriously or maligned or abused or slandered his neighbor, he must answer to the law. Liberty of speech in a free land has never meant license of speech. People who are guilty of licenses of the kind and character to which the Senator refers are now, and have always been, amenable to law.

I fully agree also with the statement of the Senator that we went to war with Germany because Germany fired upon our flag and sank peaceful and innocent American citizens on the high seas, and I believe that we went to war with Germany for that reason alone. If Germany had not sunk our ships and murdered our citizens and fired on our flag, I do not believe either House of Congress would have voted a declaration of war with Germany.

What boots it, however, to discuss those matters? The water that is past turns no wheel. We are in this war with Germany. I voted for it for the reason, and the sole reason, stated by the Senator from Washington, but that reason was all-sufficient with me and for me. When a Government which professed to be at peace with us deliberately ordered its navy to fire on our flag and kill our people I wanted no further or other reason than that to embark upon a war with that Government.

We are in this war. We ought to prosecute it vigorously, effectively, with every power of mind and body and heart and soul. I agree to that. But it is by no means necessary, I say to the Senator from Washington and to this body, in the proper prosecution of that war to either sacrifice or abridge American rights or American liberties. On the contrary, the very reverse of that proposition is true.

If we are fighting freedom's battles, let us fight in a cause worthy of freemen. Let us preserve the ancient and immemorial rights of freemen as they come down to us not only from the Constitution which this bill protects—and that part of it I agree with heartily—but from Magna Charta and from days that were before Magna Charta, from our Anglo-Saxon ancestry for generations back unnumbered. Let us preserve those rights in their entirety and integrity and we will do better for this country, we will make more for the efficient prosecution of this war, we will serve this country and its cause more loyally and more patriotically than if we continue to surrender those rights on every occasion, if we continue to hedge about those rights on every occasion, if we continue to deal with the American people as if they were a race of disloyal people who are plotting against this Government and disloyal to its cause simply because some of them do not approve every plan that may be suggested or every method that may be devised.

Senators, in times of war people grow hysterical, and when people grow hysterical even executives, even legislative bodies, are not exempt from the contagion of hysteria. It is better to move along slowly; it is better to be deliberate about these things; it is better not to confer powers that are so broad that they are not only capable of abuse but liable to abuse; that

are so broad that not only the miserable German that you are striking at may be reached, but honest, loyal American citizens may be persecuted.

That is what happened once before. It is not a new proposition in the history of this country for a bill of this kind and character to be suggested to an American Congress. One came to this body—yea, originated in this body—120 years ago, when the alien act and a sedition act; one approved June 24, 1798, and the other July 14, 1798, were passed by these two Houses of Congress.

Mr. OVERMAN. Mr. President, that was not during war.

Mr. HARDWICK. Well, Mr. President, we were in the situation then which led up to the War of 1812. We were then fighting a war that never was officially declared with the French Government, during which we had, if my recollection is not inaccurate, five naval engagements with the navy of France, fights between battleships flying the flag of the Union and the flag of the French Republic. It is the one unofficial and undeclared war of our history; and one of the very sections of those two bills, although it was stricken out, proposed to declare every citizen of France, every alien who came from France, a public enemy of this country; so that we faced then practically the situation that we face now. We were in an actual state of war with France. We were in complications growing out of our right to the freedom of the seas to our commerce, both with France and with England, that finally resulted in the War of 1812.

What happened? We passed that bill. Before this debate is concluded, I expect to lay its terms before the Senate. I expect to submit it, word for word and paragraph for paragraph, to this great body; and I tell you now that this act is twice as drastic as the sedition act of 1798.

Mr. President, that act changed the course of American history. It murdered a great and powerful party. It sent to its political doom and to its early and unwept grave a party that at that period of our political history was puissant in American councils. Take care that we repeat not the performance now. Too much unnecessary and unjustified and unjustifiable meddling with fundamental rights and the fundamental liberties of freedom will not help win this war, and there will be a heavy reckoning to pay some time on this earth when accounts are settled about it all.

What is the necessity for this legislation? The department is urging it. The Senator from North Carolina says he must press it because the department wants it pressed, and of course he concurs in the idea that it is necessary to have some such legislation as this. But as this legislation passed the House it did not contain anything that was seriously offensive or that could be used to either mistreat or abuse some of our people if they happened to have honest differences of opinion with people who are no more loyal than themselves, but who happen to hold public office at the moment.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARDWICK. Yes.

Mr. KING. I did not hear the statement of the Senator from North Carolina, who has this bill in charge.

Mr. HARDWICK. I do not know that I ought to have referred to it. He told me that—

Mr. OVERMAN. Mr. President, I will state to the Senate what I said privately to the Senator from Georgia—that I have just had a special message from the Department of Justice begging that I proceed with this bill to its conclusion, calling my attention to the forthcoming sale of bonds, etc., and I will say to the Senator from Georgia, to do the Attorney General justice, that the Attorney General did not suggest these amendments.

Mr. HARDWICK. I am glad he did not, and I hope the Senate will strike them out. I am glad to hear the Senator make that statement.

Mr. OVERMAN. I will do him the justice to say—and I am saying this now to do the Attorney General justice—that the amendments he suggested to the committee are not contained in the language we are discussing, but those amendments were made by the committee. I say that because I think I ought to do it for the Department of Justice. The Department of Justice is anxious to get this bill through, and sent me a special message on the subject; and I expect—with the consent of the Senate, of course—to ask the Senate to lay aside temporarily what is known as the Overman bill and continue the consideration of this bill, realizing myself the importance of it. If the Senate wishes to amend it, all right; but the bill ought to pass, and it ought to pass to-day. It ought to be the law next Monday.

Mr. KING. If the Senator will pardon me, I merely rose for the purpose of making the observation the Senator from



North Carolina has just made, namely, that the Attorney General was not responsible for the latter part of this bill and did not urge it.

Mr. HARDWICK. I am very glad indeed to hear both Senators avow that.

Mr. KING. But, if the Senator will pardon me, the members of the Judiciary Committee—

The PRESIDING OFFICER. Will Senators pardon the Chair? Under the rule the Chair must remind Senators that the hour of 2 o'clock having arrived the regular order of business proceeds, and the Senator from North Carolina [Mr. OVERMAN] is recognized. The unfinished business 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 temporarily laid aside. In doing so I give notice that I am going to ask the Senate to remain in session until the bill which has been before the Senate is disposed of.

Mr. HARDWICK. I object to that.

Mr. OVERMAN. That is a matter for the Senate to determine.

Mr. HARDWICK. But the Senator can not move it.

Mr. OVERMAN. I can resist an adjournment.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. It is in order for the Senator from North Carolina to move to proceed to the consideration of House bill 8753, which is the bill the Senate has just been discussing.

Mr. OVERMAN. Yes; having laid aside the unfinished business temporarily, my purpose is to proceed with the consideration of that bill.

The PRESIDING OFFICER. The request made by the Senator from North Carolina will require unanimous consent, and that seems to have been objected to.

Mr. HARDWICK. No; I did not object to that, but the Senator from North Carolina wants us to consent to stay in session until we pass this bill.

Mr. OVERMAN. That will come up afterwards. I merely gave notice.

The PRESIDING OFFICER. Then the Chair misapprehended the objection.

Mr. HARDWICK. The request of the Senator from North Carolina was to lay aside the regular order.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. The Chair recognizes the Senator from North Carolina to make his motion.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 8753.

Mr. LODGE. That motion, of course, displaces the other bill.

Mr. OVERMAN. I do not want to displace that bill. I ask that by unanimous consent the Senate proceed with the bill that was pending when the hour of 2 o'clock arrived.

Mr. GALLINGER. It does not need any motion.

Mr. OVERMAN. I ask unanimous consent. That is included in the request for unanimous consent.

The PRESIDING OFFICER. The Chair hears no objection, and the Senate resumes the consideration of House bill 8753. The Senator from Georgia having the floor upon the interrogation of the Senator from Utah [Mr. KING], the Senator from Utah is recognized with the permission of the Senator from Georgia.

Mr. KING. I just want to complete the sentence which was suspended by the announcement of the unfinished business, and the part of the sentence I wanted to complete was that at least some members of the committee had numerous requests from their constituents and others for legislation to deal with the subject embraced in this bill, and in their judgment—certainly, in mine—some legislation was deemed necessary.

Mr. HARDWICK. Mr. President, I am in sympathy with the Senator's view as to trouble along that line; but, to continue for just a moment, the Senator from Idaho [Mr. BORAH] suggested that there would be ample safeguards for the rights and liberties of the American people because trial by jury was provided. So it is; and yet I invite the attention of the Senator from Idaho to the fact that when the alien and sedition laws of 1798 were passed trial by jury was provided in those statutes; and, more than that, because it was in derogation of the common law to so provide—it was thought it would take a special statutory provision to change the law—it was expressly provided in the sedition act that the truth could be given in evidence in answer to the charge laid in the indictment.

So I say the experience of this country in its very infancy with an alien act and with a sedition act is not such as to encourage us to repeat it now.

Mr. KING. Will the Senator yield?

Mr. HARDWICK. I will in just a minute. Not only that, but the Senator from Idaho said that there was little danger of unjust conviction. Again I refer him to history and again I rely on history rather than prophecy. What was the situation then when the excitement was far less intense than it is now? How was it in the Lyon case, where a jury had convicted and both Houses of Congress, by practically a unanimous vote, voted to refund the fine out of the Public Treasury?

Mr. BORAH. Mr. President—

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

Mr. HARDWICK. I yield, of course.

Mr. BORAH. May I be permitted to say that there has always been a very grave doubt by historians but what the jury was right and Congress was wrong?

Mr. HARDWICK. The Senator entertains that view?

Mr. BORAH. Yes; I entertain a doubt, and I think I can submit some facts if the debate continues which will convince the Senator that in all probability that resolution was put through Congress under the whip of party and not upon an examination of the evidence.

Mr. HARDWICK. I do not think the Senator will convince me of that, for I have studied the case pretty closely, although I have great faith in the power of the Senator.

Mr. BORAH. The Senator will agree that historians have said it was party interests and the party lash put it through.

Mr. HARDWICK. Only Federalist historians wrote that. There was a good deal of party feeling about the matter, I admit.

Mr. BORAH. I do not remember whether they were Federalist historians alone.

Mr. HARDWICK. I do not know how Democratic and Republican historians may write about some of the party issues that we have now or may have later.

Mr. BORAH. Let me say to the Senator the fact that a man might have been unjustly convicted is not a conclusive argument against the justice of a law, because men have been unjustly convicted of murder.

Mr. HARDWICK. Undoubtedly. The Senator from Georgia is making no such argument as that.

Mr. BORAH. I am glad to hear that.

Mr. HARDWICK. The Senator did not suspect the Senator from Georgia of that, I know. But the fact remains that there were so many and so notorious instances where, in the opinion of the legislative branch of the Government, at least, the court had decided wrong and the jury had decided wrong in respect to this matter, that not only in the Lyon case, but in other cases—I can not remember the names of any more, but there were several of them—the Congress of the United States refunded the fine that had been imposed on the defendant out of the Public Treasury of the United States.

Mr. BORAH. Let me call the Senator's attention to another refunding upon the part of Congress. The Senator will remember that when Gen. Jackson was in New Orleans he refused to obey the order of a judge and that he was fined for refusing to do so. In that case was involved the great question of the right of the civil authority as against the military authority. The judge fined the general. The general paid his fine. Nobody that I know of has ever contended but what the action of the judge was entirely correct, and Gen. Jackson conceded it to be correct by paying the fine. Yet Congress refunded the thousand dollars which he paid.

Mr. HARDWICK. Because Gen. Jackson violated the civil law in the performance of a great military duty. Congress did not refund the fine that was paid by Lyon and these other men because they had rendered great military service to the country. Congress refunded those fines to these men, if you will read the debates at that time—and I suppose the Senator has—on the ground that they had been martyred in the cause of free speech and had rendered as great a service to this country as any soldier ever did on the battle field.

Mr. BORAH. I know that was the reason assigned.

Mr. HARDWICK. That was the true reason, too; and, according to my view, I am sorry if the Senator disagrees with me, as it is the absolute truth and right about it.

Mr. President, I see no need of taking this sort of a step. There is certainly none in most parts of the country. I understand that the real—in fact, practically the only—object of this section is to get some men called I. W. W.'s, who are operating in a few of the Northwestern States, and you Senators from those States have been exceedingly solicitous to have legislation

of this kind enacted, so as to curtail some of the very undesirable activities of those particular people.

Mr. President, I dislike to be confronted by a situation in which in the name of patriotism we are asked to jeopardize the fundamental rights and liberties of 100,000,000 American people in order to meet a situation in a few Northwestern States, where those States themselves ought to be able to handle those questions for themselves and by themselves. It is another illustration of the inefficiency and impotency of the State under this growing custom of carrying all their troubles and all their burdens and all their woes and all their responsibilities to Washington and laying them upon the back of Uncle Sam.

Senators from those States, so far as I have been able to confer with them personally, admit to me freely that they have ample State statutes to deal with most of the things these I. W. W.'s are doing or are threatening. Why do they not enforce them instead of coming and asking us to pass a statute that is much worse than the sedition act of 1798, and applying that statute to 100,000,000 people, among the majority of whom at least there is no excuse or justification for any such legislation?

Mr. WALSH. I understood the Senator from Georgia to infer that there was some language in the bill which would prohibit one from advocating a negotiation of peace.

Mr. HARDWICK. The Senator will pardon me. I ask him not to interrupt me now on that subject, because I have not come to it. I am going to discuss that. I did, however, an hour or two ago make that statement, but I do not want to anticipate my argument. I have not quite reached that point. I shall be delighted to be interrupted by the Senator when I do.

Mr. POINDEXTER. Mr. President—

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

Mr. POINDEXTER. I was just going to suggest that the substance of the Senator's argument seems to be that the Western States ought, if they see fit, to prohibit people from favoring the cause of Germany and leave the citizens of Georgia the right to favor the cause of Germany.

Mr. HARDWICK. That suggestion is not worthy of the Senator. There is no citizen of Georgia who favors the German cause—not one that I know of or ever heard of—

Mr. POINDEXTER. The portion of the bill the Senator criticizes would not affect him.

Mr. HARDWICK. No; I am not afraid of that part of the bill. I will tell the Senator what I am afraid of before I get through. There is no trouble like that in Georgia, and there is none in most of this country. It looks to me like this is a question the Northwestern States could handle as to the I. W. W.'s, in a few States there, without asking the entire country to jeopardize some of its fundamental rights and liberties. It is because they will not do it or do not do it or can not do it.

Mr. KING. Will the Senator allow me just a moment?

Mr. HARDWICK. I yield.

Mr. KING. One of the observations just made by the Senator I so heartily indorse that I want first to express my approval of the same, and then probably express very briefly a dissent from others of his views, and then to propound a question to the Senator. I do agree with the Senator most heartily that many of the States are becoming impotent; they utterly fail to discharge the responsibilities resting upon them under the Constitution, and are attempting to place upon the Federal Government the duty of discharging the police powers and functions which as sovereign States appertain to them.

It is lamentable, indeed, that there is not more of a spirit of virility and strength on the part of the executive and legislative officers of the States, so that they might lead the States to a discharge of their duties. But the point concerning which I am going to ask the Senator a question is this: There is an organization in the United States known to all of us, the object of which is to destroy all government.

Mr. HARDWICK. Let me interject there. There is no man on this earth more utterly opposed to them than the Senator from Georgia.

Mr. KING. I know that. I know somewhat the views of the Senator from Georgia, and I know that he believes in order and in the Constitution and in the orderly growth and development of our Government. But that organization aims at the destruction of all government, the dislocation and destruction of our industrial and economic system. Its members do not strike for higher wages or improved conditions of labor; they strike for the purpose of absolutely destroying government. It is an anarchical organization; a murderous, wicked, destructive organization. It does seem to me that as it is pursuing its diabolical work so effectively and, as it has been pursuing it during the past year, intruding itself into industrial organizations not only

in the Northwestern States but in Eastern States, where war preparations are in progress, and by reason of which activities it is interrupting the progress of the war, it is high time that the Federal Government did something to protect itself and to aid the States in their attempts to protect themselves and the Government of the United States in the stupendous undertaking entailed by the war.

Mr. HARDWICK. Of course the Senator knows wherever these men by acts interfere with the Federal Government's preparations for war and industrial movement they can be handled under the law as it now stands?

Mr. KING. Oh, yes; if the law is sufficient, but as to that I am not sure.

Mr. HARDWICK. I do not think there is any doubt about that. I am sure the law is amply sufficient already, but if not I will say to the Senator that no Senator in this Chamber will go further or act quicker to enact such laws as are necessary to accomplish that purpose than the Senator from Georgia. But there is a great difference between mere words and acts. There has always been recognized in the jurisprudence of all free people that difference between words and acts, and I dislike to go so far along the pathway of making the spoken word a crime. The Senator knows the danger of false witnesses and of false information and of persecution that inheres in any such course as that. Every thoughtful lawyer recognizes the danger that lurks in any such pathway as that.

Mr. KING. Yes; of course. The common law, as the Senator well knows, did not protect the individual against the effects of his speech. It is true it did not censor speech, but after he spoke—

Mr. HARDWICK. He was subject to the law.

Mr. KING. This statute, as I interpret it, does not interdict free speech, but it make the person subject to penalties for such speech if it culminate in harm.

Mr. HARDWICK. I will say to the Senator from Utah if he were a judge construing it, and the only judge, I would not have the slightest hesitation in voting for it except on account of the precedent which it might establish. I am not criticizing any judge when I am making that statement. I happen to know the Senator from Utah and to understand his mental operation, but when you have brought here a measure that is capable of almost any construction and that can be used as an engine of persecution where perfectly loyal men who have honest difference of opinion may be punished, I tell you I halt and hesitate and gag over it. I tell you I can not vote for it.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. HARDWICK. Certainly.

Mr. CUMMINS. I want very much to clearly understand the position being taken by the Senator from Georgia. As I gather it, his argument is being made against the amendment—

Mr. HARDWICK. From the Senate committee.

Mr. CUMMINS. Beginning with line 18 on page 2.

Mr. HARDWICK. I am going to particularize now the language that I think is objectionable, and how I think it is objectionable.

Mr. CUMMINS. Did I understand aright when I gathered the impression that the Senator from Georgia would regard that amendment as proper State legislation?

Mr. HARDWICK. Oh, no.

Mr. CUMMINS. He suggested that these troubles ought to be covered by the States rather than by the General Government.

Mr. HARDWICK. I said that they could be cured in the States in most instances by the enforcement of existing State statutes.

Mr. CUMMINS. Then I am wrong in assuming, which I did at the moment, that the Senator from Georgia thought the legislation might be profitable if enacted by States but improper if enacted by the General Government.

Mr. HARDWICK. Oh, no; of course the State could not enact any such legislation; and then I do not think any legislature, State or Federal, ought to enact it.

Mr. CUMMINS. I do not want to continue the assumption.

Mr. HARDWICK. The trouble that has arisen out of the I. W. W. situation, in my judgment, as far as I have been advised, could largely be handled by the States.

Mr. CUMMINS. But the Senator from Georgia believes this proposed legislation would be too severe, no matter by what authority enacted.

Mr. HARDWICK. Yes; I would not enact any such legislation as this by any authority.

Now, let us see what this bill is and what the real objection in detail to its provisions are. It contains seven substantive propositions, three of which came from the House in the form



of a bill that passed there practically without contest, I am informed, and which I think could have passed this body practically without contest in the form that the House passed it. We are now informed by the Senator in charge of the bill, the Senator from North Carolina, that the amendments that make the bill particularly obnoxious, the amendments that give the bill the same features that made the sedition law of 1798 obnoxious and infamous, in my judgment at least, come from the Senate committee. So if the amendments or the amendment—I presume I might say it is all one amendment—suggested by the Senate committee were eliminated the bill would be far less objectionable. It is to be remembered also that the Department of Justice that framed this bill is not committed, and I am glad it is not, as long as it is my own party, to any such monstrous proposition as those now embodied in this bill and that are represented by it. As I said, in the bill as it now stands there are seven distinct substantive propositions. I am going to discuss them and I am going to tell the Senate what my objection is to each one of them.

First:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports or false statements—

Now, that is the end of that proposition. Nobody can oppose that. I do not think it is necessary. I believe it is covered by the original espionage law. I think any Senator who has any recollection of that law will probably concur in that opinion. I made a somewhat hasty examination of that law in connection with this measure and that is my offhand opinion on that question. I believe it is already the law now, and I have no particular objection to it, except that it is unnecessary to repeat it—

Or—

And here is the second substantive proposition—

Or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States—

That is all right. I am not sure but that is already the law. The Department of Justice, however, thinks not, and it is on account of this second substantive proposition relating to the bonds and to the making of false statements with reference to bonds that the Department of Justice suggested this legislation and is urging expedition in connection with its consideration, because the administration desires to use that provision of the law in connection with the proposed and immediately pending liberty loan about to be offered.

Now, third:

And whoever, when the United States is at war, shall willfully cause or attempt to cause or incite or attempt to incite insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct or discourage or willfully attempt to obstruct or discourage the recruiting or enlistment service of the United States.

That is the end of that. I am certain that is the law already. There may be some words added which do not materially change the sense of the legislation already passed, but anyhow that is the end of it and it was the end of the House bill. My judgment is that almost everything, if not quite everything, embraced in the House bill was already the law; but to remove some doubt on that subject, especially on the liberty-loan part of it, the Department of Justice presented this bill to the Judiciary Committee of the House of Representatives, and by that committee it was presented to the House of Representatives. If the bill had stopped there, every one of us could have afforded to pass it without the slightest objection. But in the Senate committee, for reasons that, of course, appear sound to that committee, or it would not have been done, very material and very far-reaching amendments were adopted, that entirely change the purpose, the scope, the object of this bill and that make it a measure altogether different and an altogether new proposition from that which came from the House of Representatives or from that which came from the Department of Justice or from that which the Attorney General to-day is urging this body to pass as expeditiously as possible in the interest of the third liberty loan.

What are those new propositions added by the Senate committee amendment? Here is the fourth:

And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language—

The use of all these adjectives seems to have greatly strengthened this proposed statute in the minds of its proponents. To my mind they weaken it. The weakest part of speech in the English language is the adjective qualifying and shading and

changing and twisting meaning, so much so that one of the wisest lawyers I know, an old man, has a supreme contempt for the adjective, and says it destroys the virility of the Saxon speech; and when he wants to be unusually severe about some younger lawyer who visits his town he classes him as one of those "infernal adjective lawyers."

What is "abusive"? You might think "abusive" was one thing; I might think "abusive" was another thing. Many men, many minds; many courts, many constructions.

"Disloyal!" I know men who are foolish enough to insist that anybody in this country who does not do whatever the President of the United States tells him to do about anything that comes up is disloyal to the country. Of course those men themselves are more disloyal to the country than are the men they criticize. This country is no longer fit to be a free country if that is sound doctrine; and yet there are some men who call that disloyal.

Mr. CUMMINS. Mr. President—

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

Mr. CUMMINS. The Senator from Georgia, however, would not suggest that there is any court in Christendom which would hold or could hold that a refusal to adopt all the advice of the President of the United States would constitute disloyalty to the United States. There is no danger, at least, of that construction being put upon that word.

Mr. HARDWICK. I think I am with the Senator from Iowa on that question, but I am not absolutely dead certain. A Federal judge in Texas abusing the bench, dishonoring himself, dared to impugn and challenge the patriotism of Members of this body whose shoestrings he is not worthy to tie. Do you tell me that judge would not hold that because, forsooth, they did not agree with him about legislative questions they were disloyal? I do not know what he would hold; but I think that man would hold anything that he could get his hands on. I think he would even hold a stove until it burned him.

Oh, adjectives! God save us from the adjective lawyers and the adjective courts! I do not know what they will say is "abusive"; I do not know what they will say is "disloyal."

Any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of Government of the United States.

The suggestions made on this floor that the extreme advocates of woman suffrage might be liable to indictment under this language is not at all far-fetched. Some of them have contended that it was a denial of fundamental liberty to deny the women the right to vote; that it was a mockery to call this country "the land of the free" so long as all freedom was denied to them; and that it was worse than mockery to term this a democracy when they had no part or parcel or voice in its deliberations.

Some of the language that I have seen in print from the advocates of that propaganda would subject them, in my judgment as a lawyer—and I say it deliberately—to indictment, and certainly to conviction, if they were tried in this Texas court to which I have referred.

or the Constitution of the United States—

I do not know how many people would be safe under that language. Some people say that the Constitution is a sort of an elastic thing; that it does not mean anything much, except what they want it to mean for the time being. Some people abuse it, and say it is an iron band around the forehead of progress, and some people high in authority—the very highest in this land—have used just about such language. Would they be subject to indictment? Some things they have said about the Constitution of the United States are pretty abusive, and some of their talk about it has been even worse. Could we indict them? I do not know what would happen under this section.

or the soldiers or sailors of the United States—

You know I am for them. They are about the only people who are doing any real fighting, and I have a thousand times more respect for men who fight as they are fighting than for the lip patriots who fight with their tongues, but at the same time, as pointed out by the distinguished senior Senator from Missouri [Mr. STONE] on yesterday, I am not sure how far that language would go. It seems that here in Washington, if we can credit the reports that are being published, we have an army of swivel-chair soldiers larger than the force of officers that lead our fighting forces, who walk around in gold braid and brass buttons, with jingling, clanking spurs, admiring themselves, and admired generally by the public, or at least so they seem to think—

Mr. SMITH of South Carolina. Why do they have spurs on them?

Mr. HARDWICK. A distinguished member of another body, if I may say it without offending my friend from New Mexico [Mr. FALL], said that, in his opinion, these swivel-chair officers,

who are wearing uniforms in such large numbers around Washington, hiding out from the draft, wore spurs so that when they put their feet upon their desks they would not slip off. [Laughter.] That is the only useful purpose the spurs can serve, so I suppose the distinguished gentleman was right. I am not, however, sure that if we should pass this bill, even with an earnest desire to remedy this condition that I regard as an evil, even to invite public attention to the fact that political favoritism of the lowest and basest type has been employed to shield these men from the manly duties that they owe to their country at the front, on the battle fields, and in the trenches, and that they are merely hiding them out from the draft in these bombproof office positions—I am not sure that a man who should say that would not be indicted for abusing soldiers and sailors of the United States Army and Navy.

or any language calculated—

The Senator from Idaho [Mr. BORAH], who is the ablest proponent of this bill—of course, not making any invidious comparisons between the various gentlemen who present it and stand sponsor for it, but who, at any rate, has made the longest argument in its support—admits that he thinks that the word "calculated" probably had better be changed to "intended." I promised to cite the Senator some authorities to show that "calculated" and "intended" have a very different legal signification. I am afraid I can not do so now, for I did not intend to speak until to-morrow, and I am speaking entirely without notes, entirely without preparation, except as my general reading has prepared me for the argument—

Mr. KING. If the Senator will pardon me, I think I have two decisions here to support his view in that regard.

Mr. HARDWICK. I know there are several such decisions, from having spent most of my life at the bar. I will let the Senator put the decisions to which he refers in in my time, if he will interrupt me, and cite them.

Mr. KING. I read from the Ninetieth Circuit Court of Appeals the case of Industrial Press against W. R. C. Smith Publishing Co., from the syllabus, as follows:

"Calculated to deceive" does not mean or include intent to deceive. There should be a clear averment that the name is used with intent to deceive in the respects claimed in the bill.

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

Mr. HARDWICK. I yield to the Senator from New Mexico for that purpose.

Mr. FALL. I simply want to clear up a question in my mind. Was that not a case where the statute required that the indictment or information should aver intent?

Mr. KING. Let me read a little further.

A bill for unfair competition in trade by the use by defendant of a name for a periodical similar to one used by complainant must clearly allege that it was so used with intent to deceive the public or patrons, and an allegation that it was "calculated to deceive" is insufficient.

Mr. FALL. I understand the distinction.

Mr. KING. Reading further from the syllabus:

Smallwood v. Com. (40 S. W., 248; 19 Ky., 344), where it was held that the word "calculated," as used in an instruction authorizing the jury in a prosecution for murder to convict if they believed that defendant willfully struck another with a pistol that was a deadly weapon or "calculated to produce death," was not equivalent to "intended," so as to render the instruction erroneous, but was synonymous with "fitted," "adapted," or "suited."

Without taking up any further time, I will merely call the Senator's attention to the case of the People ex rel. Springs against Reid, in One hundred and thirty-ninth Appellate Division Reports, Supreme Court of New York, page 555.

Mr. HARDWICK. Mr. President, there is no doubt whatever in my mind that the word "calculated" has a very different meaning from the word "intended" in statutes. One is objective and the other is subjective; that is the difference.

Mr. SMITH of Georgia. Will my colleague allow me a suggestion?

Mr. HARDWICK. Yes.

Mr. SMITH of Georgia. If it is thought that the word "calculated" has the same meaning as "intended," why not meet that question by adding the words "and intended," so as to read "calculated and intended"?

Mr. HARDWICK. It would be better to substitute the one word for the other, I think.

Mr. SMITH of Georgia. I think it might be well to use both. I think the meaning should be "calculated to produce the result and intended to produce the result."

Mr. HARDWICK. I believe my colleague is right about that; but, at any rate, as I have said, one of those words is subjective and the other is objective; one means what the man who did the thing had in his mind when he did it, and the other means what the effect of the thing he did was after he did it.

Mr. SMITH of Georgia. In the one case a man might be perfectly innocent, and it might be held that his act was calcu-

lated to produce the result, when he had nothing of the sort in his mind and would not have done it at all if he had thought it was calculated to produce an evil result.

Mr. HARDWICK. Precisely; and it has been so held by the courts, I think, in a great many cases. I am sorry I do not have the time to answer the challenge made by my friend from Idaho [Mr. BORAH] and to present the authorities, but the Senator from Utah [Mr. KING] has presented several. It seems to me, however, a self-evident proposition that there is a material and substantial difference between the two words, and that the proposed statute would be infinitely better one way than the other. I might do an act which is "calculated"—not calculated by me, but calculated so far as the results are concerned—to bring about a certain state of affairs without intending at all to bring about that state of affairs.

Mr. CUMMINS. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. The Senator from Idaho [Mr. BORAH] is not now in his seat, but I think I heard him make the statement to which the Senator from Georgia now refers. The Senator from Idaho did not assert that there was no difference between the word—

Mr. HARDWICK. He said he was not certain, I think.

Mr. CUMMINS. Between the word "calculated" and the word "intended." I think he very clearly recognized the difference between the legal meaning of those words. So far as I am concerned, I agree entirely—

Mr. HARDWICK. Let me say to the Senator, because I was here and heard every word said, that the Senator from Idaho denied it and challenged me to produce any authority. He said he had been able to find only one himself.

Mr. CUMMINS. Just a moment. The Senator from Idaho is so well convinced that there is a difference in the meaning of those words that he has offered, or is about to offer, an amendment substituting the word "intended" for the word "calculated."

Mr. HARDWICK. And I am trying to strengthen him in that, because he said he would just as soon withdraw it, as it was not very important.

Mr. CUMMINS. The Senator from Georgia, I think, understood the Senator from Idaho correctly when he said he found but one decision which indicated a difference between the meaning of those words; but the Senator from Georgia challenged him upon that, and I think that he has sustained the challenge very successfully, for there is an obvious difference between the meaning of those words, and the Senator from New Mexico [Mr. FALL] very clearly pointed out yesterday the difference between the two in their practical application.

I understood the Senator from Idaho to say that in the great majority of instances in actual practice there would be no difference in the result of trials whether we use the word "calculated" or the word "intended." I only say this because the Senator from Idaho is not here.

Mr. HARDWICK. I think he thinks that, but the trouble is that is a mere prediction, and I am not fond of relying on predictions in matters of this sort.

To resume the reading from the bill—  
or any language calculated—

"Intended," I think, it ought to be, or "calculated and intended" would do—

to bring the form of Government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute—

And so forth.

Now, the sixth substantive proposition—

or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war.

The most outrageous proposition is embraced in those few words that, in my judgment, ever was submitted to a legislative body in connection with a measure of this kind. Members of the two Houses of Congress in the performance of their constitutional duties have been compelled to stand on these floors and vote against certain measures which in the opinion of the majority were best calculated to prosecute the war.

Now, some of them—and I do not hesitate to say that I am one of them—have been very bitterly assailed by a lot of people, for whom I have the utmost scorn and contempt, because they exercised their own judgment and followed their own conscience in matters of this sort. We have been branded as disloyal to this country because we did not take orders and because we did not follow every plan and every method that was suggested, but had our own ideas and thought that perhaps there might be some other and different and, in our judgment, better way to wage this war. While lying newspapers and



lying men have maligned us, are we not to be permitted to go home and defend our own honor without being branded as felons when we undertake the defense?

Is that what representative government means, and is that the low estate to which the representatives of the people have fallen? If I thought so, I would not be very much devoted to this form of government myself; and yet, if any man who found it necessary, like the chairman of the great committee that reported the bill and, like I did, to vote against the food-control law, goes home and explains the reason why he opposed it some one may say "that is calculated to incite or inflame resistance to a law relating to the prosecution of this war, either as conducted by Federal or State authority, or both." Is that right? Is that fair? Is that just? Is a country in which that can be done a free country? Does free speech still live and is free thought still enthroned in the hearts and minds of a people who will submit to any such proposition as that? Yet that is what we are proposing to do in this bill.

Not only that, Mr. President, but I lay down the proposition—and it is fundamental and as sound as the ark upon which our covenant rests—that any man in this Republic—I do not care how humble he is, how poor he is, how lowly his station in life—has just as much right as the highest and mightiest official who sits enthroned in power to advocate a change in policy, a change in law, a change in plan, and a change in method even about conducting a war in a free country. So long as these men tell the people that they are in favor of the enforcement of the law as it is written, so long as it is so written they have the right to advocate a change, a repeal, or a modification of that law.

Oh, Senators, I tell you when you pass legislation of this character you will have gone further and faster than the Federalists ever went when under Alexander Hamilton's whip and spur they signed the death knell of their own party as they passed the sedition bill of 1798.

Mr. MYERS. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Georgia yield to the Senator from Montana?

Mr. HARDWICK. I yield.

Mr. MYERS. Does the Senator find anything in this bill that would forbid anyone advocating a change in the law governing the Food Administration?

Mr. HARDWICK. I do. I have just explained that to the Senate.

Mr. MYERS. Or that would forbid anyone to say that the law ought to be changed? Is that forbidden? Where does the Senator find that? I ask him to point it out, please.

Mr. HARDWICK. Has the Senator been in the Chamber during all of my remarks?

Mr. MYERS. I have been in the Chamber a part of the time.

Mr. HARDWICK. A part of the time is, I think, a correct answer, because I just explained exactly the way I thought that came in. Still, for the benefit of the Senator, whom I esteem very highly, I will explain to him exactly how that can and will be done.

The sixth substantive proposition in this bill is that you are going to put in prison for a period of not more than 20 years or you are going to punish by a fine of not more than \$10,000, or both, any man who—

shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted State or Federal authority in connection with the prosecution of the war.

Suppose the Senator from Montana had voted against some one of the measures which have been passed for the prosecution of the war, and that he was bitterly, viciously, and falsely assailed at home in connection with his vote, and that he went out, as would be his right, to defend his honor, his character, his manhood, and his position before his own constituency, and in order to do that he had to tell them why he was against the food-control bill, we will say, or the draft law. Assailed on every corner and from every angle and from every side, he has got to show why he did not support those measures; and yet when he does it they will say: "That is calculated to inflame the people to resist or oppose the law."

Mr. MYERS. Not "oppose." "Oppose" is not in the provision, but "resist" is.

Mr. HARDWICK. What is the difference between "resist" and "oppose"?

Mr. MYERS. "Opposing" is a mental operation, while "resisting" is refusing to subject one's self to the law.

Mr. HARDWICK. I hope the Senator is right about that; it would make it just a little better if he is; but I am afraid to risk that matter; I am afraid that some Texas judge, like the "misfit" we have down there to whom I have referred,

might say, as he did say of those who took a certain view on certain of these measures, that they ought to be taken out and shot.

Mr. MYERS. Still, the Senator never heard of that suggestion being carried into effect?

Mr. HARDWICK. I would not like to risk it in that Texas court over which that distinguished and able-bodied citizen presides; I would not care to risk my liberty with any such man as that. Really, of course, he is not fit to be on any bench; that stands to reason, and can not be disputed by anyone. Senators must see the danger. That judge would unhesitatingly say, if I lived in Texas and went home to defend my vote on the food-control legislation, which I am very proud to say I opposed, that I was trying to inflame resistance to the execution of a law which was necessary to the prosecution of the war. Ah, Senators, I say you have opened a Pandora's box when you enact any such legislation as this. The furies that Alexander Hamilton and his co-Federalist chiefs unloosed to gnaw the very vitals of the party they loved, and to which they owed allegiance, were as nothing compared to what the result will be if you enact legislation of this character and continue to walk along this pathway. Instead of destroying one political party, you may destroy two political parties, if you keep it up and both continue to unite in the accomplishment of such results, and instead of having, as you will have after awhile, an autocracy that is only rivaled in modern history by the Romanoff dynasty in Russia before it lost power, you will invite that which you fear most, the other extreme, the reign of American Bolsheviki in this country. One extreme begets the other. Ah, Senators, half way between those two camps I stand; I am neither for the autocracy of the Romanoffs nor for the socialism of the Bolsheviki.

Mr. CUMMINS. Mr. President—

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

Mr. HARDWICK. I yield to the Senator.

Mr. CUMMINS. I think there is no man who values the right of criticism in public affairs more than I do, and there are not very many who exercise it more freely than I do. If I believed that this amendment could have any such effect as is suggested by the Senator from Georgia, I would condemn it quite as severely and emphatically as he does.

Mr. HARDWICK. I am sure of that.

Mr. CUMMINS. But I do not understand that it means any such thing; and I am going to ask the Senator from Georgia to elaborate a little upon it, in order that I may be able to view it from every possible angle. Does the Senator from Georgia understand that anyone who refuses to accept a recommendation of the President of the United States with regard to the propriety of a law is resisting lawful authority?

Mr. HARDWICK. The Senator from Georgia most emphatically does not; but there are a lot of fools in this country who might nearly think that, or claim to do so.

Mr. CUMMINS. Then let us go one step farther. I want to know what the Senator from Georgia understands by resistance to "any duly constituted authority." What is the character of the act of resistance?

Mr. HARDWICK. I do not think it is quite so important what the Senator from Georgia may understand about it as it is important what the Texas judge might think about it.

Mr. CUMMINS. Well, Mr. President, I do not think we can make laws to suit the idiosyncracies or the idiocies of a Texas judge.

Mr. HARDWICK. No; but we can make laws that an unfit judge can not twist into all sorts of constructions that are quite possible from the language employed. We had better quit making them at all if we can not do that. It would be better never to have another law from now until judgment day if we can not make laws that are incapable of as many misconstructions as this Senate committee amendment is.

Mr. CUMMINS. I doubt if we could pass any law that a corrupt judge could not twist into an instrument of injustice.

Mr. HARDWICK. I doubt that, too.

Mr. CUMMINS. But I come back to this matter. Agreeing with the Senator from Georgia that the word "calculated" ought to be stricken out and the word "intended" ought to be inserted instead of "calculated," "resistance to a duly constituted Federal authority" is a refusal to obey a duly constituted authority.

Mr. HARDWICK. Will the Senator let me elaborate that a little, or does he understand what I mean?

Mr. CUMMINS. Yes; I should like to know what the Senator means by "resistance," because it can not be that if the Senator from Georgia were to go home and defend his views with regard to any law he would be a lawbreaker.

Mr. HARDWICK. Why, Mr. President, a newspaper published in Georgia that was supposed to be reputable contended that I ought to be indicted for doing this very thing, under a law just like this.

Mr. CUMMINS. There is no reputable man who would contend anything of that kind about the Senator from Georgia. He was a disreputable man, whoever he may be, or wherever he may live, who would contend that the Senator from Georgia has not that right, both morally and legally.

Mr. HARDWICK. Well, Mr. President, here is the way they do it, and here is the way they have done it. I am not dealing in prophecy now; I am talking about history. I do not have myself in mind more than I do many other people throughout this country, in office and out of office, who have views that do not agree with everything that has been done, and who think other plans might have been pursued with more hope of success in some of these matters.

Whoever \* \* \* shall utter, print, write, or publish any language calculated to incite or inflame resistance—

Mr. CUMMINS. Will not the Senator read that "intended to"?

Mr. HARDWICK. We have an amendment here, and of course I have to discuss the amendment as it is. Of course, if it is calculated, it is a little worse; but if it is intended, it is somewhat better. But here is the argument they will make: "Why, it is just as plain as a pikestaff. This man goes out, and he makes these speeches. He shows that they were mistaken about these things. He attempts to show, at least, that these laws are wrong, and the result is that the people are opposed to them, and they resist them, and the ultimate result is that they do not obey them."

How are you going to escape his logic? I am not sure but that the courts would be justified in so holding, if this language is left exactly like it is. If the language is made to read "intended," then, of course, they would have to convince any jury that tried a case like that that the man, whoever he was, who was taking that position, intended to interfere with the country, and then there would be only one more step of reasoning, "Why, surely, as a sensible man, he could not have done that unless he intended to accomplish the natural result of his acts."

Mr. CUMMINS. Precisely. Well, in the execution of any of our criminal laws which I have opposed, for instance, and which I may be at liberty to criticize elsewhere, does the Senator from Georgia mean to say that if I express my view with regard to the righteousness or propriety of any criminal law I am inflaming or inciting some one to resist an officer who is in the execution of that law, who has a warrant of arrest, and is about to take one into custody? Could my opposition to the law itself be construed into an invitation or a suggestion that one who was about to be arrested by an officer should resist the law?

Mr. HARDWICK. Why, undoubtedly. I would not so contend, but it has been so contended on this floor. I heard a distinguished Senator of the United States stand in this presence, in the Senator's hearing, I think, and in mine, I know, and say that people who opposed these laws thoroughly obstructed the draft, for instance—he was discussing the draft in that particular case—because, although they did not advise anybody to resist the law, the effect of their argument was that people got opposed to it and would resist it, and that they were infinitely more guilty of stirring up opposition to the law than people who went out and advised folks flatly and expressly to resist it. Why, that contention has been made right in this Chamber.

Mr. CUMMINS. I did not know that the Senator had accepted any such rule as that.

Mr. HARDWICK. I do not accept it, but it has occurred. I despise it, but men have been indicted and dragged into court for less than that.

Mr. VARDAMAN. Mr. President, I should like, with the consent of the able Senator from Georgia, to ask the Senator from Iowa his opinion of this question that might arise under a law of this character.

Quite a number of Senators, while the revenue bill was under consideration, insisted upon raising a larger per cent of the money with which to pay the expenses of this war by taxation instead of by selling bonds. Now, suppose a Senator should go on the stump and, in defending his record, criticize the injustice of the present law, should urge that the money necessary to defray the expenses of this war which is now being raised by selling bonds and thereby putting the burden upon posterity ought to have been raised by levying taxes upon excess war profits and swollen incomes. Does the honorable Senator think that would be a violation of this proposed statute in the way of discouraging or hindering the prosecution of the war?

Mr. CUMMINS. Mr. President, very clearly not.

Mr. VARDAMAN. The Senator thinks not?

Mr. CUMMINS. I believe that a greater portion of the expense incident to the war should be raised by taxation, and I intend to say so, here and everywhere.

Mr. VARDAMAN. I intend to do the same thing, and do it boldly and emphatically.

Mr. CUMMINS. But it is impossible for me to conceive a judge so corrupt or so ignorant as to construe a criticism of that kind into an obstruction of the sale of bonds, because, the law having been passed, I think that no one should attempt to interfere with the sale of the bonds, because that is the way in which the duly constituted authority has determined to raise the money for the prosecution of the war; and while I believe that I have a perfect right to criticize the law and to endeavor to change or modify it, yet there could be no obstruction to the sale of bonds by any course of that kind.

Mr. VARDAMAN and Mr. GORE addressed the Chair. The PRESIDING OFFICER. Does the Senator from Georgia yield, and to whom?

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

Mr. VARDAMAN. I wish to say that I agree with the Senator from Iowa that every effort should be made by every patriotic citizen to raise this money according to the law as now written; but does not the Senator think that probably there are people who would not buy these bonds, thinking that if the bonds were not taken the Government would be forced to the extreme of conscripting the money for defraying the expenses of the war as it has conscripted the men to fight the war?

Mr. CUMMINS. Mr. President, that is not inconceivable—that is, that some minds would operate in that way—but it is inconceivable that any judge should hold that a person who acted upon those motives would be a violator of the law.

Mr. GORE and Mr. McKELLAR addressed the Chair.

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

Mr. HARDWICK. I yield first to the Senator from Oklahoma.

Mr. GORE. Mr. President, with reference to what the Senator from Iowa says, there is no doubt as to the justice of the point for which he is contending. I dislike to introduce a personal reference; but I may say that during the last liberty-loan campaign, in October, I had occasion to deliver an address in New York City. During the course of my remarks I insisted upon the raising of a larger part of the revenue for the conduct of the war from taxation, and a lesser proportion from the sale of bonds. I did take occasion, however, to urge the necessity of subscribing for the bond issue then being floated. I declared, during the course of my remarks, that the failure of the loan would be almost as bad as the loss of a battle, and that it was just as much a public and patriotic duty to subscribe for the bonds as to pay taxes; and yet the leading publication in my own State assailed me most bitterly for attacking the liberty loan and discouraging the purchase of bonds. I do not imagine that any judge would share the views of that editor; and yet it shows how, when passion is rampant, the minds of otherwise prudent men are unbalanced or led astray.

Mr. McKELLAR and Mr. McCUMBER addressed the Chair.

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

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

Mr. McCUMBER. I think the Senator from Tennessee rose first.

Mr. McKELLAR. I want to ask the Senator from Georgia—and I should also like to ask the Senator from Iowa, who is on the committee—about the words "any duly constituted Federal authority." Just what does that term mean?

Mr. HARDWICK. It means every branch of State and Federal authority.

Mr. McKELLAR. This troubles me: Take the commission that is in control of Hog Island. Is that a duly constituted Federal authority? If it is, would a person who criticized or who incited any one to criticize or inflame against that commission, which has charge there—I am just using it as an illustration, of course—come within the provisions of this bill? If so, it is very important for some of us to know it before we vote for the bill.

Mr. CUMMINS. Mr. President, I am not the author of these words. I accepted them when they were presented in the committee by the Senator from Montana [Mr. WALSH], who usually employs the proper phrase to express the idea that he has in mind. I do not know what authority in the Hog Island enterprise the Senator from Tennessee has in view. I am not very familiar with that enterprise.

Mr. McKELLAR. I will say to the Senator that I have not any at all; I do not know who it is; but evidently there must



be a duly constituted Federal authority in control of that project.

Mr. CUMMINS. I do not know that. If the Senator from Tennessee will kindly describe to me the relation which the Government has toward that enterprise, which I understand is a private enterprise, then I shall be able to answer the question a good deal more intelligently.

Mr. McKELLAR. I understand that it is under Government control.

Mr. FLETCHER and other Senators addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield? Seven Senators are on their feet.

Mr. HARDWICK. If the Senators will pardon me just a minute, I am willing to yield to any of them; but I think the language is just as broad as it can be. It covers everything that is a Federal authority. The Senator will have to find out whether that is a Federal authority or not, and then he can answer his own question.

Mr. FLETCHER. Mr. President—

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

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

Mr. FLETCHER. I was just going to state the situation at Hog Island. The Emergency Fleet Corporation, through the agency of the International Shipbuilding Corporation, is in charge of the yard and building the ships; so the Federal authority there would probably be the Emergency Fleet Corporation. I merely mention that in view of what has been said.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Harding	Nelson	Shields
Borah	Hardwick	Norris	Smith, Ga.
Calder	Henderson	Overman	Smith, Md.
Chamberlain	Jones, Wash.	Page	Smith, S. C.
Colt	Kellogg	Pittman	Smoot
Cummins	King	Poin Dexter	Sterling
Curtis	Kirby	Pomerene	Sutherland
Dillingham	Lodge	Ransdell	Swanson
Fletcher	McCumber	Reed	Thomas
France	McKellar	Robinson	Tillman
Frelinghuysen	McLean	Saulsbury	Townsend
Gallinger	McNary	Shafroth	Trammell
Gore	Martin	Sheppard	Vardaman
Hale	Myers	Sherman	Warren

Mr. SAULSBURY. I have been requested to announce the absence of my colleague [Mr. Wolcott] on necessary public business.

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

Mr. McCUMBER. Mr. President—

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

Mr. HARDWICK. I yield to the Senator, and I beg his pardon for not yielding sooner.

Mr. McCUMBER. I desire to ask the Senator from Georgia possibly two questions. The first one is this: What would be the Senator's view of the possible construction of any judge upon a provision in the penal laws of a State which provided that any person who, by word or act, advised another to disobey any of the laws of the State should be guilty of a misdemeanor? Would the Senator contend that any judge fit to be called a judge could ever possibly hold that a mere condemnation of the law itself was equivalent to advising its resistance?

Mr. HARDWICK. Not if the language was as stated by the Senator; but that is not the language in this bill.

Mr. McCUMBER. The second question is this: If a judge could possibly so hold, I do not think the Senator would contend that we ought to abolish a law of that kind simply because some one unfitted to hold the position might so hold.

Mr. HARDWICK. Probably not. If the Senator had followed my argument throughout, however, he would not ask either one of those questions. The difficulty is that we have not used language like that. If you will merely put in this bill exactly the language which the Senator has stated, and which is now of record, I should vote for that part of it with little hesitation.

Mr. McCUMBER. I agree with the Senator that we should have used the word "advise" and not "calculated"; and I think probably there will be very little difference in the Senate about that proposition. I can not see the logic of the use of the word "calculated" at all.

Mr. HARDWICK. Well, "to incite or inflame resistance"—there is no need of those words.

Mr. McCUMBER. I know; but the Senator certainly could not claim that any court would hold that merely expressing

opposition to a law would be construed to mean that the person so objecting was inciting or inflaming resistance.

Mr. HARDWICK. They have held that in this country.

Mr. McCUMBER. Let us take a case like this: Take the case of a State like mine, a prohibition State. The question of prohibition is a question that comes up at every election and at every session of the legislature, and we have orators on both sides, those proclaiming in favor of it and those proclaiming against it, those contending against it arguing that it is a denial of the freedom of the individual. Now, no court would hold, or could possibly hold, that the person who was against prohibition was committing an offense against the law or was inciting anyone to resist the law.

Mr. HARDWICK. The trouble about it is, if the Senator pleases, that the language used here is not the language that the Senator has used. If the language used here were that "any person who shall by utterance, writing, or publication use language which is intended to cause resistance to any law" should be punished, I would be for it: I would find no objection to it. But it is "to incite or inflame resistance"; and there are courts in this country that have held—I will not undertake to specify them now, but I think I can substantiate that statement—that any argument that goes to the very roots of the law itself has a tendency to inflame and to incite resistance. I do not think it is a sound contention, but it is not an unusual one.

Mr. McCUMBER. I do not think it is a contention that any court could possibly stand by.

Mr. HARDWICK. The trouble is that they have, Senator.

Now, Mr. President, I have but a very few more words to say about this matter.

The next proposition is that any person who—shall by utterance, writing, printing, publication, or language spoken urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged—is a felon.

Mr. SMITH of Georgia. Mr. President, the next sentence limits that—

With intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

Mr. HARDWICK. My colleague is right. I think that removes the most objectionable thing that I had in mind about that. I do not think there is any particular trouble about that with that limitation; without it, it would be unspcakably dangerous.

Now we come to the final proposition:

And whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein—

Shall be a felon, and punished as prescribed by this act.

That language, if it is to stay in the bill at all, undoubtedly ought to be amended. It ought to be "whoever shall favor the German Empire or its allies in the present war, or by word or act oppose the United States therein." We do not want to leave any room for construction about what the cause of the United States in this war is. Senators say they do not mean anything more than to oppose the country while it is prosecuting this war. If they mean no more than that, they ought not to employ language which is easily capable of a different construction than that, and that may embark us on the broad field of inquiry as to exactly what and how broad the cause of this country is in prosecuting this war.

Mr. McCUMBER. What would the Senator strike out in that phrase?

Mr. HARDWICK. I would strike out the words "the cause of," and just say, "whoever favors the German Empire and its allies, or opposes the United States, in this war," if I were going to have the language at all.

I have a further objection to that proposition, even as amended. I undertook to state it in a colloquy I had with the Senator from Idaho. It is a serious objection; it is not a factious objection; and I predict that if we leave this language in the day will come when we will see some grave abuses growing out of this very thing.

There are men in this country, and there are newspapers in this country, who insist now that if anybody should propose to make peace with Germany he would be very close to a traitor to this country. Senators for whom I have the greatest respect, and for whose opinions and judgment I have the greatest respect, I know entertain that view. Yet they must realize that they have neither a monopoly of wisdom nor a monopoly of patriotism, and that other men might just as well feel otherwise about that and still be as loyal and as patriotic as they are.

Personally, I am inclined to agree for the present; but the time may come when all of us, or all sensible men, can agree that

we have an opportunity to conclude an honorable peace. Yet if the time did come when we could obtain a peace with honor, and anybody undertook to lead a movement of that sort in this country, there are men and there are newspapers and there may be courts, or judges thereof at least, who would say that when he did it he was opposing the United States in this war, and favoring Germany and her allies. It is a dangerous proposition to risk. There are men in this country who go so far as to say—one I have in mind now—that the President of the United States did this country a great disservice when he discussed at a joint session of Congress not long ago the terms on which the United States might conclude peace.

As far as I am concerned I do not contend that the time has arrived when anybody ought to suggest peace. My idea is that we are in the fighting business now, and that we have not yet come to a point where we could hope to get a proper peace. But I hope the time may come when we can honorably compose our differences with our enemy, when we can with honor to the United States end this slaughter that is now devastating the world. When that time comes I do not want myself or any other man in this country, whether he is in office or out of it, to be muzzled so that he can not speak. I insist now, as I insisted earlier in the day to the Senate, that the humblest citizen of the United States, out of office though he be, un clothed with power though he stand, has just as much right as the President of the United States or anybody else in office, however high their authority, to advocate whatever course of action he thinks is right with respect to this matter. It is utterly impossible in a free country to enact and enforce a statute without muzzling freedom by which you can say it is patriotic and lawful to advocate a continuance of this war from now until doomsday but unpatriotic and disloyal and treasonable and criminal to advocate a conclusion of peace, even when it can be honorably concluded.

Mr. President, I think, no doubt, if the committee in charge of this bill will strike out all except what the House of Representatives passed we can readily agree to the passage of the bill. The vice of a large portion of it, at least practically all of it, comes from the Senate committee amendments. I do think that in the interest of free speech, of liberty, order regulated by law, and fundamental rights in this land of the free, that that is about far enough to go to-day, and I again warn the Senate that even as the sedition act of 1798 spelled and sounded the death warrant of one political party, too much of this sort of thing can easily spell and sound the death knell and the death warrant of two political parties in this country.

Mr. LODGE. Mr. President, before saying the little I desire to say about the committee amendments to the bill I wish to refer to some remarks that were made here as to the candidacy of Mr. Berger, of Wisconsin, and the question of peace. At this time, Mr. President, no peace could possibly be made that was not a German peace, made in her interest, equivalent to a loss of the war; and I think any allusion or any talk of a peace at this time is most unfortunate, for I believe the idea cherished by anybody that we can separate the German people from the Kaiser—

Mr. HARDWICK. Will the Senator let me interrupt him?

Mr. LODGE. Certainly.

Mr. HARDWICK. I merely want to say, so that neither the Senate nor the country may misunderstand my position, that I agree with the Senator.

Mr. LODGE. I know the Senator does, for I have been listening to him.

Mr. HARDWICK. I do not think this is any time to talk about peace, but I do not want to be muzzled when the time comes.

Mr. LODGE. I understand the Senator's position; he stated it very clearly. Anyone who cherishes the idea that we can separate the German people from the Kaiser or that we can separate Austria from Germany, or Turkey and Bulgaria from Germany, is cherishing the merest delusion. I think for that reason all talk about peace is harmful, for it tends to divide and confuse opinion here and among our allies and to strengthen the German determination to stop at nothing short of the fulfillment of all their demands.

Mr. President, there is another form of demanding peace which is much worse, and that is the kind of peace that was demanded by Mr. Berger, as I saw it reported in the newspapers. It was to make peace now and make it at any price practically. That seems to me to be so disloyal as to border on treason. The man is under indictment for similar offenses. I think his candidacy was most unfortunate, and that he should poll 100,000 votes in a great State of this Union is to me to the last degree melancholy.

Mr. LEWIS. Mr. President—

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

Mr. LODGE. I do.

Mr. LEWIS. Let me ask my eminent friend from Massachusetts, Does the Senator from Massachusetts assume that the United States Senate under the Constitution of the United States, until it is amended or destroyed, would allow a man to take a seat in this body who had to swear he would support the Constitution when his campaign had been both against the Government and for the destruction of the Constitution?

Mr. LODGE. Mr. President, that fortunately is a hypothetical question now. I for one should hope to see a seat refused such a man as the Senator describes.

Mr. President, as to this bill, the worst offenders in this country are those agents and spies—the word "spies" has been used here very loosely—but those agents of the German Government who have been engaged not merely since we entered the war but since the beginning of the war in dynamiting factories, in starting great incendiary fires, in attempting to destroy railroad bridges, in poisoning food, and in mixing glass with bread. Those are criminal acts of the worst kind, and they are being committed frequently throughout this country. There are other men in this country who are furnishing information to the German Government injurious to us and helpful to the German Government. Those are spies. We have a law to reach those people, but the criminals who put a bomb on a ship or blow up a factory and destroy innocent lives according to my idea have been treated altogether too delicately. I saw in a paper that two have been arrested and the charge against them dropped out of sight. They come to trial and they get some short term in the State prison or the prison of the United States, a punishment for which they care nothing. The only way, in my opinion, to put an end to those criminal activities of organized German agents and spies is to treat them as spies and agents of that kind always have been treated in time of war—try them by a court-martial and shoot them. Germany does not hesitate to do that. No other country hesitates to do it. We have ample law for that. This proposed law does not touch those classes at all. The German agents and the German spies do not go about this country publishing their views. On the contrary, they probably pretend to be loyal to the United States in order to cover their opposition. This bill is directed against those who print or publish or utter language injurious to the Government and helpful to the German cause. To state it very broadly, it is aimed at certain classes of agitators who exist in different parts of the country.

With the purposes of this bill I think everybody must be in sympathy. I do not suppose there is the slightest objection anywhere to the bill as it came from the House with the committee amendments to that portion of the bill; but the Senate committee has seen fit to add an amendment which is longer than the original measure and which is designed to meet certain very dangerous expressions or outbreaks of opinion in different parts of the country. They ought to be met, they ought to be dealt with in some way, and dealt with lawfully. It should not be left, as it now is, to the rough hand of popular justice or injustice to settle. Undoubtedly the cases which this law intends to cover will be dealt with by lynch law if we do not deal with it ourselves.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. LODGE. Certainly.

Mr. CHAMBERLAIN. I am glad to hear the Senator suggest that these men ought to be dealt with by a military tribunal.

Mr. LODGE. The spies and German agents?

Mr. CHAMBERLAIN. I mean the spies and German agents. Germany has not hesitated to deal with them under the military code, and if our military code is not broad enough to cover that class of cases it seems to me it ought to be amended so as to place within the jurisdiction of military tribunals the classes of men—and women, too, if you please—mentioned by the Senator.

Mr. LODGE. I feel very strongly about that, and I think we have increased and continued these crimes by the tender way in which we have handled spies and criminal agents. There is no other way to describe it.

Mr. BORAH. Mr. President—

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

Mr. LODGE. I do.

Mr. BORAH. The Senator referred to the fact that unless these people were dealt with in an orderly way and a legal way the mob would undoubtedly deal with them, and that the Senator did not desire to have occur. I simply call attention to the fact that I have received notice by telegraph that at Collinsville, Ill., April 5, a mob of 360 men lynched a man by the name of Prager for disloyalty.



Mr. LODGE. That is an illustration of the point I was making.

Mr. OVERMAN. Will the Senator yield to me?

Mr. LODGE. Certainly.

Mr. OVERMAN. I want to say that I have messages here from my own State, where the Federal court is in session. A man was on trial who said he cared nothing for the American flag; that he loved the German flag better, and would rather fight under the German flag than the American flag, and he hoped Germany would win.

Mr. HARDWICK. He ought to have been sent over there.

Mr. OVERMAN. He was turned loose by the court because there was no law to punish him, and the marshal has reported to me that unless we did something mob law would break out in North Carolina pretty soon.

Mr. STERLING. Mr. President, in connection with what is being said in regard to mob violence or the fear of mob violence, I call the attention of the Senator from Massachusetts to an account of a meeting of the governors of the various States here, and I read this statement:

Govs. Manning, of South Carolina, and Milligan, of Maine, warned that unless drastic steps were taken soon mob violence would be expected.

Mr. LODGE. I think there can be no doubt of that, Mr. President.

Mr. SHIELDS. Mr. President—

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

Mr. LODGE. I do.

Mr. SHIELDS. There is no one more opposed to mob law than I am. I think the course of justice ought always to run smooth. There ought always to be a resort to the courts to punish all unlawful conduct. But I think there has been too much argument here in favor of this statute in order to protect the emissaries of Germany. I understand this law is to punish them in order to prevent them from doing wrong to this country, wrong to our Army and our Navy and our Government, and not for their protection against lynch law. Of course we would rather not have the mob law, but the object of this law is to suppress the infamous and murderous conduct that is going on in this country and not to protect these murderers and incendiaries and emissaries of Germany.

Mr. LODGE. Mr. President, I hope nothing that I have said could be possibly twisted into a suggestion that I wanted to protect these people.

Mr. SHIELDS. Certainly not; I did not intend to say that; but I only called attention to the fact that since this bill has been up we constantly refer to it as a measure which ought to be passed to stop lynching and to stop mob law. That is one of the consequences which will follow if we do not have a law to punish them, and I would not go so far as to say it ought to follow.

Mr. LODGE. Mr. President, my first criticism is that the law under which we could reach spies and German agents is not enforced in such a way as to really strike terror to their hearts and put an end to it.

Mr. FALL. Mr. President—

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

Mr. LODGE. I yield.

Mr. FALL. I ask the Senator how he would apply the law we have now upon our statute books so as to vest in a military tribunal the trial of those charged with treason or with being spies?

Mr. LODGE. I think that to bring them before a military tribunal we must have additional legislation. In the law we have, as I recall it, there are certain offenses described, and if a person is convicted of those offenses he is liable to the death penalty.

Mr. FALL. But the tribunals constituted for the trial of those cases are the ordinary civil tribunals.

Mr. LODGE. Undoubtedly.

Mr. FALL. The only method by which a military tribunal could obtain jurisdiction to try the cases would be by a suspension of the writ of habeas corpus or else the civil tribunal would, under our law, take possession of the accused upon an application for a writ and withdraw him from the operation of the military law and put him to trial before that civil tribunal. If the law fails now, it is because of the failure of the civil tribunals to visit sentence.

Mr. LODGE. It is the failure of the civil tribunal to punish these crimes as they should be punished, in my judgment.

Mr. OVERMAN. There ought to be some law providing for a court-martial to hang these people. I want to know if the Senator can cite me to a law on the statute books that enables them to be punished? The truth is—

Mr. LODGE. I do not mean the cases covered by the act we are now considering.

Mr. OVERMAN. I know you can not convict a man of treason under our law. You must have a different law.

Mr. LODGE. The Senator remembers the espionage act better than I do, but I think in that bill we made provision—

Mr. OVERMAN. We have no law on the subject, and the truth is we can not convict anybody for it. It is utterly inefficient.

Mr. LODGE. The language of the Constitution, as I recall it—I have not it open before me—is "giving aid and comfort" to the enemy.

Mr. OVERMAN. That is it.

Mr. LODGE. I know the difficulties that have occurred in the past in the definition of treason. What I was referring to, and I may be wrong, in the espionage act, as it is called, which we passed, which included really, I think, 12 different bills, I thought there was a provision for the crimes which I have mentioned, the using of dynamite, or anything of that sort, or plotting against the Government, for which death was one of the penalties.

Mr. OVERMAN. The Senator is right; but I am sorry to say the provisions were stricken out. The bill we passed here six months ago would cover it. It came back from the House yesterday. The Senate has tried to take care of the situation in conference. As soon as the consideration of this bill is over, that bill, which, I think, will take care of that situation, will be brought up. It did pass the Senate six months ago.

Mr. LODGE. Difficulty is found in the course of the civil tribunal and that is the reason why I agree so strongly with the Senator from Oregon that it would be well if we could have legislation which should bring certain cases of spies and criminal agents before a court-martial.

Mr. NELSON. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. NELSON. I want to read one paragraph of the Constitution which I think is absolutely prohibitive against trying men not in the military and naval service of the United States by a court-martial:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

I take it that under this provision of the Constitution, unless a man is in the military or naval service of the United States, he could not be tried by a court-martial. At all events, he could not unless we suspend the writ of habeas corpus, and that would have to be suspended by an act of Congress and not by the President.

Mr. LODGE. One very great President did suspend the writ of habeas corpus.

Mr. WALSH. I call the attention of the Senator to the fact that the Constitution was construed in the Milligan case, so often referred to during the present Congress, in which the defendant Milligan and others who had been convicted by a court-martial in Indiana were discharged on a writ of habeas corpus.

Mr. LODGE. I remember the case; but, of course, a district can be declared under martial law in time of war.

Mr. FALL. If the Senator will permit me, only upon the theory that there is a revolution in that district.

Mr. LODGE. The theory is not so important as the fact.

Mr. FALL. That is what the Constitution provides; and it is only upon the theory that the civil law can not be enforced either by the State authorities, if it happens to be in the State, or by the National authority, where the unhealed is of such force in that State that the civil process can not be invoked successfully; and then by a tribunal properly constituted. As the Senator suggested, that tribunal has been considered to be the President of the United States, and not only in one case, but Mr. Jefferson was the first authority in the United States who suspended the writ of habeas corpus. Mr. Lincoln was compelled to suspend it, and the courts recognized it as being suspended, even when Mr. Lincoln had not declared a revolution to exist.

Mr. LODGE. There was a man who, in 1863, said it could be done if necessary.

Mr. President, I have gotten away from the bill. This amendment, as I understand it, was taken from the Montana statute, and I believe from what has been said here the passage of that statute was due to if not suggested by the decision of a judge out there who acquitted a man charged with offenses which certainly, in my judgment, deserved punishment. The origin of the statute seems to me to make it necessary that, however meritorious it is, we should scrutinize it with care. If I may use a phrase, which I borrow from the Senator from Tennessee [Mr. SHIELDS], it was what might be called an impulsive statute,

and I think an impulsive statute deserves to be carefully examined, because we do not desire, certainly in meeting these undoubted evils, to create a situation which might terrorize and prevent men from engaging in free and legitimate discussion—I mean loyal men. It is one thing to punish a man for what is described here and another thing to use it as it might be used in the hands of unscrupulous officials to stifle opinion, either in a newspaper or an utterance by an individual.

We do not want to put the innocent in peril in our desire to reach the guilty. I think we can amend this clause so that it will be safe and at the same time carry out the purposes that we desire. As to the word "calculated," the Senator from Tennessee read the legal definition of it, which was rather looser than I had expected. I think the word "calculated" is too broad a word. I think it leaves too dangerous a power in the hands of the men who are called upon to administer the law. If any danger arises from this statute it will be in its administration, not in the clause as it reads here, as it is read and understood by us, but in the way in which it is administered.

I am aware that the Senator from New Mexico [Mr. FALL] yesterday in a colloquy with the Senator from Tennessee [Mr. SHIELDS] called attention to the difference between the use of the word "calculate" and the use of the word "intend" as shifting the burden of proof. I think that is undoubtedly true, but it seems to me that that degree of protection which is carried in the word "intend," and which we find in most of our statutes in the form of the adverb "knowingly," prevents the punishment or the persecution of the innocent. I think the word "calculated" ought to be changed to "intended," and we should give that much advantage. I do not think it would interfere with the effective operation of the statute, for it is to be remembered that although this statute only carries the accused person into court and before a jury and gives him a trial, that is a great protection. I think we ought to have in all such cases the protection of trial by jury. That is the reason why I am so much opposed to the wholesale power that we have given to stop the passage through the mails of any publications simply on the judgment of one man.

But it is to be remembered that the mere threat of prosecution, the mere threat of bringing a man or a newspaper or any publication into court, to the average man is a very serious matter; and a threat of prosecution would undoubtedly deter many men who are just as loyal men as stand in the country to-day from expressing their honest opinion, which they would have a right to express.

I hope the Senate will be willing to change the word "calculated" to "intended," as suggested by the Senator from Idaho.

In line 5, page 3, occur the words "or inflame." "Inflame" to my mind is rather a novel word in a statute. It is not very clear to me what the legal interpretation would be. It seems to me it would be better to put in some word with which we are familiar in statutes, such as the word "encourage." That is a small point, but it seems to me to be a necessary one.

Mr. WALSH. Mr. President—

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

Mr. LODGE. Certainly.

Mr. WALSH. I wish to suggest to the Senator from Massachusetts that the word "incite" conveys to the mind very much the same idea.

Mr. LODGE. I think it does.

Mr. WALSH. I do not think the statute would be to any extent affected if the word "inflame" were entirely omitted.

Mr. LODGE. Incite, as I understand it, involves the idea of beginning resistance. I think there is another idea to be covered, and that is the encouraging of resistance which already exists. Stimulating it, inflaming it, in ordinary conversation is perfectly understood; but I think a better statutory word could be found. I think, however, there are two stages of resistance: One covered by incitement, which starts it when perhaps it does not exist; and the other, which stimulates and encourages it after it is begun; but that is not a very vital point.

Mr. FALL. Mr. President—

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

Mr. LODGE. I do.

Mr. FALL. Mr. President, of course this has been a very interesting discussion all the way through, and certainly by no means the least interesting portion of it is that to which we are now listening. I mean that very sincerely. I am, however, impressed with the statement which was made by the Senator from Massachusetts, in answer to a suggestion of the chairman of the Committee on Military Affairs, the Senator from Oregon [Mr. CHAMBERLAIN], in which the Senator indicated that he would like to see certain offenders in the United States tried by military tribunals. The point I am arriving at is this:

It has been suggested here, and agreed to I think by nearly all, that unless the law itself provides some method of dealing with those who are outraging public opinion by attacks upon our form of Government or upon our Constitution or upon our soldiers or upon the uniform, unless something is done one of two things must inevitably happen—that is, that lynch law will be invoked against those people or that sooner or later they will be dealt with by a military tribunal.

Now, I want simply to ask the Senator from Massachusetts if it is not his understanding, as it is mine, that, while before the civil tribunals, which some of us are anxious to retain as the proper tribunals before which offenses shall be tried, "hairsplitting"—if the Senator will allow me to use that term—definitions as to what "inflame" and what "calculated" mean and what "incite" means, and so forth, may very properly be indulged in, before no military tribunal will ever any defense be listened to for one moment based upon such attempted definitions of words?

Mr. LODGE. I entirely agree to that.

Mr. FALL. No presumptions are engaged in before a military tribunal as to "intent," and the principle of our civil law that the presumption of innocence, which is always the sheet anchor of the defense in any case, is a necessary shield and protection to the accused, in no instance will apply in a trial before a military tribunal. Does not the Senator agree with me that that is the distinction practically between civil and military tribunals?

Mr. LODGE. I think that distinction is probably sound.

Mr. FALL. Then is it not a fact, if I am not trespassing upon the Senator—

Mr. LODGE. Not at all.

Mr. FALL. Is it not a fact that, possibly because none of us here, or very few of us, have ever dealt with public affairs during a time of war, even those of us who are most determined to assist in every possible way in carrying this war to what we conceive to be its legitimate conclusion, being influenced by the fact that we have been legislating and considering matters during the "piping times of peace," while recognizing that we are at war, can not bring our minds to grasp the fact that the people of the United States are to-day in war and that the distinctions that we have had in mind, the hairsplitting—I will again use that term—definitions of words applicable to penal statutes and thrown around penal statutes for the defense of the accused do not apply to this present condition when the object of legislation of this kind is to enable us to carry this war to a successful conclusion?

Mr. LODGE. Well, if in any way we can get the class of crimes which I have in mind and the spies who are carrying information before military tribunals, the Senator from New Mexico will not find me making any trouble about hairsplitting definitions. One reason that I favor military tribunals for crimes of that kind is that they are prompt, and yet the accused can be represented by counsel and can know the charge against him.

Mr. FALL. Undoubtedly.

Mr. LODGE. It is a prompt procedure, and a great deal of delay is avoided; but I should think nobody would think of putting the offenses involved in this bill before a military tribunal.

Mr. FALL. If the Senator will allow me, I think inevitably, if you do not put them in the hands of the courts—

Mr. LODGE. That is what we are proposing to do.

Mr. FALL. But if you do not put them in the hands of the courts, and put them there in such a way that people will believe that justice will be meted out, if Senators are so insistent upon still throwing around the accused the protective language which will enable him simply to throw the burden upon the prosecution to prove his intent, although the effect of his language may be most disastrous—if insistence upon shielding the accused by placing upon the prosecution in these cases the burden of proving intent is successful, you will try these cases either by a military tribunal or Judge Lynch will preside over the court. To me there is no other conclusion, and I have been insistent—trespassing further upon the Senator's time—from the introduction of the original so-called espionage bill, upon one line of legislative procedure, which is that authority should be vested in the tribunals of the United States to try certain cases where in times of peace they had no jurisdiction under our ordinary civil law, for the very purpose of attempting to carry along with us in our own country here through this war the jurisdiction of the civil tribunals, the constitutional courts, and those legislative courts formed under the Constitution; that all crimes might be tried before those courts; and that we might not be compelled to invoke the military courts. That has been my purpose—

Mr. LODGE. I understand.



Mr. FALL. And it is yet my purpose; but I say to the Senator very frankly that if the statutes which we have attempted to enact fail, as they have failed, under decisions of the courts such as were read at the request of the Senator from Montana [Mr. WALSH], if guilty persons can not be punished under such statutes because of legal technicalities, the people of the United States will see that they are punished in some way, and the efforts of the Senator from Massachusetts and myself to keep open the civil tribunals, to afford to all accused the right to the writ of habeas corpus, the right of trial by jury, the right to be confronted with witnesses, to have the accusation read, and the accusation itself founded upon indictment or upon affidavit or upon information alleging the crime committed will be of no avail.

If all those things can be carried along with us through this war, then some of us will be perfectly satisfied with the result of our labors; but if the statutes of Congress fail, as they have failed invariably, because of the very fact, as in the case of the espionage bill itself, in my judgment, that they are so emasculated by hypercritical amendments and hairsplitting definitions that within the legislation itself defining the offense there is carried such a defense to the accused as to render it practically impossible for the United States Government or the State authorities to convict him of any crime or offense whatsoever, then, I say to the Senator—and I think the Senator will agree with me—that the military tribunals inevitably will be compelled to deal with the situation or the people will take the law into their own hands.

Mr. LODGE. Mr. President, this bill does not deal with any crimes or any offenses which I should think for a moment of suggesting to place before a military tribunal; but it seems to me the Senator from New Mexico wants to keep the jurisdiction of all offenses in civil tribunals—in which desire I very largely sympathize—but he also wants to make the civil tribunals as much like military tribunals as he can. I think we had better keep them separate. As to the men who are committing crimes and who are genuine spies, I think a military tribunal is the only fit place for them.

Mr. CHAMBERLAIN. May I interrupt the Senator from Massachusetts?

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

Mr. LODGE. Certainly.

Mr. CHAMBERLAIN. I thought there was a provision in the Articles of War which reached the class of individuals mentioned a while ago by the Senator from Massachusetts, and I find that is true. I find that article 82 of the Articles of War provides:

ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

Articles 46, 47, and 48 provide as follows:

ART. 46. Approval and execution of sentence: No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include:

(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to approve or disapprove the whole or any part of the sentence.

ART. 48. Confirmation: when required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

(a) Any sentence respecting a general officer;

(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;

(c) Any sentence extending to the suspension or dismissal of a cadet; and

(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

"When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary."

So that it appears that we have recourse now to the Articles of War to punish the class of offenders mentioned by the Senator from Massachusetts.

Mr. FALL. Mr. President, the Senator, of course, is correct in the strict sense of the term. In any military district or upon a military reservation or within five miles of a cantonment, or any place of that kind, which is purely under military rule, and where military authority is supreme there the Articles of War apply, but the Senator certainly does not mean that the eighty-second article of war, which he has just read—the courts have passed upon the proposition too often for there to be any doubt about it—suspends the writ of habeas corpus.

Mr. CHAMBERLAIN. I do, so far as the State courts are concerned.

Mr. FALL. In the United States to-day?

Mr. CHAMBERLAIN. Yes.

Mr. FALL. Then all legislation here of this character is entirely unnecessary; there is no doubt about that.

Mr. CHAMBERLAIN. The Articles of War only cover the case of spies outside of those connected with the military service.

Mr. FALL. No; it does not make any difference, Mr. President. The Articles of War govern the Army and the conduct of civilians in connection with the Army in any military zone.

Mr. CHAMBERLAIN. I beg to differ from the Senator. The articles speak for themselves. They define who shall come within their provisions; they specify those who are within the military service, camp followers, and others.

Mr. FALL. Precisely.

Mr. CHAMBERLAIN. And then go ahead and, in article 82, specify spies as coming within the jurisdiction of military tribunals.

Mr. FALL. Certainly. There is no difference between the Senator and myself except the question of jurisdiction; that is all.

Mr. BORAH. It applies if the spy is in a military district.

Mr. CHAMBERLAIN. May I say that a spy anywhere in the United States is in a military district? He may not be near a fortification or a post or a cantonment, but he is a spy just the same; and if he is within a cantonment or near a cantonment or near a post or fortification he is subject to the jurisdiction of a military court.

Mr. LODGE. Mr. President, I have a case in mind which illustrates what I mean. I have seen a report in the newspapers that a man—I think he was an Austrian or a German—in one of our factories, which was under military supervision and which was making shells, was found to be putting in short fuses, so that the shells would not explode when they landed; in fact, destroying their usefulness. He was caught in the act, was remanded to the civil tribunals, and that is the last I have heard of the case. I do not know what has become of him. A man like that, working on military supplies in a factory over which the Government has supervision, I think, ought to go before a court-martial and be tried there quickly and disposed of there quickly; but such cases go to the civil courts, or, apparently, the case to which I referred to went to the civil courts.

This bill, however, to come back to it, does not touch the cases of the dangerous criminal agents and the spies; and the danger of it is that it will be used, if loosely drawn, to suppress free and legitimate discussion by the great mass of the loyal people of this country. That is not desirable, from my viewpoint.

Now, Mr. President, to go on with the bill, in line 18, on page 3—

Mr. McCUMBER. Mr. President—

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

Mr. LODGE. I yield.

Mr. McCUMBER. Before the Senator leaves line 5, where he suggested that some other word than the word "inflamm" should be used, as "inflamm" is an uncommon word and has probably not been construed by the courts, I would suggest that there be used in place of the word "inflamm" the words "urge or provoke," so as to read: "Calculated to incite, urge, or provoke resistance." Those are the statutory words commonly used.

Mr. LODGE. Yes; something of that kind, I think, is better than the word "inflamm," which certainly is not a common statutory word.

Mr. JONES of Washington. Mr. President—

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

Mr. LODGE. Certainly.

Mr. JONES of Washington. Before the Senator proceeds to line 18, I want to ask him if he does not think it would be well to strike out, in lines 13 and 14, the words "with intent by such curtailment of the production of things necessary in the prosecution of the war"; in other words, ought not the urging of the curtailment of the prosecution of things necessary in the prose-

ction of the war to be prohibited without being compelled to show further that it was done with the intention to hinder?

Mr. LODGE. My attention has not heretofore been called to that; but I am disposed to agree with the Senator that that is needless, and it is better to make it simple.

Mr. JONES of Washington. I think it is not only needless—

Mr. LODGE. I think it might be harmful.

Mr. JONES of Washington. I think it would be very harmful, and I hope the Senator from Montana will consider that, as I understand this provision of the bill is his suggestion.

Mr. WALSH. Mr. President—

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

Mr. LODGE. I yield.

Mr. WALSH. Upon the reflection that I have been able to give it, I should think it would be inadvisable. I want to make the statute as strong as I can consistently; but I can very readily conceive how it might be grossly abused if that clause were, as a matter of fact, taken out. One might dissuade his neighbor from sowing wheat, and urge, for instance, that flax is a much more profitable crop and one that is equally necessary for the conduct of the war. He might be charged, then, with urging the curtailment of the production of wheat, a necessity of the war, but he does not do it at all to injure the United States. I fear that the bill would be open to very just criticism if that particular clause were eliminated.

Mr. JONES of Washington. What I fear is that if it remains in the bill we will not stop any of the incitement to curtail production.

Mr. WALSH. I am not unmindful of the difficulty of the situation suggested by the Senator from Washington; and yet I should feel that the bill would be open to much of the criticism that has, I think undeservedly, been directed against it in other respects if those words were not left in.

Mr. LODGE. Of course the words "necessary or essential" are open to a great deal of possible discussion.

In line 17 there occurs this language:

By word or act support or favor the cause of the German Empire or its allies.

Who are the allies of the German Empire—I am speaking of her legal allies? Austria, Bulgaria, and Turkey. We are not at war with Turkey and Bulgaria. I think we ought to be; but, as a matter of fact, we are not at war with them. Yet we have a bill here that punishes a man who says anything favorable to a country with which we are not at war. It seems to me that it might be improved by some rewording, because that presents one of those difficulties to which the Senator from New Mexico [Mr. FALL] has alluded in respect to hairsplitting technicalities.

Mr. NELSON. To what does the Senator refer?

Mr. LODGE. I refer to the language "the German Empire or its allies."

Then we come to the last clause; and I must say it seems to me it would be better if it read "oppose the United States." I think the word "cause" is another loose word, and that it is much simpler to say "oppose the United States"; and that will cover everything.

Mr. President, some time ago I presented an amendment, which I am now going to move. I do not know whether there is any amendment pending.

The PRESIDING OFFICER. There is no amendment pending.

Mr. CUMMINS. Mr. President—

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

Mr. LODGE. I do.

Mr. CUMMINS. Before the Senator from Massachusetts goes to the amendment that he intends to offer, I want to call his attention to one of the things that has bothered me with respect to the bill. I am generally very much in favor of it.

Mr. LODGE. So am I.

Mr. CUMMINS. I agree to the substitution of the word "intended" for the word "calculated," as I have already said, and I had hoped that while the Senator from Massachusetts, with his critical judgment respecting the use of words, was considering lines 4 and 5, he would refer to the word "resistance" and give us the benefit of his opinion with regard to the proper meaning of that word. The provision is—

Or shall utter, print, write, or publish any language—

I will read it now as I would have it—

intended to incite or inflame resistance to any duly constituted Federal or State authority.

What is "resistance to any duly constituted Federal or State authority"? Is the word "resistance" the equivalent or the synonym in this case of the word "disobedience"? If it covers

mere disobedience to the law, its propriety could very well be doubted; but if it means something other than mere failure to obey the law, then its employment may be very wise. I look upon the word as meaning or requiring something more than mere failure to comply with a law or a lawful order. Our statutes already attach penalties for failure to comply with their provisions or with orders which were made under them. I am led, therefore, to ask the Senator what, in his opinion, is the real meaning of the word "resistance"?

Mr. LODGE. Mr. President, I should not think it covered mere disobedience; for example, if Mr. Garfield commanded the people of this country not to fill their bins with coal—not to "hoard" it, as he called it a year ago—or to fill their bins, as he now commands them, I do not think a failure in either case could be interpreted as resistance to the law. "Resistance to the law," as I read it, means resistance to the execution of the law.

Mr. NELSON. Mr. President, will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. With pleasure.

Mr. NELSON. I wish to call the attention of Senators to section 62 of the Penal Code, which gives an illustration of such language.

Whoever shall forcibly assault, resist—

I call attention to the word "resist"—

oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined—

And so forth.

There the word "resist" is used and, I think, it is used in the sense of impeding an officer in the performance of his duties.

Mr. LODGE. As I have said, resisting the execution of the law—

Mr. NELSON. Yes; I think that is the sense in which it is used here.

Mr. CUMMINS. I suspect that the word "resist" in that statute is qualified by the word "forcibly."

Mr. NELSON. No.

Mr. LODGE. No; that only qualifies one word.

Mr. CUMMINS. I will ask the Senator to read it again.

Mr. NELSON. It does not qualify the word "resist"; there is a comma after the word "assault"—

Whoever shall forcibly assault—

Then there is a comma, and it proceeds—

resist, oppose, prevent, impede, or interfere—

The word "resist" is not qualified.

Mr. CUMMINS. May I ask the Senator from Minnesota what he understands by the word "resistance"? Is it mere failure to obey?

Mr. NELSON. No; I do not think it is mere failure to obey.

Mr. CUMMINS. Well, what is it, then?

Mr. STERLING. If the Senator will permit me, I will read the general statute with regard to resistance to an officer.

Mr. CUMMINS. To an officer?

Mr. STERLING. Yes, sir. It is as follows:

Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving or attempting to serve or execute any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing him to be such officer, or other persons so duly authorized, in serving or executing any such writ, rule, order, process, \* \* \* shall be fined—

And so forth.

Mr. CUMMINS. Of course that means, as I said in the case of the statute read by the Senator from Minnesota [Mr. NELSON], resistance to the execution of an order of the court, or of the law.

Mr. LODGE. Yes.

Mr. CUMMINS. It does not mean a mere failure to obey a law, or an order which may be issued by some lawful authority.

Mr. STERLING. A failure to obey a subpoena, for example, would not be resistance to the order of the court.

Mr. CUMMINS. And I wanted it to be perfectly clear, at any rate, when I voted for the statute, that I did not vote for it with the understanding that the mere suggestion of a failure to obey the law should visit upon one the extreme penalties that are here provided.

Mr. LODGE. It is my opinion that the word "resistance" is usually interpreted to mean and conveys the idea of resistance to the execution of a law.

Mr. NELSON. Mr. President, if the Senator will yield to me for a moment, I think the two words that precede "re-



sistance" indicate that it can not be the mere failure to obey the law. The words are, "calculated to incite or inflame resistance." That means that somebody outside is acting or inciting. The two words there have different shades of meaning. The word "incite" implies, among other meanings, personal solicitation, while the word "inflame" does not imply that. For instance, a man makes a harangue or speech before a mob, before a crowd, encouraging them to disobedience. That is inflaming them. But if a man, by personal solicitation in any form, does the same thing, that comes under the head of "inciting." So I think the two terms cover different shades of meaning.

Mr. LEWIS. Mr. President—

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

Mr. LEWIS. I beg pardon. I was about to tender an amendment, and I thought the Senator had yielded the floor.

Mr. LODGE. No; I have not, yet. I have been trying to regain it.

If I may say one word more before I pass to the little amendment I am going to offer, I think it would be wise, after "German Empire," in line 18, to leave out "or its allies." If you say "the cause of the German Empire," you cover whatever is done in her favor, whether it is done in Turkey or Bulgaria or Russia or Finland or anywhere else. Germany is sending troops at this moment to Finland. I think the more general you make it, the better; but if you leave in the word "allies" you at once embarrass yourself with the fact that we have not declared war on Turkey and Bulgaria, as we ought to have done.

Mr. President, the amendment I want to offer was read from the desk this morning. The Senator from Idaho [Mr. BORAH] has offered an amendment repealing the clause of the espionage bill which gives to the Postmaster General, without any restriction whatever, the power to shut out from the mails practically any newspaper, periodical, or publication that he does not happen to like.

I think that is a very dangerous power to be conferred on one man. It is not only inferior to the civil tribunals, but I think there is a less chance of justice than in a court-martial. I shall vote for the amendment of the Senator from Idaho with the greatest pleasure, but I do believe that it is well within the power of Congress to decide what shall be excluded from the mails.

Mr. WALSH. Mr. President—

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

Mr. LODGE. Certainly.

Mr. WALSH. I dare say the Senator from Massachusetts will recall that when the bill was originally under consideration in the month of June last, that particular provision was the subject of very extensive discussion; and attention was then called to the fact that we have already in times of prosperous peace conferred upon the Postmaster General the power to exclude from the mails publications that are deemed inimical to the public interest.

Mr. LODGE. The peace power is very carefully limited. It is confined to obscene publications and other things that are perfectly capable of definition. The other was very much broader. But if we want to exclude from the mails, let us do it by law here, and determine ourselves what we want excluded.

It is in that view that I offer this amendment:

The use of the mails shall not be permitted to any newspaper, magazine, or periodical, circular, or pamphlet which is printed in whole or in part in the German language.

Those circulars, pamphlets, and newspapers are the nests in which all of these treasonable and injurious utterances are hatched. I do not say that applies to them all, of course, but it applies to a great many. They are not prevented from publishing. They can publish in English and supply it to their constituency perfectly well. The language of the United States is English; and I think in time of war we had better circulate through the mails the language of the United States, and not the language of our enemies.

Mr. KING. Mr. President—

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

Mr. LODGE. I yield; yes.

Mr. KING. What I am about to say is scarcely a question. I was just about to observe to the Senator that, speaking for myself, I would prefer to see the first section of the bill which is now under consideration defeated, and not passed, than to have adopted the amendment offered by the Senator from Idaho and which the Senator from Massachusetts has just indorsed. I know from investigation that that section has proven a power-

ful weapon and a very valuable weapon in the hands of the Government in preventing this wicked and criminal propaganda that has been carried on by the I. W. W.'s and other traitors in this country.

Mr. LODGE. Mr. President, this bill is designed to meet that very propaganda and that very language and those very publications, and let them go to the courts, and not leave them to be dealt with by a Cabinet officer.

Mr. KING. I want to say to the Senator that in a number of instances—several scores, I am told—they have resorted to the courts, and in every single instance the action of the Postmaster General has been supported. He has not exercised in an arbitrary or a capricious way the power which we have given him.

Mr. LODGE. I am not attacking the Postmaster General, or the way in which he has exercised his authority. I am putting the proposition on the broad ground that it is too great a power to be intrusted to one man. I would a great deal rather trust it to a court-martial.

Mr. KING. I think it would be a very great mistake in time of war, such as this is, to deny to some agency of the Government the power to prevent treasonable, disloyal, anarchistic, or seditious publications from being transmitted through the mails, especially where, as the law now provides, there is a remedy by appeal to the court.

Mr. NORRIS. Mr. President—

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

Mr. LODGE. I yield. I yield the floor.

Mr. NORRIS. I want to suggest to the Senator before he yields the floor that the good that the Senator from Utah believes has been accomplished, even conceding it to be true, still leaves in the power that to my mind is a greater danger than what he suppresses as the law now stands, and that is the power to coerce newspapers that he does not suppress; that the indirect danger is greater than the direct danger.

Mr. LODGE. Mr. President, I move the amendment which I send to the desk, and which I have already read.

Mr. LEWIS. Mr. President, I desire to offer an amendment, with the purpose of having it read and printed, and calling it up later. It is rather an important amendment, and I will ask the attention of the Senate to it, as I should like to have the judgment of the Senators upon the amendment.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The SECRETARY. The Senator from Illinois proposes the following amendment:

SECTION — Whenever any person in the United States or in any Territory or country under the jurisdiction of or administered by the United States, who, being a citizen of the United States or exercising and enjoying the rights and privileges of a citizen of the United States, shall by conduct, acts, or declaration, show that such person is a disloyal citizen of the United States and unworthy of citizenship of the United States, or of enjoying the rights and privileges of a citizen of the United States, such fact, when established by procedure provided in this bill, shall forfeit his citizenship in the United States and all rights, privileges, and emoluments that go therewith, and shall forfeit all right to become a citizen of the United States and enjoyment of all privileges that attend, enter upon, and follow the becoming a citizen of the United States.

Sec. — Any person described in the foregoing section who shall, in the manner provided in this act, have been proven to be a disloyal citizen and unworthy of the citizenship of the United States shall, by the judgment condemning such citizen to forfeit the said citizenship, have all property held under the laws of the United States and enjoyed under the protection of the laws of the United States forfeited and returned to the United States, to be taken by the United States under proper judgment and decree and appropriated for uses for the defense by the United States and for the protection of the United States against all foes that are at war with and against the United States.

Sec. — Any person or persons who may have knowledge of any acts or conduct or declarations of any person named in this law, showing such person or persons to be unworthy of the citizenship of the United States, shall have the right to make complaint before any court having jurisdiction to grant citizenship to any person, and said court upon said complaint shall have process served upon the person or persons complained of, to be answered in the form of the proceeding in court of the condemnation of property, and issue upon the said cause be duly entered in such form of pleading as is provided in the practice within the particular State or District where the action is brought. The cause shall be heard before a jury after the order and manner of causes heard before a jury involving the rights of persons and property as prescribed for civil procedure in matters in which juries are provided by the law of the State or district where the action is brought. The verdict of the jury shall state the finding of the jury as to the matter of disloyalty, and also shall state whether there shall be forfeit of property or not, as in each case may be by the circumstances to the jury justified.

Sec. — That hereafter, following the declaration by court or jury of disloyalty and the withdrawal of citizenship from any person or persons or of property, it shall be in the power of any court having jurisdiction to grant citizenship, to restore citizenship, and make order of restoration of property or the value thereof, upon the showing to the court through the ordinary legal procedure, by petition under the form of practice in equity, that the said person has become loyal and worthy to be restored to citizenship. That upon the decree of restoration the said person shall be at once restored to all privileges and im-



munities, rights, and honors, that attend and follow citizenship in the United States of America, as though to the full extent he had no judgment or forfeiture rendered against him.

Mr. LEWIS. Mr. President, I merely ask that the amendment be now printed and lie upon the table, as I shall move its adoption at the proper time.

Mr. LODGE. I was about to ask the Senator to have it printed. It is a long and very important amendment.

Mr. LEWIS. Yes, sir.

Mr. THOMAS. Mr. President, the discussion of this bill has very naturally assumed a very broad range, and the amendments which have been offered from time to time, I think, need but one more to demonstrate how far we are at sea from that sort of legislation which it is within our power to enact. If some Senator will now introduce another amendment abolishing the right of trial by jury, I am inclined to think that the bill as it now stands will be reasonably perfect.

The last proposed amendment reads to me like a bill of attainder, and I am inclined to think that it would be so construed as to property and as to individual rights if it should be enacted into law and become the subject of judicial construction.

Mr. President, I want to cast my vote for a bill which will accomplish the object which the Judiciary Committee had in view when they reported the measure to the Senate by a practically unanimous vote. I do not desire, in the effort to accomplish that purpose, to go so far as to enact a measure so radical and far-reaching as to virtually defeat itself. It is the history of all drastic penal legislation that when it becomes too extreme it is incapable of enforcement. The courts, by a liberal construction or the reverse, and the juries having the power to pass upon the facts, will refuse to effectuate the purposes of a statute so radical in its character as to meet with their disapproval.

There was a time in the common law of England when the pettyest of offenses were punished by death. I think the larceny of a shilling was such an offense. The juries, by an almost constant system of conduct, and the judges, by winking as far as they could at that conduct, very frequently, perhaps in a majority of cases where grand larceny had been committed, accepted testimony which indicated the value of the property to be less than the minimum amount, which, upon conviction, was followed by execution or punished capitally.

That, Mr. President, was not only a practice justified by the humane instincts of an enlightened community, but it was the application of the principles of justice, as far as they could be applied, in view of an express law too rigid in its penalties and its provisions to receive the sanction of public opinion.

Mr. President, there is no question but that the use of language, written or spoken, in the hands of a capable individual, can create much mischief, can undermine the cause of the Nation to some degree, and can produce injurious consequences of a far-reaching character. That is obvious not only because of our present experiences but we are so told by the history of nations. To the extent to which that mischief can be restricted and punished in times like these, legislation is necessary. To the extent that it can not be restricted and punished by legislation, no matter how drastic it may be, we should not go.

Of course it would be perfectly legitimate for me to be asked at this point to point out the limit which defines proper and constitutional legislation from that which is improper and unconstitutional. Frankly I can not do it. I think no man can; and that suggests the difficulty with which the committee were confronted in their efforts to phrase something adequate to the exigency. What they have produced here is doubtless as nearly perfect as can be phrased in language, but in my judgment it is not such language as we should crystallize into a statute at this time or at any other time.

I took occasion yesterday to call attention to the absence of an element which is absolutely inseparable from crime, and without which, no matter how grave the act, there can be no crime. I refer, of course, to the intent with which an act may be committed. I know of no exception to the fundamental proposition that acts, to be criminal, must be willful or deliberate, except those which indicate a carelessness, a rashness, a disregard for the rights of others, so obvious as to become the equivalent of a willful intent.

The Senator from Washington a few moments ago suggested that where the term does appear it should be eliminated, lest the object of the statute should be defeated by its inclusion. Mr. President, I think the Senator upon reflection will admit the very obvious wisdom of the reply of the Senator from Montana with regard to that suggestion. We can not afford, Mr. President, and at this time of all times we can least afford,

to break down or disregard so fundamental a safeguard in the enactment of criminal legislation as the element of intent. Otherwise, Mr. President, the innocent and the guilty will alike be included within the recitals of this criminal statute. Otherwise we make no distinction whatever between the man who deliberately commits an offense and the man who innocently commits an act which, if it were intended, would constitute the offense.

Hence, I shall move at the proper time on line 18, page 2, between the last two words of the line, to insert the word "willfully," and to insert the same word on line 4, page 3, between the words "shall" and "utter," and between the words "shall" and "display," on line 7, of page 3, and also between the words "shall" and "advocate," in line 14, so that the acts which are to be prohibited shall constitute offenses when they shall have been performed willfully or with deliberate intent; and I do not believe, Mr. President, that any court in this country will sustain an act from which those words or their equivalents are absent.

If they do sustain it, they will import into the law the old common-law element of intent, and wherever it does not appear that the act complained of was so committed they will instruct the jury accordingly. But it seems to me to be a reflection upon the experience of the Congress and upon the wisdom of its Members to pass a bill of this sort, which does not contain that essential element of criminal intent.

Mr. MYERS. Mr. President, I should like to ask the Senator a question.

Mr. THOMAS. I yield for that purpose.

Mr. MYERS. Can any man utter any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States without intending to speak the words which pass his lips?

Mr. THOMAS. Oh, no. When a man speaks a word he intends to speak it; but he may not intend willfully to slander his Government in speaking it. I got a letter yesterday morning from a private soldier, who complained very bitterly because he had not received his pay. His contention was that those dependent upon him were suffering because he had not received his pay, and he expressed his opinion of the Government of the United States in language far more forcible than elegant. Now, that soldier did not mean to defame his Government. He did not mean to speak words of disloyalty. In his resentment at what he considered unjust treatment he expressed himself to me as I have stated. There is an instance, Mr. President, in which the boy would be punished, sent to the penitentiary for a term of years or fined far beyond his means, perhaps, if we are going to enact this statute in the precise terms in which it was reported from the Committee on the Judiciary.

Now, let me call attention to another word which seems to me, Mr. President, to carry this law far beyond the intentions of its framers, and certainly far beyond the legitimate purpose of the act. I allude to the word "defend"—

Whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated—

Mr. President, John Doe may be indicted for seditious utterances in violation of this act. My friend the Senator from Montana may be employed to defend him, and of course if he is so employed he will endeavor to the best of his ability to acquit his client; but if, in so doing, he defends the act, however necessary and legitimate it may be to the purposes of the defense, he in turn may be indicted and punished, together with his client, for defending that client.

Mr. STERLING rose.

Mr. THOMAS. It may be, Mr. President, that that is a far-fetched illustration, but certainly it is within, and far within, the opinions which I have heard expressed here to-day as to what this statute ought to be and as to what they intend it shall be.

I yield to the Senator from South Dakota.

Mr. STERLING. I was just about to ask the Senator in substance what he has stated, that it might be a far-fetched illustration; but does not the Senator think that the court would exclude from the operation of a statute the defense made by an attorney in behalf of his client?

Mr. THOMAS. I think a court would; but why should we enact here a statute which would make it necessary for a court to do so?

Mr. STERLING. It would be a violation of his constitutional right, of course, if he was deprived of his defense.

Mr. THOMAS. Yes; that is true; and yet one Senator has said that unless we pass this law and make it drastic enough the military authorities will assume jurisdiction of these cases and punish them according to military codes. That, with all due respect to my distinguished friend, for whose legal ability



I have the highest opinion, was, to my mind, one of the most astonishing utterances that I have heard in the course of this debate.

Mr. OVERMAN. Will the Senator yield to me?

Mr. THOMAS. I yield.

Mr. OVERMAN. Mr. President, I had an idea of going on with the bill until it was completed, but some Senators have dinner engagements, and so on. I wonder if I could not get unanimous consent to consider the bill to-morrow, and that at not later than 5 o'clock to-morrow afternoon we shall agree to vote on it. I suggest that the Secretary read the agreement I propose, and then if anyone here objects that will be the end of it.

Mr. THOMAS. I do not want to yield for the purpose of submitting that proposition because I understand it would require a call of the roll under the rule.

Mr. OVERMAN. I will just present it, and if anyone objects it will go over.

The VICE PRESIDENT. A quorum has to be developed. Otherwise there can be no unanimous-consent agreement as to the final passage of the bill.

Mr. OVERMAN. I will let the Senator from Colorado proceed, and I shall present the agreement after he gets through.

Mr. THOMAS. Mr. President, of course the failure of legislation under the civil law for the regulation of crime even in times of war could not transfer jurisdiction to military tribunals under our form of government; nor, as the Senator from Minnesota [Mr. NELSON] well suggested, can any crime under the Constitution of the United States be punishable except by the verdict of a jury, unless it was committed by those directly within the jurisdiction of the military or naval authority. So, whether we enact this statute or not, there can be no assumption of power, except possibly through the declaration of martial law in districts that are said to be in insurrection, to stretch their authority and assume jurisdiction of a solitary offense here to be created or anything like it. That has been the law ever since the Milligan case.

Mr. FALL. Mr. President—

Mr. THOMAS. I will yield in just a moment. I have had occasion once or twice to refer to the Milligan case, and now refer to it as one of the great landmarks in the judicial history of the United States. I yield to the Senator from New Mexico.

Mr. FALL. I simply want to say, in view of the fact that the Senator apparently had reference to something I said, I did not mean for one moment to say that if we failed to enact legislation of this kind the military authority would extend all over the United States. In fact, I deny that absolutely.

Mr. THOMAS. I understood the Senator to say—and, of course, if I misunderstood him I must apologize—that unless legislation of this sort was adopted, these offenses would go to a tribunal that would not only not quibble upon the meaning of words, but which would deny to the defendant those presumptions which exist for his protection at common law.

Mr. FALL. I would not have the Senator for a moment think I meant that military law would go of its own accord. What I meant to say was that to save this Government and this country of ours the President of the United States would be justified in doing exactly what Abraham Lincoln did in declaring a state of revolution to exist while possibly the State itself was not in revolution. The military law would then apply.

Mr. THOMAS. I, of course, accept the Senator's correction, and I am sorry I misunderstood him; but, Mr. President, the Executive of the Nation is powerless to clothe military tribunals with jurisdiction over criminal offenses not committed by military people. Of course, he may suspend the writ of habeas corpus, and within the limits of that suspension, there being no law except military law, those committing offenses may be arrested, imprisoned, probably shot; but in every instance where the courts are open the mere declaration of martial law does not close them. In every case where the courts are open the accused has a right to appeal to the civil tribunals of the country, and in the past that appeal has not been made in vain, to my knowledge. However, sufficient unto the day is the evil thereof. Let us not enact measures now which may be too broad in their aim and consequently too sweeping in their consequences because of an apprehension that unless we be swift about this legislation the Executive may interfere and put the country under the edict of martial law.

I think, Mr. President, the suggestions which I have made with regard to the amendments here should be adopted. I will not promise now to vote for this measure even if they are adopted, for in the absence of clear language imputing willful intent to a citizen who may be guilty of a violation of these provisions I could not under my construction of my oath of office here vote for the passage of the bill.

Mr. OVERMAN obtained the floor.

Mr. SMITH of Georgia. Will the Senator yield to me, that I may present two amendments?

Mr. OVERMAN. I yield for that purpose.

Mr. SMITH of Georgia. I wish just to offer, so that they may go into the Record, two amendments. On line 22, page 2, strike out the words "soldiers or sailors" and insert "Army and Navy"; and on page 3, line 5, at the close of the line, add before the word "any" the words "legal order of any," so that it will read:

To incite or inflame resistance to any legal order of any duly constituted Federal or State authority—

And so forth.

Mr. MYERS. I should like to ask the Senator from Georgia a question about that proposed amendment. Suppose an officer of the United States or of a State government goes to arrest a man who is doing something forbidden by this bill after it is enacted into a law, and the man about to be arrested resists, where would the legal order be?

Mr. SMITH of Georgia. This refers to the criticism—

Mr. MYERS. The officer sees that a man is violating this law and, without any warrant, proceeds to arrest him, and the man resists. Where is the legal order?

Mr. SMITH of Georgia. It has no reference to that case at all. The right of arrest exists, under certain circumstances, everywhere, without indictment and without a warrant. This is the paragraph which refers to the criticism—

Mr. MYERS. I will amplify my question. Suppose that anyone uses language calculated—

Mr. OVERMAN. I did not yield for the amendments to be debated. I yielded to the Senator to offer his amendments, and they can be debated later.

I now propose the following unanimous-consent agreement.

The VICE PRESIDENT. The Secretary will read the proposed agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed, by unanimous consent, that at not later than 5 o'clock p. m., on the calendar day of Saturday, April 6, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. OVERMAN. I wish to say if this is agreed to I shall ask the Senate to take a recess until 11 o'clock to-morrow, which will give from 11 to 5 o'clock to debate the bill and all amendments to it.

Mr. SMITH of Georgia. Surely, we will have time to get through with it if we can take the ordinary adjournment until 11 o'clock. The Senator knows more about the probable talk upon it than I do. I should be glad to give unanimous consent to vote not later than 5; but then, as to an adjournment, I want to bring up to-morrow, not for any length of time, a very important bill. I want to introduce a bill.

Mr. OVERMAN. Could not the Senator wait until Monday?

Mr. SMITH of Georgia. No; I want to introduce it to-morrow.

Mr. OVERMAN. I will agree to let the Senator introduce his bill at any time.

The VICE PRESIDENT. Is there objection from any Senator present to the proposed agreement?

Mr. KING. Mr. President, of course I am going to vote for this bill and I am in favor of it, with a few amendments. I know there are several Senators who are opposed to it, and in good faith. While I share the desire of the Senator from North Carolina to pass the bill, and pass it speedily, and appreciate the necessity of speedy action, I am inclined to think that it might not be wise to urge the proposed agreement at this time.

Mr. OVERMAN. I am going to urge it, and if anybody wants to object let him object.

Mr. SMITH of Georgia. Can we not at least give unanimous consent to dispose of it during the calendar day to-morrow? And if we have to sit a little later than 5, let us stay and dispose of it. I am perfectly in accord with the desire to complete the bill.

Mr. KING. I am not going to object, but I want full opportunity for those who desire to discuss it to have that opportunity.

Mr. OVERMAN. The bill has been debated. It is a very short bill, but it is an important bill, and there have been fine speeches made upon it.

The VICE PRESIDENT. The Chair understands that the Senator from Utah does not object?

Mr. KING. I do not.

The VICE PRESIDENT. Then the roll will be called.

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

Ashurst	Henderson	Overman	Smoot
Chamberlain	Jones, N. Mex.	Phelan	Sterling
Cummins	King	Pittman	Stone
Curtis	Kirby	Pomerene	Swanson
Fall	Lewis	Robinson	Thomas
France	Lodge	Sheppard	Trammell
Frelinghuysen	Martin	Shields	Underwood
Gore	Myers	Smith, Ariz.	Vardaman
Hale	Norris	Smith, Ga.	Weeks

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

The Secretary called the names of the absent Senators, and Mr. KENDRICK, Mr. NEW, Mr. SHAFROTH, Mr. TILLMAN, and Mr. TOWNSEND answered to their names when called.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. OVERMAN. I move that the Sergeant at Arms be directed to request the attendance of absent Members.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. MCKELLAR, Mr. THOMPSON, Mr. REED, Mr. SMITH of South Carolina, Mr. COLT, Mr. BECKHAM, Mr. SAULSBURY, Mr. McNARY, Mr. GALLINGER, Mr. BORAH, and Mr. NELSON entered the Chamber and answered to their names.

Mr. SAULSBURY. I desire to announce that my colleague [Mr. WOLCOTT] and also the Senator from South Dakota [Mr. JOHNSON] are detained on important public business.

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

Mr. OVERMAN. Mr. President, I ask that the Secretary now read the proposal for a unanimous-consent agreement as to the pending bill.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the legislative day of Saturday, April 6, 1918, the Senate will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States," etc., through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock p. m. of April 6 no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 10 minutes upon any amendment offered thereto.

Mr. STONE. What is the hour fixed for a vote?

Mr. CUMMINS. No hour is fixed.

The VICE PRESIDENT. No hour is fixed.

Mr. MYERS. Mr. President, I suggest that the hour of 1 o'clock be changed to 2 o'clock. It seems to me that three hours should be allowed for speeches.

Mr. OVERMAN. I have no objection to that.

Mr. REED. Mr. President, it seems to me that we ought to vote on the principal amendments which may be offered to this bill before a unanimous-consent agreement of this character is had. The time fixed is very short. The fact that it is now within 25 minutes of the ordinary hour of adjournment, and that the Senate will probably not convene until 12 o'clock to-morrow—

Mr. OVERMAN. I have given notice that I would ask the Senate to take a recess until 11 o'clock to-morrow.

Mr. REED. That only adds an hour.

Mr. OVERMAN. But there will be no morning hour, and the whole day will be devoted to the bill.

Mr. REED. That interferes with committee work, which is crowding constantly for attention.

I think that the Senator ought not to ask for a vote upon this bill at so early a date. I think we ought to vote upon the principal amendments before debate is limited. This proposed unanimous-consent agreement is almost equivalent to asking for 10-minute debate, beginning at the present time.

Mr. OVERMAN. There will be three hours for debate, if the Senate meets at 11 o'clock.

Mr. REED. The bill is a very important one. It is a bill with the spirit of which, I think, every man in the Senate is in accord. It is a bill which I believe every man in the Senate who has considered the matter thinks goes further than it ought to go, and I see no reason in the world for any such haste as is involved in the proposed agreement. I do not think the Senator ought to ask it.

Mr. OVERMAN. Then, we will let it run into Monday, Tuesday, or Wednesday of next week.

Mr. REED. Suppose that we really go on until Monday or Tuesday of next week, what would be the harm? Here is a bill that involves questions that are almost vital in their importance; it is a bill that many patriotic men fear will work injury in some respects. I am not going to call any names, but I talked to a Senator who was largely instrumental in helping to draft this bill, and, as I understood him, he himself thought that the matter ought to be carefully reviewed. That is my opinion.

Mr. SHAFROTH. Will the Senator suggest a time?

Mr. REED. I do not think we have reached a stage to suggest a time; I think we ought to vote upon the principal amendments that may be offered to this bill. Then we will know what the measure is really to be, and when we come to give our consent to a final vote we will give it in the light of that situation; but if the amendments are brought up, as they ordinarily are brought up, under unanimous-consent agreements of this character when the debate is limited to 10 minutes, it frequently happens that questions receive but very meager consideration. If we can dispose of the principal amendments by going on with the bill to-morrow, I have no doubt that we will very speedily reach a time when we can vote. There has been no delay of this bill.

Mr. OVERMAN. I think we have had about all the debate that is likely to take place on the main amendments in connection with the speeches which have been made to-day. There are a few Senators who desire to speak to-morrow, but only a few. I have talked with the leader of the opposition, and he is perfectly willing that this course be taken. I refer to the Senator from Georgia [Mr. HARDWICK].

Mr. REED. I do not number myself in the opposition.

Mr. OVERMAN. No; I am not referring to the Senator; I refer to the Senator from Georgia, who is willing to vote at 4 o'clock to-morrow. Now, we propose to go further and provide for a vote on the legislative day.

Mr. REED. I simply want to have the principal amendments to this bill disposed of before we are asked to proceed under a 10-minute limitation on debate. I do not think any amendment ordinarily receives proper consideration under those circumstances, and I think this is a matter that ought to be carefully thought out.

Mr. OVERMAN. Mr. President, the Senator has not been here—I know he had business elsewhere, and I am not criticizing him—but the principal speeches have been made in the five hours' debate to-day on the main amendments to the bill.

Mr. REED. Mr. President, it is true that there have been one or two speeches made, but that is not the point I am making. Amendments will be offered to this bill, and amendments when offered ought to be properly discussed. If there had been a great consumption of time on this bill the necessity for a unanimous-consent agreement might be apparent, but I see no necessity for it.

Mr. OVERMAN. I would not insist on it if it were not for the fact that expedition is necessary.

Mr. REED. There has not been any disposition on the part of anybody to delay action; and what reason is there why we can not go on in the ordinary way with the bill?

Mr. OVERMAN. Mr. President, I will suggest to the Senator—he was probably not here—that I have already stated that I had an urgent message which came down from the Attorney General, urging that this bill be passed to-day.

Mr. REED. Why?

Mr. OVERMAN. Because he said the sale of the bonds was to commence on Monday next, and he would like to have the bill passed before the sale began. He said that so far as he was concerned, rather than to see this bill not passed he was willing to see those amendments go out of the bill. He was so anxious to have the bill passed that he asked me to do that; but I could not afford to do it, because the committee had urged that these amendments be made. So far as he is concerned, rather than not have this bill passed, he will just limit it to the bond sale; but I could not listen to that.

Mr. REED. Mr. President, we hear some very strange and very peculiar reasons offered for sudden action by the Congress, but about as strange a one as I have heard is the one just offered. There is not a man in this Chamber who does not know that the sale of the bonds does not depend upon the passage of this bill. Why, Mr. President, if the sale of the bonds that we are about to offer to the American people depends upon the passage of a bill of this character, we are already defeated in this war.

I hear Senators about me speak about people denouncing the sale of these bonds. I will venture the assertion that there will not be found in the United States a single man of any prominence or influence who will say one word against the sale of these bonds. There will be, perhaps, some criminal, some crank,



some Bolshevik, who will mouth a little bit about them; and every time he opens his foul lips to say anything against the sale of these bonds he will only increase the market. It is utter nonsense to talk about the sale of the bonds depending upon the passage of a bill of this character. It is not true.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. REED. Mr. President, I do not desire to make a formal objection. I am asking the Senator to go on with this matter. Let us take up these amendments and pass upon them in an orderly way. Nobody is going to be hurt. We all want to enact a proper statute; but do not let us be rushed into a hasty agreement on the ground that otherwise the bonds will not sell.

I expect to go out and give some of my time to helping persuade people to buy these bonds, and I expect to do as I did on the other bond issue—to bankrupt myself temporarily and borrow money to buy bonds. Almost everybody else in the United States is going to do the same thing; but the sale of the bonds does not depend upon the enactment of this statute.

Mr. LODGE. Mr. President, if the sale of the bonds depended upon the enactment of this bill, we would not place the loan at all.

The VICE PRESIDENT. Is there objection?

Mr. REED. Mr. President, if the Senator will not accede to my request, which I think is reasonable, I am going to object to unanimous consent to a vote at this time.

The VICE PRESIDENT. That disposes of the matter.

Mr. OVERMAN. The Senator is not insistent in regard to going on with the amendments this afternoon?

Mr. REED. I am perfectly willing to go right along with them, and after the principal amendments are disposed of I would just as soon come to a vote.

Mr. OVERMAN. Let us vote on the amendments, then, Mr. President.

The VICE PRESIDENT. The amendments of the committee will be stated.

The first amendment of the Committee on the Judiciary was, on page 2, line 6, after the word "statements" to insert "or say or do anything except by way of bona fide and not disloyal advice to an investor or investors."

The amendment was agreed to.

The next amendment was, on page 2, line 12, after the word "cause," to insert "or incite or attempt to incite."

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the word "obstruct," to insert "or discourage or willfully attempt to obstruct or discourage."

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the words "United States," to strike out "to the injury of the service or of the United States," and insert "and whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall utter, print, write, or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the war, or shall display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein."

Mr. THOMAS. Mr. President, I move to amend the amendment of the committee by inserting the word "willfully," on line 18, page 2, between the words "shall" and "utter"; also the same word on page 3, line 4, between the words "shall" and "utter"; also on line 7, between the words "shall" and "display"; also on line 14, between the words "shall" and "advocate."

Mr. BORAH. What page?

Mr. THOMAS. Page 3.

Mr. MYERS. Mr. President, I think that is putting useless verbiage in the bill. I do not see how a man can utter any disloyal, profane, scurrilous, contemptuous, or abusive language about anything without willfully speaking the words, without intending to do it, unless he did it in his sleep or while he was delirious or while he was insane. Those are the only three exceptions of which I can think. If you are going to put in the word "willfully," some highly technical judge will simply extend the meaning of the word "willfully" to more than it ought to qualify, and we shall have decisions that a man must willfully intend to defame the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States. Every qualification that you put in there is simply going to make the law harder to enforce, and going to make the spirit of it harder to carry out. I think the law ought to be as it is in the State of Montana, that a man who utters words of that character is conclusively presumed to know what he is doing and is guilty under this act.

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

Mr. LODGE. Mr. President, this is a very important amendment. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Kendrick	Phelan	Thomas
Borah	King	Reed	Tillman
Colt	Lewis	Robinson	Townsend
Cummins	Lodge	Shafroth	Underwood
Fall	McNary	Sheppard	Vardaman
France	Martin	Smith, Ariz.	Wadsworth
Frelinghuysen	Myers	Smith, S. C.	
Gallinger	Nelson	Smoot	
Jones, N. Mex.	Overman	Swanson	

The VICE PRESIDENT. Thirty-three Senators have answered to the roll call. There is not a quorum present.

Mr. GALLINGER. Mr. President, I have taken no part in the debate. I presume I have no right to say much; but I will ask the Senator from North Carolina to move an adjournment now. I think he will make more progress with his bill.

Mr. OVERMAN. Mr. President, I am inclined to think so. The Senator from New Hampshire, who always does his duty, had left the Chamber, and has returned to it, notwithstanding sickness in his family. Appreciating what we asked for, he returned to the Chamber under those circumstances. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 6, 1918, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, April 5, 1918.

The House met at 12 o'clock noon.

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

Almighty and everliving God our Heavenly Father, in whom all wisdom, power, and goodness are centered, we lift up our hearts in fervent prayer with the millions who are at this moment praying for the success of our allied forces, who are engaged in a most terrific battle against the barbarians who would break through all barriers and check the onward march of civilization so well begun and so far advanced.

Give, we beseech Thee, courage, strength, victory to our arms, that liberty, justice, peace, and righteousness may live, a blessing to untold generations; and all praise we will ascribe to Thee, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

RATIFICATION OF PROHIBITION AMENDMENT BY DELAWARE.

The SPEAKER. The Chair has a communication from the secretary of state of Delaware announcing the ratification by the legislature of that State of the prohibition amendment. The communication will be filed.

HERBERT A. MEYER.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 297, directing the Secretary of War to furnish the House the facts in reference to the issuance of a commission as captain to Herbert A. Meyer.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 297.

*Resolved*, That the Secretary of War be, and he is hereby, directed to furnish to the House, for information of the House, as soon as practicable, the facts in reference to the issuance of a commission to Herbert A. Meyer as captain in the Aviation Section of the Signal Corps; also any information as to whether the recent official statements of the War Department discontinuing the issuance of commissions in the Army of the United States to persons in civil life and to registrants under the selective-draft act of May 18, 1917, were violated in the case of Herbert A. Meyer; also a list of all commissions which have been issued in violation of such procedure.

The SPEAKER. Is there objection?

Mr. KITCHIN. Reserving the right to object, I did not catch exactly the purpose of that resolution.

Mr. ANTHONY. It is a resolution asking the War Department for information with reference to certain appointments in the Army. The resolution is reported favorably from the Committee on Military Affairs and is now on the calendar.

Mr. KITCHIN. Was it unanimously reported?

Mr. ANTHONY. It was.

Mr. STAFFORD. Reserving the right to object, what is the purpose of the resolution of inquiry?

Mr. ANTHONY. The purpose of the resolution of inquiry is to get some information from the War Department in regard to appointments which are reported to have been made of men who are registered and liable to draft and about to be called to duty who have been given commissions in the Army and assigned to noncombatant places. It seems that about four or five months ago the War Department, through its bureau chiefs, in letters to Members of Congress and others, announced that it was its purpose henceforth not to give any more appointments in the Army to men who were registered under the selective draft law. Members of Congress so notified their constituents, and it was generally accepted all over the country that that was to be the policy of the department. In spite of that statement from the department we find that commissions have been issued to men who are registered under the draft who are about to be called to service, and that in many cases these men are commissioned to safety-first, noncombatant places. The committee believed that that was hardly fair, and we wanted full information as to the extent to which this pernicious practice has been allowed to go on.

Mr. KITCHIN. As I understood the gentleman to answer me a while ago, this is a unanimous report from the committee?

Mr. ANTHONY. It is.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

#### PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent for the present consideration of an omnibus pension bill that should have been passed two weeks ago to-day. I understand there is no objection to it.

The SPEAKER. This is not pension day.

Mr. RUSSELL. I know it is not, but I ask unanimous consent.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of an omnibus pension bill. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, is it just one bill?

Mr. RUSSELL. One bill from the Invalid Pensions Committee. I think the Pensions Committee have two small bills, but the chairman of that committee has not come in yet.

Mr. WALSH. The bill from the Invalid Pensions Committee, I understand, is a short one.

Mr. RUSSELL. A short bill. I do not think it will take 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. What is the number of the bill?

Mr. RUSSELL. No. 10850.

The SPEAKER. This bill is on the Private Calendar.

Mr. RUSSELL. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill (H. R. 10850) 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, as follows:

*Be it enacted*, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John S. Mott, late of Company E, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arabella Miller, widow of William Miller, late of Company D, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Joshua Markley, late of Company K, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael P. Wells, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Andrew King, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lafayette Crouser, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Johnson, late of Company H, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh Thompson, late of Company C, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George J. Wilson, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isabella C. Waddell, late a nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$20 per month.

The name of Edward O. Wright, late of Company E, Second Regiment New York Veteran Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Orrin J. Belden, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Lantz, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Conkle, late of Company D, Fourth Regiment West Virginia Cavalry, and Company —, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Rowland, late of Company E, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Samuel H. Samples, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Wilson Gaskill, late of Company C, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Eply, late of Company I, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Newitt F. Gorrell, late of Company D, Forty-fifth Regiment, and Company F, Fiftieth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonas F. Fortney, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Ambrose Wells, late of Company C, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Schmook, late of Company F, One hundred and eighteenth Regiment, and Company C, One hundred and fifty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Johnson Harris, late of Company I, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Martha E. Sellers, widow of Samuel S. Sellers, late of Capt. Gilbreath's company, Independent Scouts and Guides of Alabama, and pay her a pension at the rate of \$25 per month.

The name of William Criswell, late of Company G, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Theresa E. Bright, former widow of Henson Bright, late of Company I, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of David E. Rench, late of Company B, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Abraham Lanham, late of Company K, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Levi Mattern, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Seth W. Gray, late of Companies I and L, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of David Mitzel, late of Companies H and C, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Kilgore, late of Company K, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John W. Roads, late of the Second Independent Battery, Wisconsin Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Alonzo W. Covert, late of Company I, Twenty-fifth Regiment, and Company B, Ninth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Guthrie, helpless and dependent child of Perry Guthrie, late of Company K, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of David Compton, late of Company K, Sixty-seventh Regiment Indiana Volunteer Infantry, and Company K, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.



The name of George S. Winans, late of Company I, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Katie Edds, helpless and dependent child of Finis Edds, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Robert McGill, late of Company K, Fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George Houts, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Butler George, late of Company E, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alexander Klinedinst, late of Company D, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Myron I. Hartwell, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry H. Crane, late of Company B and G, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lucius A. West, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Krieger, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James D. Montgomery, late of Company D, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph M. Wagner, alias Joseph Mann, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John W. Leathers, late of Company G, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles H. Lakey, late of Company A, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James G. B. Lamb, late of Company K, Twenty-sixth Regiment, and Company C, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Story, late of Company K, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Shoup, late of Company B, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Gooding, late of Company F, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Burkhart, late of Company A, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert Harris, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Esto A. Makepeace, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of James D. Webb, late of Company G, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Nicholas Wetzel, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James W. Page, late of Company E, Maine Coast Guards Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Van Riper, late of Company A, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth Shoeman, widow of David Shoeman, late of Company I, Fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Hezekiah S. Williams, alias Hezekiah Straw, late of Company H, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Horace W. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas A. Jamison, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William M. Henderson, late of the United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Rosborough, late of Company E, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Williams Sollars, late of Companies A and D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Oliver J. Boord, late of Company C, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Alice L. Enloe, helpless and dependent child of Edwin T. Enloe, late of Company D, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of John Van Schoyk, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Jacob P. Ellis, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Lucretia Napier, dependent mother of Richard Napier, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Seth K. Coats, late of Company D, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jasper N. Woods, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James K. P. Morelock, late of Company B, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel McCammon, late of Company A, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Levi P. Fodrea, late of Company A, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of David R. Pringle, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jeremiah Hyatt, late of the United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jarrett E. Burgess, late of Company K, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Lemon, late of the Twenty-second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Arthur W. Brittingham, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of L. Ethel Bolton, helpless and dependent child of Charles W. Bolton, late of Company I, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Maggie L. Oliver, helpless and dependent child of John M. Oliver, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Phillip Kissel, late of Company B, First Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ambrose J. Knapp, late of Company A, Third New York Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Milton T. Monroe, late of Company A, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. Aultman, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Elias B. Green, late of Battery D, Third New York Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Anna Branigan, widow of John J. Branigan, late of Company C, Fourth Regiment, and Company L, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of John M. Culver, late of the United States Navy, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Margaret Berry, widow of Caleb Berry, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Isaac L. Prescott, late of Company B, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Newton, late of Company A, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Kendall, late of Company G, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Cyrus Riffe, late of Company C, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Powers, late of Company E, Thirty-ninth Regiment, and unassigned, Thirty-third Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry J. Olmstead, late of Company C, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John M. Robison, late of Company B, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eli Shidler, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Edwin Andrews, late of Company D, Hatch's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Uriah Smith, alias William Edwards, late of Company I, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elizabeth A. Munday, former widow of Donaldson Martin, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Daniel Ault, late of Company F, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William R. Brummett, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Era M. Bevier, widow of James E. Bevier, late of Company H, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Eli Abbott, late of Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Mershee, late of Company L, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.



The name of Henry C. Crooks, late of Company B, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Nelson White, late of Company F, Fortieth Regiment and Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary A. Kiplinger, widow of Reuben D. Kiplinger, late of Company C, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of David L. Buchanan, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Chester E. Kye, late of Company A, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mortimer L. Woodward, late of Company G, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jeremiah McIntosh, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Michael Ham, late of Company H, Forty-sixth Regiment, and Company G, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edmon Wade West, late of Company G, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Samuel J. Vaughn, late of Company C, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Frank W. Henninger, late of Company D, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Garrison J. Jaques, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah L. Seltzer, widow of A. Frank Seltzer, late of Company G, One hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Charles G. Mack, late of Company B, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. Moore, late of Company G, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Irving Holcomb, late of Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William C. McGhee, late of Company H, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert Harper, late of the United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eli Smith, late of Company K, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Rachel Woggerman, former widow of Daniel Lobaugh, late of Company F, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of John Wisner, late of Company K, One hundred and fifty-first Regiment, and Company E, Forty-sixth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Henry B. Towner, late of Company H, Seventeenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Reuben Sumpter, late of Battery A, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Williamson, late of Company L, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William W. Robinson, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Cross, late of Company L, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David G. R. Potec, late of Company I, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Mary E. Croasmun, widow of Oliver Croasmun, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of John H. Nickerson, late of Company D, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William D. Dunkerson, late of Company B, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Peter Jacoby, late of Company I, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William G. Abbott, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sabina Chaney, former widow of William J. Burcham, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Michael Reichert, late of Company H, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John A. Hollander, late of Company I, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William T. Eager, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Aaron Hall, late of Company D, Eighth Regiment, Kentucky Volunteer Infantry, and Company H, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William S. Kiddey, late of Company K, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Andrew J. Martin, late of Company D, First Regiment West Virginia Volunteer Infantry, and Company F, First Regiment United States Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary Sprague, now Eit, dependent mother of George W. Sprague, late of Company F, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Henry Weitzel, late of Company F, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William Logan, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Marcus L. K. Wells, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William P. Dorton, late of Company G, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Patton Coomer, late of Company H, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Uriah T. Alley, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edgar W. Lauck, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Columbus Sampson, late of Companies F and C, First Regiment District of Columbia Volunteer Infantry, and Company B, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William A. Campbell, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry G. C. Rose, late of Company G, Tenth Regiment Pennsylvania Reserve Infantry, and Thirty-seventh Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John P. Simonds, late of Company H, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John B. Williams, late of Company M, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James A. Burk, late of Company K, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 594. John S. Mott.

H. R. 788. Arabella Miller.

H. R. 1350. Joshua Markley.

H. R. 1362. Michael P. Wells.

H. R. 1380. Andrew King.

H. R. 1382. Lafayette Crouser.

H. R. 1483. Thomas Johnson.

H. R. 1941. Hugh Thompson.

H. R. 1986. George J. Wilson.

H. R. 2038. Isabella C. Waddell.

H. R. 2519. Edward C. Wright.

H. R. 2520. Orrin J. Belden.

H. R. 2558. David Lantz.

H. R. 2761. Jacob Conkie.

H. R. 2802. James W. Rowland.

H. R. 3513. Samuel H. Samples.

H. R. 3595. Wilson Gaskill.

H. R. 3598. William H. Eply.

H. R. 3870. Newitt F. Gorrell.

H. R. 4387. Jonas F. Fortney.

H. R. 4621. Ambrose Wells.

H. R. 4751. William Schmoock.

H. R. 5233. Johnson Harris.

H. R. 5304. Martha E. Sellers.

H. R. 5330. William Criswell.

H. R. 5352. Theresa E. Bright.

H. R. 5355. David E. Rench.

H. R. 5464. Abraham Lanham.

H. R. 5503. Levi Mattern.

H. R. 5603. Seth W. Gray.

H. R. 5618. David Mitzel.

H. R. 5754. Charles Kilgore.

H. R. 5759. John W. Roads.

H. R. 5844. Alonzo W. Covert.

H. R. 5921. Martin Guthrie.

H. R. 5946. David Compton.

H. R. 6207. George S. Winans.

H. R. 6423. Kattie Edds.

H. R. 6471. Robert McGill.

H. R. 6475. George Houts.

H. R. 6498. Butler George.

H. R. 6557. Alexander Klinedinst.

H. R. 6686. Myron I. Hartwell.

H. R. 6804. Henry H. Crane.

H. R. 6806. Lucius A. West.

H. R. 6814. Jacob Krieger.

H. R. 6834. James D. Montgomery.

H. R. 6991. Joseph M. Wagner, alias Joseph Mann.

H. R. 7109. John W. Leathers.

H. R. 7200. Charles H. Lakey.

H. R. 7202. James G. B. Lamb.

H. R. 7210. Charles Story.

H. R. 7216. John Shoup.

H. R. 7278. Samuel Gooding.

H. R. 7308. Joseph Burkhart.

H. R. 7371. Robert Harris.

H. R. 7373. Esto A. Makepeace.

H. R. 7420. James D. Webb.

H. R. 7482. Nicholas Wetzel.

H. R. 7490. James W. Page.

H. R. 7508. James Van Ripper.

H. R. 7612. Elizabeth Shoeman.

H. R. 7706. Hezekiah S. Williams, alias Hezekiah Straw.

H. R. 7755. Horace W. Brown.

H. R. 7805. Thomas A. Jamison.

H. R. 7819. William M. Henderson.

H. R. 7823. William J. Rosborough.

H. R. 8080. William Sollars.

H. R. 8112. Oliver J. Boord.

H. R. 8123. Alice L. Enloe.

H. R. 8136. John Van Schoyk.

H. R. 8155. Jacob P. Ellis.

H. R. 8206. Lucretia Napier.

H. R. 8220. Seth K. Coats.

H. R. 8262. Jasper N. Woods.

H. R. 8284. James K. P. Morelock.

H. R. 8285. Daniel McCammon.

H. R. 8475. Levi P. Fodren.

H. R. 8483. David R. Pringle.

H. R. 8510. Jeremiah Hyatt.

H. R. 8256. Jarrett E. Burgess.

H. R. 8537. David Lemon.

H. R. 8671. Arthur W. Brittingham.

H. R. 8794. L. Ethel Bolton.

H. R. 8818. Maggie L. Oliver.

H. R. 8955. Philip Kissel.

H. R. 9020. Ambrose J. Knapp.

H. R. 9113. Milton T. Monroe.

H. R. 9125. William A. Aultman.

H. R. 9154. Elias B. Green.

H. R. 9177. Annie Branigan.

H. R. 9231. John M. Culver.



H. R. 9419. Margaret Berry.  
 H. R. 9433. Isaac L. Prescott.  
 H. R. 9447. William Newton.  
 H. R. 9448. William H. Kendall.  
 H. R. 9471. Cyrus Riffe.  
 H. R. 9472. James Powers.  
 H. R. 9526. Henry J. Olmstead.  
 H. R. 9595. John M. Robison.  
 H. R. 9596. Eli Shidler.  
 H. R. 9606. Edwin Andrews.  
 H. R. 9658. Uriah Smith, alias William Edwards.  
 H. R. 9660. Elizabeth A. Munday.  
 H. R. 9676. Daniel Ault.  
 H. R. 9687. William R. Brummett.  
 H. R. 9742. Eva M. Bevier.  
 H. R. 9745. Eli Abbott.  
 H. R. 9763. John Megehee.  
 H. R. 9851. Henry C. Crooks.  
 H. R. 9859. Nelson White.  
 H. R. 9938. Mary A. Kiplinger.  
 H. R. 9940. David L. Buchannan.  
 H. R. 9954. Chester E. Kyte.  
 H. R. 9982. Mortimer L. Woodward.  
 H. R. 9983. Jeremiah McIntosh.  
 H. R. 10002. Michael Ham.  
 H. R. 10004. Edmond Wade West.  
 H. R. 10030. Samuel J. Vaughn.  
 H. R. 10116. Frank W. Henninger.  
 H. R. 10169. Garrison J. Jaques.  
 H. R. 10173. Sarah L. Seltzer.  
 H. R. 10174. Charles G. Mack.  
 H. R. 10179. James C. Moore.  
 H. R. 10212. Irving Holcomb.  
 H. R. 10222. Philo M. Russell.  
 H. R. 10229. William C. McGhee.  
 H. R. 10248. Robert Harper.

H. R. 10256. Eli Smith.  
 H. R. 10260. Rachel Woggerman.  
 H. R. 10276. John J. Wisner.  
 H. R. 10278. Henry B. Towner.  
 H. R. 10279. Reuben Sumpter.  
 H. R. 10283. James Williamson.  
 H. R. 10315. William W. Robinson.  
 H. R. 10341. Charles W. Cross.  
 H. R. 10345. David G. R. Poteet.  
 H. R. 10374. Mary E. Croasmun.  
 H. R. 10382. John H. Nickerson.  
 H. R. 10383. William D. Dunkerson.  
 H. R. 10388. Peter Jacoby.  
 H. R. 10389. William G. Abbott.  
 H. R. 10402. Sabina Chaney.  
 H. R. 10420. Michael Reichert.  
 H. R. 10421. John A. Hollander.  
 H. R. 10441. William T. Eager.  
 H. R. 10442. Aaron Hall.  
 H. R. 10449. William S. Kiddey.  
 H. R. 10451. Andrew J. Martin.  
 H. R. 10461. Mary Sprague, now Ett.  
 H. R. 10465. Henry Weitzel.  
 H. R. 10489. William Logan.  
 H. R. 10497. Marcus L. K. Wells.  
 H. R. 10498. William P. Dorton.  
 H. R. 10528. Patton Coomer.  
 H. R. 10532. Uriah T. Alley.  
 H. R. 10538. Edgar W. Lauck.  
 H. R. 10541. Columbus Sampson.  
 H. R. 10545. William A. Campbell.  
 H. R. 10566. Henry G. C. Rose.  
 H. R. 10574. John P. Simonds.  
 H. R. 10576. John B. Williams.  
 H. R. 10806. James A. Burk.

Mr. RUSSELL. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to call up a pension bill, House bill 10924.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a pension bill, which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 10924) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. WALSH. Mr. Speaker, reserving the right to object, does the gentleman intend to call up any other bills?

Mr. TILLMAN. This is the only bill, as far as I am concerned.

Mr. WALSH. It is a short bill?

Mr. TILLMAN. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George W. Keenan, late of Company I, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James E. Martin, late of Company M, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John P. Kirby, late of Company H, Ninth Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Thomas E. Tanner, late of Company H, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Leslie G. Phillips, alias Gordon L. Phillips, late of Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Orville C. Bolt, late of Company I, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Lorenzo D. Romine, late of Company K, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James A. Annas, late of Company L, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank A. Crawford, late of Troop D, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Charles H. Howell, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Bernhard Bolen, late of Company A, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Fred Yeomans, late of Troop C, Sixth Regiment United States Cavalry, and Company L, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John Groth, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Percy H. Allen, late of Company F, Second Battalion of Engineers, United States Army, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Leo A. Kelly, late of Companies E and H, Twenty-sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Margaret C. Fargo, dependent mother of William H. Fargo, deceased, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of T. McElvany, late of Company C-2, Arkansas Veteran Infantry, and Company K, Thirty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Otis H. Sidener, late of Company F, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank C. Barrow, late of Company B, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Louis Settles, late of Company E, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Joshua W. Reed, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Julian A. Wiggins, late of Company M, First Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of James L. Henderson, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Lewis Spele, late of Troop A, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of George A. Holmes, late of Company H, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Charles A. Swander, late of Company C, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mary Diven, dependent mother of Edward T. Diven, jr., deceased, late of Company I, First Regiment Maryland Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William J. McCabe, late of Company I, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Eugene A. Hendricks, late of Company A, First Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mace H. Corsbie, late of Company B, Second Regiment Mississippi Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 1432. George W. Keenan.	H. R. 7322. Otis H. Sidener.
H. R. 1819. James E. Martin.	H. R. 8217. Frank C. Barrow.
H. R. 2238. John P. Kirby.	H. R. 8684. Louis Settles.
H. R. 2244. Thomas E. Tanner.	H. R. 9207. Joshua W. Reed.
H. R. 2246. Leslie G. Phillips, alias Gordon L. Phillips.	H. R. 9365. Lewis Spele.
H. R. 2422. Orville C. Bolt.	H. R. 9421. Julian A. Wiggins.
H. R. 2276. Lorenzo D. Romine.	H. R. 9463. James L. Henderson.
H. R. 2280. James A. Annas.	H. R. 9484. George A. Holmes.
H. R. 3887. Frank A. Crawford.	H. R. 9892. Charles A. Swander.
H. R. 4011. Charles H. Howell.	H. R. 10053. William J. McCabe.
H. R. 4080. Bernhard Bolen.	H. R. 10133. Mary Diven.
H. R. 4291. Fred Yeomans.	H. R. 10146. Eugene A. Hendricks.
H. R. 6298. Percy H. Allen.	H. R. 10584. Mace H. Corsbie.
H. R. 6340. Leo A. Kelly.	H. R. 15567. John Groth.
H. R. 6568. Margaret C. Fargo.	H. R. 73112. T. McElvany.

Mr. TILLMAN. Mr. Speaker, I move the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. TILLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ENROLLED BILL SIGNED.

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

H. R. 9352. An act to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes.

#### ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported on April 4, 1918, that they presented to the President of the United States for his approval the following bill:

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds

to meet expenditures for the national security and defense and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes."

BRIDGE ACROSS CLARK FORK RIVER, BONNER COUNTY, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4102, and consider the same.

The SPEAKER. The gentleman from Idaho asks unanimous consent for the present consideration of the bill S. 4102, a bridge bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 4102) granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the county commissioners of Bonner County, Idaho, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Clark Fork River, in Bonner County, Idaho, at a point suitable to the interests of navigation, at or near the village of Clark Fork, in the county of Bonner, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill (H. R. 10593) of similar tenor was laid on the table.

PENSIONS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10843, a pension bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take up the bill H. R. 10843, a pension bill. Is there objection?

Mr. WALSH. Reserving the right to object, when was this bill reported?

Mr. LINTHICUM. On March 19, 1918.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

A bill (H. R. 10843) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Andrew Heuser, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The name of James Park, late of Company K, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Edmund S. Auld, alias Storey E. Auld, late of Company K, First Regiment North Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Jeddo Q. McNatt, late of Company B, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James R. Hays, late of Troop L, First Texas Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of William L. Snider, late of Company I, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Thomas J. Harris, late of Company C, Eighth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George Tuffensam, late of Company M, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Pauline A. Randt, dependent mother of John W. Randt, deceased, late of Company I, Twenty-first Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of Andrew E. Younginer, late of the Thirteenth Recruit Company, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of George H. McCauley, late of Company G, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Dick Parker, late of Company A, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Francis O. Nash, late acting assistant surgeon in the United States Army, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry W. Kappes, late of United States Navy, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The name of Eddy B. Stevens, late first lieutenant, Third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Arthur H. Loomis, late of Company E, Twenty-second Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Howard A. Littlejohn, late of Heavy Battery, South Carolina Volunteer Artillery, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Pollock T. Harbold, late of Company M, First Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Lemial S. Darr, late of Troop B, Eighth United States Cavalry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Frank W. Allen, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Joseph E. Neargarder, late of United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Wilburn Hall, late of Company A, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George W. Bean, late of Company F, Eighth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Harry Owen, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of John Ashton, late of Company E, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John T. Garrett, late of Company K, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Ralph A. Finicle, late of Company L, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Arthur J. Jerome, late of Company D, Thirteenth Regiment Minnesota Volunteer Infantry, and Company I, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of John E. Root, late of Troop D, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Pearley P. Beal, late of Company I, Ninth Regiment Illinois Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of David Mann, late of Company G, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Greene B. Caywood, late of Company A, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Roscoe Wilkins, late of Eleventh Recruit Company, General Service Infantry, United States Army, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The name of Trigg Lewis, late of Company G, Third Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Joseph Harris, late of Troop C, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of John F. Smoot, late of Company E, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Carl Z. Werk, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George M. Federkiel, late of Company B, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank A. Pfeffeler, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Martin L. Payne, late of Company F, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of George W. Hyland, late of Company I, First Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Walter L. Jewell, late of Troop B, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Leo Voelker, late of Company B, Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of William V. Schwoyer, late of Company M, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Howard P. Hare, late of the Eighteenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Edward P. Gallagher, late of Company G, Two hundred and third Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George W. Boling, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Charles F. Schiller, late of Troop B, First Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Simpkins, late of Company D, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of Robert Dinsmore, late of Company E, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hulbert O. White, dependent father of Claude R. White, deceased, late of Company A, Twenty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of William Weddington, late of the Eighteenth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$17 per month.



The name of Michael Lacey, late of Company L, Third Battalion Engineers, United States Army, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles L. Johnson, late of Troop M, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of John D. Bridgman, late of Battery B, Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of George W. Craig, late of Company D, Third Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Charles F. Sparger, late of Company K, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William J. Shirley, late of Company A, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Charles L. McClure, late of Company M, Second Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Amos H. Archer, late of Company D, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Franklin A. Peters, late of the Hospital Corps, United States Army, and Company E, First Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of William Lehsing, late of Troop K, Fifth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Bernard Klatt, late of Company G, Fifteenth Regiment United States Infantry, and Troop I, Third Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of William F. Graham, late of Company D, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Olaf H. Heieie, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Elmer R. Harrington, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Thaddeus M. Kelly, late cadet, United States Military Academy, West Point, N. Y., Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Martin Quinn, late of Company D, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Martin Salmon, late of Company K, Ninth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Elmer F. Malone, late of Twentieth Battery United States Field Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of James Manning, late of Company E, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of John Bush, late of Company F, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Christine Cook, dependent mother of Frederick H. Cook, deceased, late of Company L, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of Charles H. Carey, late captain and assistant surgeon Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert T. Riddings, late of Battery F, Fourth Regiment United States Artillery, and general service United States Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Beattie, late of Company H, Fifteenth Regiment United States Infantry, War with Mexico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Robert W. Griffin, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Luther S. Campbell, late of Company C, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Samuel D. Lee, late of the Twenty-sixth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Leontine M. Cremerieux, late nurse, Medical Department United States Army, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of William C. Crockett, late of Company G, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of William M. Simms, late of Troop L, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Stanley W. Lemley, late of Company L, Third Battalion United States Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The name of Mary Leahy, dependent mother of Cornelius J. Leahy, late of Company A, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Harry E. Bryan, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Stapleton, late of Company I, Two hundred and second Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Mart Bradshaw, late of Company A, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

This bill is a substitute for the following House bills referred to said committee:

H. R. 701. Andrew Heuser.	H. R. 7242. Howard P. Hare.
H. R. 753. James Park.	H. R. 7317. Edward P. Gallagher.
H. R. 957. Edmund S. Auld, alias Storey E. Auld.	H. R. 7453. George W. Bolling.
H. R. 996. Jeddo Q. McNatt.	H. R. 7505. Charles Schiller.
H. R. 1194. James R. Hays.	H. R. 7502. David Simpkins.
H. R. 1244. William L. Snider.	H. R. 7524. Robert Dinsmore.
H. R. 1613. Thomas J. Harris.	H. R. 7592. Hubert O. White.
H. R. 1817. George Tuffendsam.	H. R. 7704. William Weddington.
H. R. 1925. Pauline A. Randt.	H. R. 7707. Michael Lacey.
H. R. 2210. Andrew E. Younginer.	H. R. 7723. Charles L. Johnson.
H. R. 2237. George H. McCauley.	H. R. 7878. John D. Bridgman.
H. R. 2706. Dick Parker.	H. R. 7933. George W. Craig.
H. R. 2824. Francis O. Nash.	H. R. 7975. Charles F. Spranger.
H. R. 2994. Henry W. Kappes.	H. R. 8060. William J. Shirley.
H. R. 3188. Eddy B. Stevens.	H. R. 8064. Charles L. McClure.
H. R. 3629. Arthur H. Loomis.	H. R. 8072. Richard Thrash.
H. R. 3693. Howard A. Littlejohn.	H. R. 8403. Amos H. Archer.
H. R. 3943. Pollock T. Harbold.	H. R. 8572. Franklin A. Peters.
H. R. 4008. Lemuel S. Darr.	H. R. 8578. William Lehsing.
H. R. 4089. Frank W. Allen.	H. R. 8653. Bernard Klatt.
H. R. 4275. Joseph E. Neargarder.	H. R. 8654. William F. Graham.
H. R. 4555. Wilburn Hall.	H. R. 8664. Olaf H. Heieie.
H. R. 4926. George W. Bean.	H. R. 8676. Elmer R. Harrington.
H. R. 5178. Harry Owen.	H. R. 8813. Thaddeus M. Kelly.
H. R. 5302. John Ashton.	H. R. 8907. Martin Quinn.
H. R. 5458. John T. Garrett.	H. R. 9030. Martin Salmon.
H. R. 5509. Ralph A. Finicle.	H. R. 9126. Elmer F. Malone.
H. R. 5689. Arthur J. Jerome.	H. R. 9127. James Manning.
H. R. 5785. John E. Root.	H. R. 9189. John Bush.
H. R. 5860. Pearley P. Beal.	H. R. 9334. Christine Cook.
H. R. 5884. David Mann.	H. R. 9342. Charles H. Carey.
H. R. 5898. Greene B. Caywood.	H. R. 9362. Robert T. Riddings.
H. R. 6212. Rosco Wilkins.	H. R. 9381. John Beattie.
H. R. 6222. Trigg Lewis.	H. R. 9401. Robert W. Griffen.
H. R. 6313. Joseph Harris.	H. R. 9655. Luther S. Campbell.
H. R. 6502. John F. Smoot.	H. R. 9664. Samuel D. Lee.
H. R. 6735. Carl Z. Work.	H. R. 9692. Leontine M. Cremerieux.
H. R. 6768. George M. Federkiel.	H. R. 9702. William C. Crockett.
H. R. 6770. Frank A. Pfefferle.	H. R. 9756. William M. Simms.
H. R. 6871. Martin L. Payne.	H. R. 9803. Stanley W. Lemley.
H. R. 6897. George W. Hyland.	H. R. 9848. Mary Leahy.
H. R. 7045. Walter L. Jewell.	H. R. 9915. Harry E. Bryan.
H. R. 7056. Leo Voelker.	H. R. 10042. James Stapleton.
H. R. 7124. William V. Schwoyer.	H. R. 11020. Mart Bradshaw.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I move to strike out the last word. I desire to ask the gentleman in charge of the bill in reference to pension bills. I notice that this is granting increase of pensions in some cases and original pensions in others to the soldiers in the Regular Army and soldiers of the Spanish War, and so on.

Mr. KEY of Ohio. That is correct.

Mr. DYER. Are these cases where men have applied for a pension under the general law and been rejected in each case?

Mr. KEY of Ohio. Where they have made applications to the bureau for original or increase pensions, and they have been rejected.

Mr. DYER. Is it necessary that a soldier must have made application to the Pension Bureau and been rejected before the committee considers his claim?

Mr. KEY of Ohio. Unless it is apparent that the soldier would not have had a pensionable status under existing law.

Mr. DYER. I want to ask the chairman of the committee about the cases of widows of the Spanish War and Philippine insurrection soldiers. In this bill I do not see a single widow provided for.

Mr. KEY of Ohio. I will explain the situation. It is like this: Last fall the House, when it passed the war-risk insurance bill, increased the rate of pensions of Civil War widows and Spanish War widows to \$25 a month; that is, for those widows whose names were then on the roll and those who hereafter may be placed on the roll. That, in a large measure, disturbed the present rate that the Pension Committee had agreed upon, and before we could proceed to grant further pensions and increase of pensions to widows it was necessary for us to get in touch with the Senate Committee on Pensions and have some understanding as to the rate that the two committees would give, if possible. The chairman of the Senate committee recently died, and there being no head to that committee, it was impossible to get in touch with any member of the committee who would assume responsibility in such matters. Recently Senator Walsh, of

Montana, has been appointed chairman of that committee, and he has stated that he would appoint a subcommittee to confer with a subcommittee on pensions in the House with a view to taking up and fixing some rate that would be agreeable. That subcommittee will meet some time this week, I hope, to determine the rate, and as soon as the committee can get together and have an understanding the House committee will proceed to consider pensions for Spanish War widows and all other widows.

Mr. DYER. I am glad to hear the gentleman state that, because there are many deserving cases awaiting action. I am sure the chairman of the committee and the committee itself is doing its full duty, but there are many cases of widows of the Spanish War and of the Philippine insurrection whose applications have been rejected on some technicality in the Pension Office. Many of them are dependent, with children, and suffering to some extent, and they have not been receiving the same consideration as other war widows.

Mr. KEY of Ohio. They will receive consideration very soon. Mr. DYER. I hope the gentleman will urge it.

The following committee amendment was agreed to:

Page 14, line 4, strike out the following: "The name of Harry E. Bryan, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving," the soldier having died.

Mr. LINTHICUM. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### ARLINGTON HOTEL PROPERTY.

Mr. POU. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The Clerk read as follows:

#### House resolution 262.

*Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10022, entitled "A bill authorizing the Secretary of the Treasury to purchase the site and building now under construction thereon, known as the Arlington Hotel property"; that there shall be not to exceed two hours of general debate to be divided equally between those supporting and those opposing the bill; that at the conclusion of general debate the bill shall be considered under the five-minute rule for amendments, and after the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such amendments and recommendation as the Committee of the Whole may make, whereupon the previous question shall be considered as ordered upon the bill, and all amendments thereto, to final passage without intervening motion except one motion to recommit the bill.

Mr. KITCHIN. Mr. Speaker, if the gentleman from North Carolina will pardon me, I thought it was understood that this rule was not going to be reported. The gentleman from Tennessee [Mr. GARRETT] and myself tried this morning to get in touch with the gentleman, in order to confer with him about the matter. We agreed that it was not necessary to call up this rule, and concluded that it was not necessary at this time to pass the bill to which the rule referred; that the matter could be adjusted by a simple appropriation from the Appropriation Committee reimbursing the emergency fund with the amount which the President took from such fund and expended for the purchase of the Arlington site and building. I talked with the Secretary of the Treasury a few moments ago. He had no objection to this course.

Mr. POU. Mr. Speaker, I am glad indeed to learn that from the gentleman, and very glad indeed to learn that the resolution is not necessary. The fact is, the provisions of the bill authorizing the purchase of the Arlington property will have to be changed. I got here just as quickly as I could, but was not present when the conference took place. I ask unanimous consent, if that be necessary, to withdraw the resolution.

The SPEAKER. The gentleman does not have to get unanimous consent. The gentleman withdraws the resolution.

Mr. MILLER of Minnesota. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MILLER of Minnesota. Do I understand that the rule that was submitted by the gentleman from North Carolina has been withdrawn?

The SPEAKER. It has been withdrawn.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation

of certain public works on rivers and harbors, and for other purposes. Pending that motion I would like to inquire if the gentleman from Iowa [Mr. KENNEDY] is in the Hall?

Mr. GILLETT. Mr. Speaker, Mr. KENNEDY was here a few moments ago, but he went away understanding that the other matter was coming up just submitted and withdrawn by the gentleman from North Carolina [Mr. POU]. I suggest to the gentleman from North Carolina [Mr. SMALL] that he arrange that general debate shall proceed with the understanding that the time shall be controlled by him and Mr. KENNEDY in equal parts, postponing the fixing of the amount of time until later.

Mr. SMALL. Mr. Speaker, pending the return of Mr. KENNEDY, then, I ask unanimous consent that the time of general debate be controlled one-half by myself and one-half by the gentleman from Iowa [Mr. KENNEDY].

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the time for general debate be controlled half and half by himself and the gentleman from Iowa [Mr. KENNEDY]. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I trust the House will indulge me for just a moment. I hope that we shall all cut down general debate on the appropriation bills and on other bills as much as possible, not, however, to interfere with a full and fair discussion of their merits. I am confident that if the membership of the House will cooperate with the gentleman from Massachusetts [Mr. GILLETT] and myself we shall be able to adjourn certainly by the 1st of July, and we hope earlier. [Applause.] Heretofore we have all had our fears in respect to the Senate; we have thought that it mattered not how early we concluded our business here, the Senate could be relied on to take its full and dignified time in concluding its business, but I am assured by Senators, and I am confident that they will make good the assurance, that if nothing unforeseen happens the Senate will be ready to adjourn as early as the House. They think Congress should be ready to adjourn not later than July 1.

Mr. CANDLER of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. CANDLER of Mississippi. A good many requests are being made—I have had some myself as I presume others have—urging me and others to go away from here at the present time or soon to make liberty-loan speeches. Of course, I would be glad, and others would be glad, to help in every way possible in this patriotic work. Does the gentleman from North Carolina believe it would be best for Members of the House to leave their duties here at the present time or soon and go away for that purpose, or does he think it necessary for the membership to remain here?

Mr. KITCHIN. As a rule, I think it is very necessary for the membership to remain here and transact the business of the House and the necessary work of Congress. Of course, there may be exceptional individual cases here and there where a Member can safely go away for a reasonable time, and in such cases there should be no criticism of a Member leaving, but I would say generally that it is very necessary for the membership of the House to remain here.

Mr. CANDLER of Mississippi. And if the membership does remain here important war measures can be promptly passed and the adjournment may be expedited?

Mr. KITCHIN. Not only adjournment may be expedited, but important war measures necessary to be passed will be expedited. Without knowing the urgent necessity of the early passage of some important measures, some Members have made engagements to make liberty-loan speeches. Of course, they will have to keep those engagements, and we will have to make proper arrangements for their absence. There may be and are no doubt exceptional cases, as I say, here and there, but I would say generally that the membership of the House will do a great deal better service to their country by remaining here and getting through the necessary legislation than by going away.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. CAMPBELL of Kansas. For some weeks the Provost Marshal has been urging the House to pass a bill which has already passed the Senate revising the draft law. An urgent meeting of the Committee on Rules was called a few days ago in respect to it, and the committee agreed on a resolution making that bill in order in the House. It was to take precedence over all other rules that had been agreed to. I thought it would have been called up on last Wednesday. Nothing has been done, however. Why has that important war measure been set aside by the River and Harbor Committee this morning?



Mr. KITCHIN. Mr. Speaker, I would say to the gentleman that my understanding from the Committee on Military Affairs is that it is not quite ready to take up this bill; but whenever the committee is ready to take it up, and that will be probably Monday, I am sure the Committee on Rivers and Harbors will give way. The gentleman from North Carolina [Mr. SMALL] will confirm me in the statement that it was understood that the draft bill would have precedence over the river and harbor bill whenever the Military Affairs Committee was ready, even to the extent of displacing the river and harbor bill during its consideration, for such time as may be necessary for the consideration and passage of the draft bill.

Mr. ANTHONY. Mr. Speaker, it is my understanding that the Committee on Military Affairs is still waiting for some figures and statistics from the Provost Marshal General's office, which they have been delayed in furnishing.

Mr. KITCHIN. I am very glad that the gentleman, who is a prominent and active member of the Military Affairs Committee, made that statement. I do not want the House and the country to think that we are putting anything ahead of that, or any war measure.

Mr. CAMPBELL of Kansas. The gentleman is not surprised that the question was raised why this committee should take precedence with this bill?

Mr. KITCHIN. No. I raised that question two or three days ago and went to the chairman of the Committee on Military Affairs, and he stated to me what the gentleman from Kansas [Mr. ANTHONY] has just stated.

Mr. MONTAGUE. Mr. Speaker, I have not quite understood the gentleman from North Carolina [Mr. KITCHIN], and I desire to propound a question. Do I understand that the reason for the delay in the consideration of the draft measure is not due to any lack of diligence on the part of the House, but of the War Department in supplying information?

Mr. KITCHIN. No; I would not say that there is any responsibility either way. I say that the War Department is doing its best to get such figures and facts as the committee desires, and the committee is doing its best to get ready to have the bill properly considered in the House.

Mr. MONTAGUE. Then this is the fact: The War Department is doing its best—there is no criticism of that—but we are waiting upon the War Department?

Mr. MADDEN. If I may be allowed, I object to that—

Mr. KITCHIN. So far as I know, the committee is waiting on the War Department.

Mr. MADDEN. I do not want any misunderstanding. I do not think the committee is waiting for the War Department at all, but waiting for some members of the Committee on Military Affairs absent from the city to come back, and arrangements have been made that the bill would not be called up until the return of those members. I happen to know that Gen. Crowder, Provost Marshal General, has been urging early action on the new draft law, and the delay is embarrassing the War Department, and action should not be delayed longer by the House; at any rate, the blame should be placed where it belongs.

Mr. KITCHIN. I will state that the delay, even an unnecessary delay for a week or longer, will postpone the actual draft. The failure to pass the bill earlier has not embarrassed the department.

Mr. GARNER. Mr. Speaker—

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

Mr. GARNER. I want to know if I can interrogate the gentleman from Kansas in the time of the gentleman from North Carolina?

The SPEAKER. The gentleman from North Carolina governs that.

Mr. GARNER. That is what I am seeking recognition of the Chair for, to ask the gentleman from North Carolina if he will permit me to interrogate the gentleman from Kansas?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Texas and the gentleman from Kansas to have an interrogatory debate? [Laughter.]

Mr. KITCHIN. Mr. Speaker, well, I reluctantly yield.

Mr. GARNER. I want to ask the gentleman from Kansas [Mr. ANTHONY] whether the statement made by the gentleman from Illinois is based on facts?

Mr. ANTHONY. I did not hear the statement.

Mr. GARNER. The statement of the gentleman from Illinois was to the effect that they were not waiting for information from the War Department, but waiting on certain members of the Committee on Military Affairs to return to the city.

Mr. ANTHONY. I would say both statements are correct. It is my understanding that the committee is waiting, or, rather,

some of its members are waiting, on information to be furnished by the Provost Marshal General, and it is also true that one very efficient member of the Committee on Military Affairs, who is somewhat alarmed about the quota from his own State under the new classification, has gone to his home for the purpose of securing information as to how this new classification will work in his own State.

Mr. LONGWORTH. He has not been in Wisconsin?

Mr. ANTHONY. I do not think he has been in Wisconsin.

Mr. GARNER. Do I understand the gentleman to say the entire draft law will be held up an indefinite period of time for a gentleman to go to his district to ascertain what effect it will have on his district?

Mr. ANTHONY. Oh, no; it is my opinion the whole matter will be ready in a few days; that the Provost Marshal will be able to furnish all the information desired, and members of the committee prepared to discuss intelligently some of the radical changes proposed.

Mr. HUMPHREYS. Will the gentleman yield for me to put a question to the gentleman from Kansas? Would your committee be ready to proceed now if the Provost Marshal General had furnished the information?

Mr. ANTHONY. In my opinion the committee is ready to take up the bill at this minute if the House desires to do so. I do not believe this information for which some of the Members are waiting vitally affects the bill, but others believe it does. If it be the desire of the House to take it up and pass it to-day, it could be taken up.

Mr. HUMPHREYS. What—if the gentleman can state it—what is the opinion of the Provost Marshal General on that subject—that we ought to proceed without the information, or had better wait?

Mr. ANTHONY. I have not heard any intimation from him in regard to it, but individual Members think they should have certain information before proceeding, and out of deference to them, I understand, it has been held up for a few days. While undoubtedly the bill is one which should be speedily enacted into law, so that the country may know what to expect, yet it is my understanding that no draft under this new legislation is to be made in the near future, perhaps not until June, when the new quota of men who have become 21 years of age since the last registration will be called upon to register. Nearly all of these young men will go into class 1, and it is our impression that, under the authority proposed to be given, the War Department means to fill the ranks of our armies from that time on almost entirely from the men of the first classification.

Mr. CAMPBELL of Kansas. Mr. Speaker—

Mr. KING. Regular order!

The SPEAKER. The gentleman from Illinois demands regular order. The regular order is, Is there objection to the request made by the gentleman from North Carolina [Mr. SMALL] that he control the half of the time and the gentleman from Iowa [Mr. KENNEDY] the other half? [After a pause.] The Chair hears none. The Chair understood the gentleman from Massachusetts [Mr. GILLETT] to make some kind of a request.

Mr. GILLETT. Mr. Speaker, I ask if I may address the House for two minutes.

The SPEAKER. How much time?

Mr. GILLETT. For two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Speaker, no Member of the House is more earnest or desirous of getting away early than I am, or will cooperate more to that end when I think such cooperation will be effective, but I have been here so long and I have heard so many of these rainbow suggestions that we could get away by the middle of June or the 1st of July and see them disappointed, that I will confess I am rather pessimistic in reference to the suggestion which the gentleman from North Carolina makes. I have not as much confidence in the power of the Senate to suppress their love for expression [laughter] as to hope that they will be ready to adjourn by the time the gentleman mentions, and, therefore, while I say I will be very glad and I am sure we will all be on this side, to cooperate toward that end, I do not think that that argument should compel us to suppress any important facts which we think it would be wise to communicate to our fellow Members here on the floor, and I do not think it ought to be used as a lever to prevent reasonable discussion.

Mr. KITCHIN. I will assure the gentleman it will not be so used.

Mr. GILLETT. I did not mean to intimate any such intention.

Mr. KITCHIN. Mr. Speaker, I would like to have two minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to speak for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I just want to call the attention of the House to the fact that those rosy predictions by me delivered during the last Congress or the last session were all verified. I made the prediction that the House could and would get through with its business before July—by June 1, if necessary—but I could not be responsible for the Senate. I wish to say now my confidence in the Senate's facilitating business has grown considerably in the last three or four months, because it has done more work, passed more legislation, from December till now than it has in the last 18 years in the same length of time. I agree with the gentleman from Massachusetts [Mr. GILLETT] that there should be full discussion on the merits of every bill considered, but I do wish the Members of the House to cut out a good deal more gas and hot air than they usually do in the long session.

Mr. MADDEN. I congratulate the gentleman from North Carolina on his power to exercise his salutary influence over the Senate. He is the first man in the House that has been able to do it.

The SPEAKER. The time of the gentleman has expired.

PROMOTION OF EXPORT TRADE (H. REPT. 468).

Mr. WEBB, by direction of the Committee on the Judiciary, submitted a conference report on the bill H. R. 2316, an act to promote export trade, and for other purposes, for printing under the rules.

ALIEN WOMEN.

Mr. WEBB, by direction of the Committee on the Judiciary, submitted a conference report on the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, for printing under the rules.

RIVERS AND HARBORS.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union.

Mr. SMALL. Mr. Speaker, the gentleman from Iowa [Mr. KENNEDY] is in the Hall now, and I would like to see if we can agree on the time for general debate.

Mr. KENNEDY of Iowa. I suggest that we run along during the day, and we can make an agreement this afternoon for closing debate. I have requests for about four hours on this side, and I think most of the speakers desire to speak to the bill.

Mr. SMALL. There are requests for only about two hours on this side.

Mr. KENNEDY of Iowa. Let us run on the balance of the day, and we will agree on time for general debate this evening.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill.

The question was taken, and the Speaker announced that the eyes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 121, noes 8.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, 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 consideration of the river and harbor appropriation bill, of which the Clerk will report the 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.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, the Committee on Rivers and Harbors present the annual river and harbor bill, and I would wish to emphasize the statement that this is an annual bill. The maintenance and improvement of rivers and harbors for navigation constitute as valuable an activity of the Government as any other. Upon their navigability depends the water transportation of the country. Water transportation is one of the instrumentalities for the movement of traffic and a most valuable factor in transportation, and any lapse in the passage of

the annual river and harbor bills means a distinct detriment to this instrumentality of transportation.

In the drafting of this bill the committee have been controlled by a well-defined policy. The bill contains appropriations for the maintenance of rivers and harbors heretofore completed. It contains, further, appropriations for the further improvement of projects which have been heretofore adopted but not completed. It further contains appropriations for a few new projects which have been adopted in the bill. Those constitute the only appropriations, except an item for examinations and surveys. A word of explanation now about the policy by which the committee has been governed.

The appropriations for maintenance and for further improvement have been primarily based upon recommendations by the Chief of Engineers, and in no instance has the committee included an appropriation above the estimates so submitted. These estimates have been formulated in the interest of economy and with due regard to war conditions. Recognizing the large demand for labor, for materials which enter into river and harbor works, the large demands upon the Treasury for exclusive war purposes, the committee deemed it proper to reduce each appropriation to the limit of wise economy; and appropriations have only been recommended for maintenance and further improvements which are necessary to maintain the organization of the War Department in the prosecution of this work.

This policy of the committee was not adopted without discussion, without incurring disappointments, but the committee believe that under all the conditions its wisdom will appear to be so obvious that it will meet with the approval of the House and the country. We hope the House will deem it wise to agree with this policy of the committee and decline to increase any appropriations in the bill.

As to new projects, the committee adopted the same policy which governed them in the formulation of the last bill; that is to say, they have recommended no projects for inclusion in this bill which were not intimately associated with the prosecution of the war and so recommended by the Secretary of War. As a matter of fact, there are only three new projects, and two of them only might be termed new projects. One is for the construction of a channel connecting Long Beach and Los Angeles Harbors, Cal., which was strongly urged upon the committee by the United States Shipping Board, growing out of shipbuilding activities, particularly at Long Beach. That carries an appropriation. Another new project is for Crescent City Harbor, Cal., which was urged upon the committee by the War Industries Board, because of the existence of chrome, a valuable mineral in the making of explosives and other war materials, and the necessity of providing facilities for transporting same. The paragraph adopting this new project for Crescent City Harbor carries no appropriation. The original report recommended the imposition of local cooperation to the extent of \$100,000, and the locality voluntarily agreed to increase that cooperation to the extent of \$200,000, which is the extent of the initial appropriation; therefore, nothing is appropriated in this bill at this time.

Another is a modification of the project for Galveston Harbor and Channel, for deepening the channel over the bar. The present depth is maintained by the construction and maintenance of jetties, but the engineers believe that an increased depth from 30 to 35 feet could be secured by dredging, and with a view to making that experiment, and if successful, thereby saving a large sum of money to the Treasury in expensive jetty construction, the committee have adopted a modification of the project in order to give an opportunity for that experiment, involving only \$65,000, which is provided for out of the existing available appropriation and therefore requires no appropriation in this bill.

In a general way I have stated the policy which controlled the committee, and it may be well now to refer to the actual appropriations, which have been made for these several purposes. The bill carries for maintenance, \$2,358,050; for maintenance and continuing improvement, \$2,642,500; for further improvements, \$14,027,350; for surveys and contingencies, \$200,000; total appropriations carried in the bill, \$19,227,900. The statement of that aggregate sum will at once impress the House with the result of the policy controlling the committee in the formulation of the bill. The bill is modest and absolutely conforms to all the necessary conditions imposed by the war.

I would like to say a word now about surveys. After mature deliberation the committee determined to omit from this bill any authorizations for examinations and surveys. In this conclusion they took into consideration these conditions.

Many of the United States Army Engineers heretofore engaged in river and harbor work have been detailed to active



military duty, and quite a number of engineer districts in the country have been placed in the charge of civilian engineers, in nearly every instance trained men who have had years of experience in the particular works in progress in such districts.

Again, there are about 150 authorizations of surveys heretofore made upon which no report has yet been submitted. I may say again that in the last bill an amendment was inserted in the House as to surveys authorized in that bill, to the effect that no survey so authorized should be made until after the close of the war with Germany, except such as the Secretary of War shall direct. So, in view of all those considerations gentlemen will understand the reason for the conclusion of the committee in determining to omit any new authorizations for examinations and surveys.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Certainly.

Mr. LITTLE. I did not catch the sentence just ahead of the last one, to the effect that nothing shall be done in the way of surveys except upon suggestions or orders from the Secretary of War; but there was a statement just before that as to the ground or basis upon which that conclusion had been reached.

Mr. SMALL. There was an amendment to the last river and harbor bill, made while the bill was under consideration. There were a number of surveys in that bill, and the House thought it proper, under war conditions, that none of those surveys should be made except when specifically directed by the Secretary of War.

Mr. LITTLE. That is a statutory provision?

Mr. SMALL. Yes. It is a part of the last river and harbor act.

I think I will submit nothing further upon those features of the bill itself which involve appropriations. I will now refer to all of the general provisions in the bill which the committee thinks are important. Section 5 of the bill is intended to prohibit the unnecessary pollution of navigable streams by discharging into such streams any free acid or acid waste. The Secretary of War and the Chief of Engineers made a most earnest recommendation for this provision. I shall not take the trouble to read the memorandum from the War Department upon it. It is incorporated in the report. But, in substance, it is stated that the introduction of these acids into streams not only impairs the potability of the water but destroys the fish. If it were only the pollution of the stream itself, impairing it for domestic purposes, or only the destruction of the fish, that evil might be remedied through the action of the States and municipalities. But such pollution of the water also results in deterioration of the boilers of steamboats and the hulls of vessels constructed of steel so as to reduce their life by at least one-half. In addition to that it is impairing the metallic parts of structures connected with the locks and dams so that they very rapidly deteriorate.

These two reasons affect questions which are within the jurisdiction of Congress, and it is believed that the time has come when some inhibition should be placed on industrial plants so polluting these streams. Some objection has been made to the chairman of the committee, since the bill has been reported, that it might unduly interrupt the activities of some industrial plants; but the paragraph is so framed and so flexible, placing it within the discretion of the Secretary of War as to the extent to which it would be applied, that no danger need be apprehended from that source.

Mr. ROBBINS. Mr. Chairman, will the gentleman permit an interruption at that point?

Mr. SMALL. Yes.

Mr. ROBBINS. The district I have the honor to represent in Pennsylvania is a mining district, and for many years the mine water has been thrown into streams until it has polluted the rivers of the country there and creeks and smaller streams until they are absolutely unfit for portable purposes or for steam or domestic uses of any kind whatever. These mines, of course, have been in process of development for 50 years. It is absolutely impossible to exclude the mine water which flows by drainage into the streams, or where the water from the mines is pumped into the streams; and yet the acid from these mines, impregnating the water, has caused the effects complained of. Now, how can the law possibly be enforced against conditions of that kind? And if it can not be enforced, does the chairman of the committee think it is wise to embark upon a proposition of that kind in a river and harbor bill?

Mr. SMALL. Whether it is practicable to prohibit altogether the introduction of this free acid and acid waste into the streams is a matter on which I am not fully informed; but if the gentleman will turn to section 5 he will observe the language there,

"That, within limits to be prescribed by the Secretary of War, it shall not be lawful to throw, discharge," and so forth. It is unthinkable that the Secretary of War would take any action which would unnecessarily interrupt the activity of any mines producing coal. Of course, if it should be possible that they could avoid the discharge of this material into the rivers, they ought to be willing to yield to the conditions. But if it is impossible, or if it involves any great expense, I am very sure that in the administration of the law by the Secretary of War no condition will arise which will interfere with industry.

Mr. ROBBINS. If the gentleman will permit another observation on this point, the reason I am so deeply concerned about it is that an attempt to enforce it would have the effect of destroying the mining industry of western Pennsylvania without doubt. It is impossible to purify the water coming from those mines, impregnated with acids and impurities, and which, as the gentleman has stated, destroys all iron entering into the water and makes it even incapable of being used in the boilers on the Monongahela River and tributary streams; and I think the enforcement of such regulations here would tend to destroy the mining industry of a great part of our country, and it would be a rather dangerous thing, which I could not agree to without looking into it very carefully. Therefore I have directed the attention of the chairman of the committee to this point, to what I believe is a dangerous provision in the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. COOPER of Wisconsin. On the point suggested by the gentleman from Pennsylvania [Mr. ROBBINS], was there any testimony taken by your committee as to whether it would be practicable for the mine owners to dispose of that acid waste otherwise than by putting it into these streams?

Mr. SMALL. No; we did not. But we did inquire carefully as to whether in the enforcement of this law there would be any purpose or intent to interfere unduly with industry, and we were assured on that point.

Mr. COOPER of Wisconsin. I know there has been many times legislation here which affects great interests, as to which on the floor it has been said that the proposed legislation would be utterly impossible of enforcement, and for years its enactment was prevented. Finally, when put upon the statute books, it proved not only to be entirely practicable, but very beneficial to all concerned.

I remember that the railroad companies said it would be utterly impossible for them to put on safety appliances and many similar things which Congress required, but only after years of agitation, and I wondered whether there would not be some way in which acid could be neutralized, rather than allowed to run into the streams to kill fish and destroy other property.

Mr. SMALL. If I may simply express an opinion, I believe that a way can be found. The gentleman from Wisconsin is entirely correct in his statement that many things which have been stated to be impossible have been found to be entirely feasible and in the public interest, when we finally had the courage to enact some law upon the subject.

Mr. MERRITT. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. MERRITT. Has the chairman of the committee information as to whether the Secretary will promulgate general regulations, or will he consider each river and each case by itself?

Mr. SMALL. Each river on its own merits, because the industries and conditions differ.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. MOORE of Pennsylvania. There is a regulation preventing the throwing of ashes into navigable streams.

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. As from passing vessels.

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. This proposes to prevent the throwing of what becomes flotsam into a stream. Ashes sink, and by lessening the depth of channel tend to impede navigation, so that there may be a good reason for that regulation; but this material would float.

Mr. SMALL. I understand that it is soluble when discharged into the stream.

Mr. MOORE of Pennsylvania. Flotsam—as, for instance, oil—and the water from a mine containing culm. The question with me is whether the inclusion of this paragraph might not interfere to a certain extent with some of the rights of States in the matter of industry. Take the Schuylkill River, for instance, where much oil oozes out into the stream in some way or other. It may pass out from the pipes or find its way into the stream

because of the method of handling. While that affects the fish life it does not necessarily impede navigation, but to penalize it might in some instances injure the business on that stream.

Mr. SMALL. I do not anticipate that the fears of the gentleman will prove to be well founded.

I might mention another injury from this pollution of the streams. The hulls of steel and iron vessels are injuriously affected, so that their owners have to exercise constant care in order to minimize deterioration; and even under the best conditions the presence of these acids makes the deterioration of metal hulls quite rapid. It therefore results in the aggregate in great loss.

Mr. MOORE of Pennsylvania. We have certain State laws and regulations in Pennsylvania that forbid the pollution of streams and make it punishable. Such a law might apply to the cook on a tugboat who throws his waste material into the water. But here is a provision including a penal clause involving fine and imprisonment, and the business aspects of it merit our careful consideration.

Mr. SMALL. The gentleman will understand that with a view to meeting a case where this law could not be enforced without unduly injuring some industry, in order to meet that contingency, it was left within the discretion of the Secretary of War to fix the limits within which it should be enforced, and I think there need be no fear of any unnecessary injury to industry.

Mr. SNELL. I should like to inquire of the gentleman how this would affect the large paper mills in the northern part of the country that have a large amount of waste water which it seems apparently necessary to discharge into the stream.

Mr. SWITZER. Would that water impair or injure boats or machinery?

Mr. SNELL. There are no boats and there is no machinery on these streams, but they run into navigable waters. For instance, the small streams in the northern part of New York State fall eventually either into the Hudson or the St. Lawrence. Of course, there is no navigation on the small streams where these paper mills are located.

Mr. SMALL. I would infer from the statement of the gentleman that there might be no necessity for applying the law in that case, because if there is no navigation on the stream, but the waste material finally reaches a navigable stream, by the time it reaches the larger river it may be so diffused and attenuated in the larger volume of water that the injury would be negligible.

Mr. SNELL. That is what I would like to know.

Mr. SMALL. I should think so.

Mr. LINTHICUM. Does not the gentleman think it might be well to go further and provide against the pollution of streams by sewage? Here we have the great city of Washington polluting the Potomac River. In Maryland we have the great Naval Academy polluting the Severn River. It seems to me we might go further and prevent that.

Mr. SMALL. As I tried to say in the beginning of my remarks on this paragraph, if the only injury to these streams consisted of results outside of the jurisdiction of Congress, the committee would probably have not presented this paragraph, but the pollution of streams by sewage is largely a matter for State and municipal correction.

Mr. LINTHICUM. How can the State regulate it? Maryland and Virginia own both sides of the Potomac, except these 10 miles here in the District of Columbia, where a great amount of sewage is dumped in. How can the States control that? It is an absolute impossibility.

Mr. SMALL. It is true that in the case of a river constituting the boundary line between States that Congress might assume jurisdiction and prohibit acts which polluted navigable streams, even if such pollution did not directly affect navigation.

Mr. LINTHICUM. We could not control it in Annapolis.

Mr. SMALL. The pollution of streams through the discharge of sewage usually occurs in smaller rivers.

Mr. SWITZER. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. SWITZER. If I understand the provision in the bill, the Secretary of War would not make any regulations unless the pollution resulted in the product of acid water that would interfere with navigation or had some deteriorating effect on the material entering into the construction of boilers and material entering into the construction of locks and dams. It would not matter what the pollution consisted of unless it produced an acid water.

Mr. ALMON. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. ALMON. Section 5 uses this expression, "free acid or acid waste in any form." There is nothing in the bill defining what that means or what it embraces, or what the effect of it will be as referred to in debate. What does the chairman of the committee understand to be meant to be included in the term "free acid or acid waste"?

Mr. SMALL. I can only answer that by the statement that the committee were informed that those terms had a well known meaning in chemistry and that there would be no ambiguity by the use of the words.

Mr. COOPER of Wisconsin. Will the gentleman from North Carolina yield?

Mr. SMALL. Gladly.

Mr. COOPER of Wisconsin. In reply to the gentleman from Alabama, my understanding is that free acid would mean acid uncombined, practically pure acid. It would not be entirely so, but we speak of free oxygen which is oxygen uncombined, and free acid would be practically pure; that is, the major part of it would be acid. But acid waste I should construe to mean water flowing away from a mine, for instance, mixed with acid.

Mr. SMALL. I think the gentleman is right both as to free acid and acid waste.

Mr. WALSH. The gentleman would apply the acid test.

Mr. COOPER of Wisconsin. I was not referring to the acid test.

Mr. WALSH. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. WALSH. Are the estimates upon which the appropriations provided for in this measure based on the report of the Chief Engineer's office of the War Department as in the past?

Mr. SMALL. They were, and no appropriation in the bill exceeds the estimate so submitted.

Mr. WALSH. What has become of the provision providing for a water commission? Did that become a law in the last bill?

Mr. SMALL. Yes; but the President has never yet appointed the commission.

Mr. WALSH. That important body which it was urged was the most important during the war emergency has not been appointed by the Executive?

Mr. SMALL. I confess to the impeachment. We were informed by those who advocated it, not by the President as I recall, but by many others, that it was a most important provision and ought to be inserted in the bill forthwith.

Mr. WALSH. I recall the argument, but my question was prompted by curiosity to know whether this board had cooperated in any way in preparing the estimates or outlining the program to be carried on under the appropriations in this bill. Of course, if the commission has not been appointed that answers the question.

Mr. ALMON. Will the gentleman yield further?

Mr. SMALL. I will.

Mr. ALMON. The gentleman has stated that there were no public hearings in regard to section 5, and that the industries of the country have not been heard from as to how they would be affected by that section. The gentleman has also stated that he has assurances that the regulation and enforcement of this provision would be in such a manner as not to affect unduly public industries. From what source did the gentleman receive that assurance, and is it in writing?

Mr. SMALL. The assurance was received from the Secretary of War. That was oral, but I think the assurance is contained in the hearings on the bill, which are printed and accessible.

In order that we may hurry along on the paragraph, I want to give as an additional reason why the fears of Members may be unfounded that the Du Pont powder people through their representative called on the chairman of the committee and said that with this provision in the bill they could not operate their plant, but when I referred them to the language of the paragraph and advised them to go and see the Chief of Engineers about the matter I heard nothing more about it. One or two representatives of paper mills mentioned the matter to me, and when I pointed out the language in the paragraph and referred them also to the Chief of Engineers nothing more was heard from them. So it would appear that on investigation the gentlemen who made the complaint were satisfied, and I think it is fair to deduce that as a reason why the provision will not do unnecessary injury to business.

Mr. BARKLEY. Before the gentleman leaves that section, I notice the bill carries no appropriation for continuing the work of canalization of the Cumberland River below Nashville. The hearings seem to indicate that Col. Newcomer felt that the



available funds were sufficient for the coming year. Does the gentleman know whether this work is to be continued without being stopped on the locks now under construction, and that available funds are sufficient for that purpose?

Mr. SMALL. The balance available on July 1, 1917, for the Cumberland River below Nashville was \$1,243,140.02. As to the manner in which this will be applied I refer the gentleman to the last annual report of the Chief of Engineers for 1917, pages 1200 and 1201, particularly the paragraphs entitled "Condition at end of fiscal year" and "Proposed operations." The existing project provides for the construction of Locks and Dams A, B, C, D, E, and F, beginning with Lock A, 41 miles below Nashville, and ending at Lock F, a distance of 43.6 miles above the mouth of the river and open channel work below Lock F. The minimum project depth is 6 feet. Lock A was completed in 1904. With the available balance it is proposed to complete Locks and Dams B, C, D, E, and F.

Section 6 provides that whenever the Secretary of War is authorized to acquire land by condemnation the United States, upon the filing of the petition, shall have the right to take immediate possession. That is a matter of great importance. Quite often public works or improvements are held up for one, two, and three years awaiting the conclusion of litigation arising out of the condemnation proceedings, this delay being brought about through appeals and other incidental causes, and this paragraph is intended to give the Government the right to take immediate possession. But that right is surrounded with provisions for the protection of the property owner. For instance, before the Government can take possession there must have been an appropriation made, or if the right of way or property are to be provided by local interests and title made to the United States then they are to give a bond to meet such award as may be finally adjudicated. This paragraph if enacted into law will prevent these unnecessary delays and at the same time throw every protection around the property of the citizen and is a very essential provision.

Section 7 permits juries in making awards under condemnation proceedings to take into consideration special benefits. That is to say, if the Government takes half of a tract of land and, as a matter of fact, the remaining half is enhanced by reason of this public improvement, that benefit or enhancement in value shall be considered in making the award of just compensation to the owner of the land. The committee has given careful consideration to this provision. It is a question that has been several times discussed by the Supreme Court of the United States, and they hold in general terms that in ascertaining what is just compensation under the provision of the United States Constitution it is allowable to take special benefits into consideration in making the award. But in one or two districts of the United States, if not more, courts have held that special benefits could not be taken into consideration unless there was a statutory provision to that effect, and in some States the courts have held likewise, so that in order to remove that question from all doubt and to translate into law what has been already said, by the Supreme Court ought to be considered in arriving at the just compensation to be awarded to the landowner, the committee have deemed it wise to prepare and submit this paragraph for your consideration.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. GREEN of Iowa. I highly approve the action of the committee in this respect, which I think is very necessary and proper. As the gentleman has stated, I know it has been a subject of consideration before his committee. Under the statutes enacted in the past that have come from his committee there is more occasion to use such a provision probably than anywhere else in connection with Government action. I take it that what has developed this action, as the gentleman stated, is that in a number of States, as in my own, the rule is not applied. The rule applied there, I think, is all wrong, unjust, inequitable, and particularly so at a time like this. It is very unjust that a man who is getting benefits out of the action of the Government should not make any allowance for it when his property is taken.

Mr. SMALL. In some instances the property not taken has so increased in value as to have a market value in excess of the value of the whole tract prior to the expropriation of a part by the Government and the completion of the improvement, and it would be unjust not to take such special benefits into consideration in making the award.

Section 8 directs the Chief of Engineers hereafter in his annual report to indicate in a general way the terminal and transfer facilities existing at every city located upon a harbor or stream under improvement by the United States, and directs

him to make from time to time special reports upon the existence of terminal and transfer facilities. That is as we believe an exceedingly wise provision and is constructive in character. As I shall refer to that briefly later, I shall not take more time now.

And I wish in conclusion to direct the attention of the committee to a brief consideration of the broad question of water transportation. It is unnecessary to consume the time of the committee in emphasizing the value of transportation by water. We have substantially three modes of transport—the highway, the railway, and the waterway. They are all important, and they all are or should be coordinate. Each one should be a unit in the general system of transportation of the country. For instance, a very distinct movement is in progress at this time toward the larger use of motor cars in the movement of traffic upon our highways, and if we could have represented in tonnage the amount that is now moved annually upon the highways of this country in motor trucks, I doubt not all of us would be astonished. Likewise, waterways are simply one of the coordinate units in our system of transportation. It is useless to take up the time of the committee also in giving expression to the need of water transportation, particularly in this acute period of congestion of traffic. I take it that there will not be a dissent to the proposition that water transportation is valuable and that any legislation or activity which promotes transportation by water is distinctly in the public interest.

In these annual river and harbor appropriation bills we endeavor to improve harbors and channels so as to make them more navigable and more easily usable for the purposes of transportation, but the difficulty in the past has been that we, the Congress of the United States and the American public, have been content to rest upon the statement that channels ought to be provided, and we have forgotten the concurrent proposition that channels alone do not produce water commerce. I have attended, as you have, organizations intended to promote the improvement of channels throughout the country for navigation, and I have heard emphasized many times the importance of larger appropriations for the purpose of improving these channels, but very seldom have I heard any advocacy of the other activities needed in developing water transportation. As a matter of fact, deeper and better channels, while a necessity for water transportation, are only the primary essential. Other things must be considered. I desire to present to you just briefly some of these other things. Of course we must have water transportation lines. These lines must have ample capital; they must have the type of boat appropriate to the particular navigation to be engaged in; they must be organized and operated under business and traffic management in a manner substantially analogous to the railroads. But even that is not all, because some of us have seen water transportation lines upon navigable rivers go out of use and be abandoned and water commerce decline when there was a navigable channel and when also there were transportation lines.

What is another need? There must be water terminals. It is impossible to maintain water transportation profitably without these. Terminals are as essential for navigable channels as are terminals for railroads. The uses of these terminals are primarily for transfer and for storage of freight, but more largely to afford better facilities for transfer. These terminals should be located upon ample areas; they should have capacious warehouses; they should be appropriately located upon a river and harbor accessible to shippers and the main highways and railroads. There must be good highways leading from the water terminal to the general system of highways of the community and section. Further, the water terminal should be connected with all the railroads serving the community by one or two belt lines, and all of this improvement under the general name of a water terminal should be owned by the public and regulated in the interests of the public.

It is astonishing when one comes to study the navigable waterways of the country to learn to what extent the providing of these adequate water terminals has been neglected. Let me give you an illustration. The committee determined early at the beginning of this session that they would lay down a constructive policy and endeavor, in so far as practicable and within reasonable limits, to confine appropriations for the improvement of waterways to those where the contiguous communities and localities, which means primarily the cities and towns, would give satisfactory assurance that they would provide water terminals. May I illustrate? In 1910 we adopted an expensive project for the improvement of the Ohio River, involving the construction of 54 locks and dams, with a view of providing 9 feet of water the year round under all stages of water, at a total cost of more than \$60,000,000, and we have appropriated, including the appropriation in this bill, a little more than half of the money for

the construction of that great improvement. I would not say a word to disparage the importance of this improvement, but I would submit this proposition and stand upon it. We may complete that improvement of the Ohio River, we may give them 9 feet the year round, and unless the cities and towns contiguous to the Ohio River provide terminals there will not be developed upon that river a commerce commensurate with the expenditure for the improvement. [Applause.] And the Congress of the United States can not afford to expend public money unless we are going to get value received. We took up the matter of terminals upon the Ohio River. The committee addressed letters to the mayors of every city and town and the secretaries of every commercial organization, inquiring what kind of terminals they had and if they did not have any what they proposed to do, and told them unless we had satisfactory assurance when we came to formulate the next bill the committee would seriously consider abandoning this improvement.

We received letters varying in tenor and, I am glad to say, generally satisfactory; and that correspondence, which is continuing, indicates a status of public opinion in the cities and towns along the Ohio River which will result in these water terminals at every appropriate point. But some of them insisted, and among them some intelligent men, contended that all the cities and towns had adequate terminals already. We addressed a letter to the Chief of Engineers, asking him to direct some district engineer to investigate the condition of the terminals along the Ohio from Pittsburgh to Cairo, and he made a report stating that there was not a single water terminal on the river which would answer the purposes of a terminal to meet the needs of water transportation. I mention that as a condition not alone affecting the Ohio River, but as affecting other rivers of the country, and I believe I can state as the consensus of the opinion of the Committee on Rivers and Harbors—certainly it expresses my attitude—that the committee hereafter will consider whether localities contiguous to streams to be improved are going to do their part in order to promote transportation before we made appropriations for the improvement of those streams. [Applause.]

There is another essential in the development of water transportation, and that is interchange of traffic between the water carriers and the railroads. Now, however essential water terminals may be for local traffic—that is to say, water traffic which is initiated at a water point and has its destination at a water point—interchange of traffic between water carriers and railroads is impossible without these water terminals.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SMALL. Certainly.

Mr. COOPER of Wisconsin. Speaking of water terminals, it is true, is it not, that it may be very difficult for some cities, without a very great expenditure, to secure adequate water terminal facilities because of the fact that the railroads have seen to it that they—the railroads—have gotten all the property that can be used for terminals?

Mr. SMALL. That is unfortunately true in some cities on rivers, and particularly on some harbors.

Mr. COOPER of Wisconsin. Take East St. Louis. Has not the Wiggins Ferry Co. obtained a monopoly of the water front there?

Mr. SMALL. I am not sufficiently familiar with conditions there to state whether such a monopoly exists.

Mr. COOPER of Wisconsin. It is practically that.

Mr. SMALL. But I have in mind several cities where the railroads own most of the available water front. In this connection I may state this proposition: When a railroad owns water front which it has purchased in the past for the purpose of establishing a monopoly, and all of that water front is not needed for its own traffic purposes, it is within the power of the sovereign by appropriate legislation to condemn and take that property for the benefit of the public, just as it could take it from an individual, and any State or any city may rest assured that it need not be deterred from securing adequate front for terminal facilities by reason of the existence of such conditions. But, coming back to the question of the interchange of traffic, it is impossible to interchange traffic between railroads and the waterways unless you have these terminals and transfer facilities.

For instance, by way of illustration, an adequate terminal should have between the warehouse and the bulkhead on the water at least two railroad tracks. Those railroad tracks would connect with the belt line on which cars may be moved loaded with products to be transferred to a boat or with products which have been transferred from a boat and intended to be moved into the interior by rail. Such rail tracks which are an immediate part of the terminal would be located between

the bulkhead where the boat is moored and the warehouse. A properly equipped terminal, with its movable power crane, could pick up the freight from the water carrier quickly and load it immediately into the cars, in order that it might be transported further by rail, or likewise transfer it into the warehouse. One of the purposes of a terminal is to enable this transfer to be made in the cheapest and quickest manner. Why, it is true at some particular landings in cities on the Mississippi River, for instance, that it actually costs as much to get freight out of the water carrier onto the elevation constituting the bank of the river and transport the same a mile to the consignee as it costs to transport it a hundred or more miles by water carrier on the river itself. And the water terminal removes that obstacle and reduces the cost of transfer to a minimum.

The Panama Canal act, passed in 1912, contains provisions which enable any water transportation line or any municipality to apply to the Interstate Commerce Commission to have a prorating system adopted between the boat lines and all the railroads, have joint rates fixed, and to compel physical connection between the terminal and the railroads. Although this act has been in existence more than seven years it has been enforced in only a few instances. The shippers in cities and towns along navigable waterways should be advised as to their rights in securing joint traffic arrangements between the boat lines and the railroads.

There is one other essential for the establishment of a sane system of water transportation growing out of the vicious idea which prevailed for many years in the past, that the waterways were competitors of the railroads, and, therefore, that water-transportation lines were to be destroyed in the interest of the railroads. In the past, particularly from 1870 to 1900, many railroads were constructed paralleling navigable rivers. During this period they reduced rail rates competitive with water and generally so low as to render the operation of boat lines unprofitable. This resulted usually in the ultimate abandonment of the boat lines. In some instances the railroads purchased the boat lines and later, upon one pretext or another, withdrew the boat lines from operation. The result has been that upon many of the rivers of the country, particularly on the rivers of the Mississippi Valley, water commerce of prior years, which had existed in large volume, has gradually diminished to such an extent as to be incomparable to the volume of former years.

What is the remedy for this condition? It is my individual opinion that no good ground can be found for a lower rate by rail competitive with water than a rate into the interior. It costs the railroad as much. There is no difference in that respect. And the only justification which can be furnished is to give the railroad a monopoly of the traffic of all that section, a reasonable amount of which would under normal conditions go by water, or to destroy transportation altogether upon the waterways. I believe upon every principle of economics and of transportation that no good reason can be found for a lower rail rate competitive with water than prevails under the same condition for railroads serving an interior section. But whether that proposition is well founded or not, there can be absolutely no reason furnished why there should not be a readjustment of rail rates competitive with water, so as to afford a sufficient differential in favor of water lines, in order that they may be established and operated for the benefit of the public. [Applause.]

I have with the concurrence of the committee taken up this question with the President, who, I may say, is in sympathy with it, with the Director General of Railroads, and also with the Committee on Inland Water Transportation, appointed by the Director General of Railroads. And I hope and believe that they will take some action which will result in a readjustment of these rail rates, so that this unnecessary obstacle to the development of water transportation upon our rivers shall be removed; and if it shall transpire that the railroad act which was recently passed by Congress does not give the Director General and the President sufficient power to so readjust these rates in the interest of water transportation, Congress ought to make any further amendment to the law which may be essential to that end.

I have consumed much more time of the committee than I had intended, but—

Mr. LONERGAN. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. LONERGAN. I would like to ask a specific question here.

On page 2, line 15, of the bill, I notice a provision for an appropriation of \$15,000 for maintenance of the Connecticut River below Hartford. In the last bill, if my memory serves me, there was an appropriation of approximately \$71,000 or \$72,000.



Will that represent part of an appropriation to be made in the future to carry out improvements recommended by the Board of Engineers of the War Department?

Mr. SMALL. The gentleman will remember that for the Connecticut River above Hartford there is a new project, and a most important one, which we hope some day will be adopted. It involves the development of a very large and valuable volume of hydroelectric energy. But you are speaking now of the Lower Connecticut, below Hartford?

Mr. LONERGAN. Yes, sir.

Mr. SMALL. The available balance for the present fiscal year there was \$70,204, and that, with the appropriation carried in the bill, which I think is \$15,000, was regarded as sufficient for the maintenance of that project during the remainder of this fiscal year and for the fiscal year ending June 30, 1919. But I will remind the gentleman that there is also a new project for the Connecticut River below Hartford, a modification of the existing project, so as to provide for additional dikes, retaining walls, revetments, and accessory works at an estimated cost of \$211,000. The committee under its policy did not see its way to adopting that modification in the present bill.

Mr. LONERGAN. Can the gentleman state the amount that will be necessary to carry out the work where \$70,000 has already been appropriated? Is it not approximately \$281,000 or \$282,000?

Mr. SMALL. If the gentleman is assuming that the existing project has not been completed, I would suggest he is in error in that. The existing project for the Connecticut River below Hartford has been substantially completed, and it is only now a question of maintenance until we adopt the modification of the project on which a favorable report has been submitted. I would not, I think, make an improper statement if I said that in good time, inasmuch as the modification of that project is so meritorious, it will receive the approval of the committee.

Mr. HICKS. Mr. Chairman, will the gentleman permit an inquiry?

Mr. SMALL. Certainly.

Mr. HICKS. On page 2, commencing at line 18, a number of items are mentioned—some 13 altogether—and for the maintenance of these the amount given is \$22,000. Now, I assume that as all these different harbors and breakwaters are mentioned, part of \$22,000 at least must be used to cover each individual item. It strikes me that there must be some very small items to have \$22,000 divided up among 13 propositions.

Mr. SMALL. I will say to the gentleman that for many years—25 years or more—certain projects under improvement have been grouped, usually projects within a given area, and always projects within a given engineer district, and grouped for this primary purpose: While appropriations for maintenance or further improvement might be recommended only for a part of them, yet the value of grouping lay in this, that if by reason of any unforeseen contingency, such as storm or flood, any of those projects which did not seem to require any appropriation at the time of the submission of the report of the engineers or at the time of the enactment of the law, might require improvement or restoration on account of these subsequent events, the Chief of Engineers could divert a part of the gross appropriation for this purpose.

Mr. HICKS. Then I understand that some of these items will not receive any of this money this year?

Mr. SMALL. Duck Island, Branford, New Haven, Milford, Bridgeport, Southport, Norwalk, Five Mile River, Stamford, and so forth—is that the paragraph?

Mr. HICKS. Yes.

Mr. SMALL. In that group the only items for which an estimate was submitted were New Haven Harbor, \$14,000, and Housatonic River, Conn., \$8,000.

Mr. HICKS. A number of them are in my district, and I was wondering what was being done there.

Mr. SMALL. I might refer the gentleman to section 2 of the bill, on page 16, where he will find the law controlling the application of funds for consolidated or grouped items.

Mr. HICKS. I thank the gentleman.

Mr. SMALL. Mr. Chairman and gentlemen, I would like to say this in conclusion: The river and harbor bill has been an object of attack by some citizens of the country and by some of the press and by some Representatives in this body. These criticisms have never been wholly justified. There have been defects in river and harbor bills, just as there are in every other large appropriation bill submitted to this House. There have been some errors, there have been some items subject to criticism, certainly from the viewpoint of the critic; but whatever grounds of criticism there have been against river and harbor bills in the past have been due to the fact that by reason of our own inertia and that of the public we have made appropria-

tions simply for improving channels in rivers and harbors and for the construction of canals, without at the same time adopting a constructive policy which would result in the promotion and establishment of water transportation upon those channels and in those harbors so improved.

I admit, and the membership of the Committee on Rivers and Harbors admit, that we have made appropriations perhaps in the past for some rivers where the commerce did not seem to justify the appropriations, but many of them are great rivers.

Take the upper Mississippi River, if you please, which has been a target for criticism, or the lower Mississippi as well. There ought to be a large commerce upon that river. What is the duty of our committee and of Congress in that regard? To abandon it in the face of the need of additional facilities for transportation, or to adopt a policy which will result in the establishment of water transportation upon that great river?

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. DYER. Has any policy been established with reference to that, with respect to barges and things of that kind, by the Government?

Mr. SMALL. I may say that the Shipping Board has allotted a fund of \$3,360,000, as I recall, for the construction of 24 barges and 4 towboats, to be operated between St. Louis and Minneapolis.

Mr. DYER. I am glad to have the gentleman state that, and I am sure it will result in great work in that section, and it will be an answer forever to those who have been criticizing what has been done in the past with reference to the Mississippi River.

Mr. SMALL. Let us hope so. I submit that the correct policy of this committee and the correct policy of Congress, instead of abandoning a navigable river, is to adopt a constructive policy which will establish water transportation upon that river, and so act in the public interest. That is what your committee have attempted to do.

Let me give you an illustration, and I will only advert to it for a moment, to show the importance of terminals for water transportation. Last fall Mr. Goltra and perhaps other gentlemen evolved a plan for the purpose of demonstrating the availability of the upper Mississippi River from Minneapolis to St. Louis for water transportation. Not as a gratuity, but for a valuable consideration, they secured some barges and a towboat from the War Department. They carried coal to Minneapolis and transported down the river iron ore. When they reached Minneapolis they had to wait a week or two until some temporary appliances and facilities could be constructed before they could unload that cargo and take on a cargo, and by reason of the absence of terminal facilities at Minneapolis and St. Paul the profit which they otherwise would have made upon that trip was consumed in the ensuing delay and in the additional cost involved in the transfer of the traffic to and from the barges. That is an illustration of the great value and necessity of terminals for water transportation.

In conclusion, let me say that while these criticisms have been indulged in, let us adopt a better policy, and instead of criticizing the projects themselves let us bring about the conditions under which there will be water transportation upon all these streams, and justify them, and also at the same time benefit the country.

Let me say as to this particular bill that it is immune from criticism. Criticize it if you can or will. We are prepared to meet any criticism from the membership of the House, from the press, or from the public at large. We have a bill which has been formulated along the lines of the policy which I have endeavored to explain to the House. We submit it as a bill which is entitled to the approbation and to the support of the House, and as one which is distinctly in the public interest. [Applause.]

By leave of the House I extend my remarks so as to embrace certain additional information.

According to a preliminary report of the Census Bureau on "Water Transportation in 1916," it appears that 376,000,000 tons of freight were carried on the waterways of the United States in 1916. This traffic would fill 9,400,000 average 40-ton freight cars, or about four times as many cars as are owned by the railroads of the United States.

There has been discussion from time to time regarding the depths of channels which should be provided for some of the principal harbors of the United States. Naturally conditions differentiate some harbors from others. For instance, San Francisco and Seattle possess such natural depth in their harbors that no improvements have been required other than the removal of a few obstructions at San Francisco. In some harbors which have a large commerce, but which naturally had restricted depths, the providing and maintenance of deeper

channels has been quite expensive. It will be impracticable to provide an equal depth for all the important harbors either on the Atlantic, the Gulf, or Pacific coasts. Nor does it seem essential that every harbor should be placed on a parity as to depth of channel or other navigation facilities. New York is the only great harbor for which a depth of 40 feet has been provided, and above the upper bay a channel of this depth only exists in the Hudson River. While the trend in ship construction has been toward larger hulls and greater carrying capacity, yet the great bulk of our foreign trade is carried in ships with a loaded draft of less than 30 feet, and a very large proportion with a loaded draft of less than 26 feet. I have been unable to secure the draft of vessels engaged in the coastwise trade arriving or departing from our ports, but I have secured, through the Chief of Engineers, information as to the draft of vessels for a certain period arriving at and departing from New York and a list of vessels departing from Galveston, all in the foreign trade.

Statement of the combined number and draft of vessels arriving at and departing from New York Harbor from January 1 to June 30, 1914. (Compiled from Pilots' Records.) Note that coastwise vessels are not included:

Draft of vessels.	
ARRIVALS OR DEPARTURES.	
12 feet and less than 13 feet	152
13 feet and less than 14 feet	188
14 feet and less than 15 feet	232
15 feet and less than 16 feet	213
16 feet and less than 17 feet	185
17 feet and less than 18 feet	279
18 feet and less than 19 feet	332
19 feet and less than 20 feet	321
20 feet and less than 21 feet	282
21 feet and less than 22 feet	350
22 feet and less than 23 feet	251
23 feet and less than 24 feet	294
24 feet and less than 25 feet	230
25 feet and less than 26 feet	230
26 feet and less than 27 feet	172
27 feet and less than 28 feet	138
28 feet and less than 29 feet	147
29 feet and less than 30 feet	78
30 feet and less than 31 feet	50
31 feet and less than 32 feet	28
32 feet and less than 33 feet	44
33 feet and less than 34 feet	21
34 feet and less than 35 feet	5
35 feet and less than 36 feet	10
36 feet and less than 37 feet	8
37 feet and less than 38 feet	4
38 feet and over	5
Total	4,340

It will be observed that the above table covers the period from January 1 to June 30, 1914, just prior to the European war, which probably represented the normal period of commerce. The total number of boats arriving and departing drawing 35 feet and over was only 27, or six-tenths of 1 per cent out of the total number, 4,340. The total number of boats having a loaded draft of 30 feet and over was 175, or 4 per cent, of the total number. The total number of boats having a loaded draft of 25 feet and over was 940, or 21.7 per cent of the total number.

I now append a table giving the number and draft of vessels departing from Galveston in the foreign trade for the calendar year 1916:

Statement of the number and draft of vessels departing from Galveston, Tex., to foreign ports for the year 1916 (coastwise vessels not included):

Draft of vessels.		Number.
11 feet and less than 12 feet	1	
12 feet and less than 13 feet	2	
13 feet and less than 14 feet	3	
14 feet and less than 15 feet	3	
15 feet and less than 16 feet	19	
16 feet and less than 17 feet	6	
17 feet and less than 18 feet	22	
18 feet and less than 19 feet	38	
19 feet and less than 20 feet	29	
20 feet and less than 21 feet	25	
21 feet and less than 22 feet	57	
22 feet and less than 23 feet	54	
23 feet and less than 24 feet	51	
24 feet and less than 25 feet	42	
25 feet and less than 26 feet	33	
26 feet and less than 27 feet	18	
27 feet and less than 28 feet	11	
28 feet and less than 29 feet	7	
29 feet and less than 30 feet	3	
Total departures	424	

Many of the vessels in the above table arrived and departed several times during the year. Information is not available as to whether or not each vessel was fully loaded.

The total number of boats departing drawing 25 feet and over was 72, or 17 per cent of the total number—424. The total number of boats departing drawing over 20 feet was 301, or 71 per cent of the total number.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. MILLER of Minnesota. Mr. Chairman, I make the point of order that there is not a quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that there is no quorum present. Evidently there is not. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Fordney	Kelly, Pa.	Robinson
Austin	Foss	Kiess, Pa.	Rogers
Bankhead	Fuller, Ill.	King	Rose
Blackmon	Gallagher	Kitchin	Rowe
Borland	Gallivan	Knutson	Rowland
Brodbeck	Gandy	Kreider	Rucker
Browning	Garland	LaGuardia	Sanders, N. Y.
Brumbaugh	Garrett, Tenn.	Langley	Saunders, Va.
Burnett	Garrett, Tex.	Larsen	Scott, Iowa
Campbell, Pa.	Good	Lehbach	Scott, Mich.
Cannon	Goodwin, Ark.	Leuroot	Scott, Pa.
Carew	Gordon	Lever	Scully
Carter, Okla.	Graham, Pa.	Lobeck	Sells
Chandler, N. Y.	Gray, Ala.	Longworth	Shallenberger
Classon	Greene, Vt.	McAndrews	Siegel
Costello	Griest	McClintic	Slemp
Crosser	Griffin	McCormick	Smith, Mich.
Currie, Mich.	Hamill	McLaughlin, Mich.	Smith, T. F.
Curry, Cal.	Hamilton, N. Y.	McLaughlin, Pa.	Snyder
Darrow	Hamlin	McLemore	Stafford
Davidson	Harrison, Miss.	Maher	Stedman
Davis	Haskell	Mann	Steele
Decker	Haugen	Meeker	Stevenson
Delaney	Hayes	Mondell	Stiness
Denison	Heintz	Moon	Sullivan
Dies	Helvering	Morgan	Swift
Donovan	Hensley	Morin	Talbot
Dooling	Hollingsworth	Mudd	Taylor, Colo.
Doughton	Hood	Norton	Templeton
Drukker	Howard	Oliver, N. Y.	Thomas
Dunn	Husted	Olney	Tilson
Egan	Hutchinson	Parker, N. Y.	Tinkham
Edmonds	Ireland	Porter	Towner
Estopinal	Johnson, S. Dak.	Powers	Vare
Fairchild, B. L.	Johnson, Wash.	Ragsdale	Venable
Fairchild, G. W.	Jones, Va.	Ramsey	Vestal
Fess	Juul	Rayburn	
Flynn	Kelley, Mich.	Riordan	

The committee rose; and the Speaker 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 having had under consideration the river and harbor appropriation bill, H. R. 10069, and finding itself without a quorum, he had caused the roll to be called, whereupon 282 Members, a quorum, answered to their names, and he presented the names of the absentees to be printed in the Journal and Record.

The committee resumed its session. The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 30 minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, the newspapers on yesterday contained an item stating that the President, on the request of the Secretary of the Treasury, had taken \$4,200,000 out of the \$100,000,000 emergency war fund placed in the President's hands by Congress to purchase the Arlington Hotel property. The newspapers by the publication of this item do both the President and the Secretary of the Treasury a great injustice. The Secretary of the Treasury has not asked the President to take \$4,200,000, or any other sum, out of an emergency war fund for any such purpose. The Secretary of the Treasury has a high sense of responsibility for the position he holds and for the manner in which the public funds are expended. Therefore he would not ask the President of the United States to violate the spirit of the law under which the \$100,000,000 had been placed in the President's hands by taking out of that sum \$4,200,000, or any other amount, for any other purpose than that for which it was placed in the hands of the President. So I say the newspapers have done both the President and the Secretary of the Treasury great injustice.

Mr. Chairman, it would require most convincing proof to establish the fact that the Secretary of the Treasury would think of asking the President to divert moneys from an emergency war fund for the purposes indicated. The Secretary of the Treasury has too high a regard for the President and too high a regard for the oath of office that the President has taken, and too high a regard for the oath of office that he himself has taken, to think of making such a request as the newspapers charge that he made of the President. It is inconceivable that the Secretary of the Treasury would think of making such a request of the President. I do not understand how the press of the country, that usually has been friendly to the President and to the administration, could think of publishing such a statement.

Mr. MOORE of Pennsylvania. Will the gentleman yield? Mr. CAMPBELL of Kansas. I would rather proceed for a time.



Mr. MOORE of Pennsylvania. The gentleman's argument is very interesting, but I think there is some ground for the statement of the newspapers.

Mr. CAMPBELL of Kansas. I would require most convincing proof. It would require the verbal statement of the President that he had been requested by the Secretary of the Treasury, an admission by the Secretary of the Treasury that he had made the request, or in lieu of that a confirmation of the deal that the newspapers allege was the result of the request of the Secretary of the Treasury and the grant of the request by the President. If the Arlington Hotel property has been purchased and the deal is consummated, that, of course, will be convincing evidence; but until that proof is forthcoming hearsay testimony is not convincing. I would doubt the authenticity of a copy of a letter alleged to have been written by the President bearing his signature. I would doubt any sort of evidence except direct evidence of the fact.

Mr. MOORE of Pennsylvania. May I ask the gentleman if the Rules Committee had information before them that this deal had been consummated?

Mr. CAMPBELL of Kansas. They had not. The Rules Committee have not had any such evidence or admission.

Mr. MOORE of Pennsylvania. The gentleman is aware of the fact that a bill was to have been called up this morning—

Mr. CAMPBELL of Kansas. I wish the gentleman from Pennsylvania would allow me to proceed.

Mr. MOORE of Pennsylvania. Very well.

Mr. CAMPBELL of Kansas. I have stated that it would require the most convincing evidence that the Secretary of the Treasury would make these astounding requests of the President. I do not believe they have been made. It is stated in the same article that the requests were made by the Secretary of the Treasury because the necessities of the Treasury for additional room really amounted to a war emergency. That can not be true, because it is not true. I stated that it could not be true that the Secretary of the Treasury had made these requests of the President or the statement that it was a war emergency. First of all, it is not a war emergency. The building in question is not a war necessity. Recently under an authorization from the Congress we have repaired and altered many buildings south of Pennsylvania Avenue belonging to the Government, which will house many hundreds of Government employees. We are building acres upon acres of public buildings in which to house the employees of the Government.

Mr. GLASS. Will the gentleman submit to an interruption?

Mr. CAMPBELL of Kansas. I would rather not at this time. We are appropriating millions and hundreds of millions of dollars for the construction of office buildings throughout the city. In addition to that, more than half a year ago the Secretary of the Treasury asked authorization for the construction of an annex to the Treasury on the Belasco Theater site. That authorization was granted on the 27th of September last. It was stated when the authorization was asked for that, if it was made, the building would immediately be thrown up there to relieve the necessities of the Treasury; that it was imperative that the authorization be made. The Committee on Rules made a bill in order, and the authorization for the expenditure of \$1,200,000 for building a Treasury annex on the site south of the Belasco Theater was passed. That was the 27th of September—more than six months ago. So far only discussion and working on plans have been done toward the erection of that building.

If there had been an immediate necessity for office room to relieve the congested condition in the Treasury, the Secretary of the Treasury would have rushed the construction of the Treasury annex under the authorization and the appropriation that he has. That has not been done, and, of course, it has not been done because the necessities of the Treasury did not require it.

Further, there is ample space for one of the bureaus in the Treasury Department in the Bureau of Pensions—that of allotment to soldiers' relatives. I have it on the very highest authority that the Pension Commissioner can handle with the force he now has the allotments to the relatives of soldiers in the cantonments and at the front. That would relieve the congested condition in the Treasury to a large extent. The matters to be dealt with are so peculiarly within the work of the Pension Bureau that it should be done there, and at a time when money is so much in need for war purposes, so difficult to secure, every advantage should be taken of economy in the employment of men and in the utilization of space.

Mr. BARKLEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather not at this moment. Every effort should be made, therefore, to economize for the one purpose of conserving the resources of the Nation in order to prosecute the war to a successful conclusion. There-

fore advantage should be taken by the administration of the opportunity to handle the war allotment out of the Pension Office.

Further, a building is now being constructed between Eighteenth and Nineteenth Streets, up near the Interior Department Building. It is an eight-story building, with over 800 rooms, which will accommodate all the office force that could possibly be required for the work that is being done in the Treasury Department. This building is available for the Secretary of the Treasury; it will be completed in a few days, and is ready now for any such preparation as might be required in order to make it suitable for the needs of the Treasury.

So I say, for all of these reasons it could not be possible that the Secretary of the Treasury has made such an astounding request on the President of the United States as a war measure. I repeat, I do not believe that the Secretary has made such a request.

So far I have confined my observations on this subject to the Secretary of the Treasury. I now address myself to the President of the United States. That great office, towering above all other in the world to-day, occupied by a man fitted by education and training for the high station, would never think of violating a sacred fund placed in his hands to accomplish purposes secretly, wisely, and efficiently in preparing this country for war, to the consummation of a real estate transaction of this character. The President of the United States has a high appreciation of the duties and responsibilities of his office, and would never think of diverting a fund that was placed in his hands to prepare the Nation for war to erect or buy a public building, complying in all respects to the tests of the Fine Arts Commission, containing spacious apartments and appointments for numerous bureau chiefs, with hundreds of clerks, many of whose services might well be dispensed with, providing room for additional mahogany, quarter-sawn oak, and swivel chairs.

Oh, no; the President of the United States has done no such thing. He will not do any such thing. It is unthinkable that the President would take out of a fund placed in his hands by Congress to be used secretly by him, because matters with which from time to time he has to deal are of such a character that they can not be discussed openly here or in any other forum, matters in which he makes the expenditures of large sums of money, without specific appropriation or discussion by Congress. That was the reason for placing the \$100,000,000 in his hands. That is the reason the remainder of it is there to-day. Does any newspaper publisher think the President would take any part of that fund and use it for the purpose indicated? Oh, no. The President would do no such thing. He has done no such thing as the newspapers have stated.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. CAMPBELL of Kansas. I would rather not. I have stated that this fund was placed in the hands of the President to enable him to do things without consulting Congress or anyone else because of the secrecy that is required in the consummation of certain transactions in preparing the Nation to meet a foreign foe. Does the purchase of a building to provide additional office space for clerks come within the scope of that authority? Oh, no. Those are matters that should be and are discussed on this floor. The wisdom or unwisdom of every specific proposition has been and ought to be discussed here. This is the place where authorizations for the purchase of sites for public buildings and the erection of public buildings are made here in Washington. They are not done in secret. Oh, no. And the President has not done this thing in a corner, nor in secret, and I challenge the newspapers of the country, the newspapers of Washington, that have published this statement to produce the evidence. I repeat neither the Secretary of the Treasury ever made such a request nor did the President of the United States ever grant such a request. It is unthinkable that it is so.

Now, for a moment about the Arlington site. The old Arlington Hotel was one of the most celebrated in the country. Travelers from all over the world made it their stopping place when in Washington. Guests from every quarter of our own country were entertained there. It was the stopping place of captains of industry, finance, and politics. Mr. J. Pierpont Morgan and Tom Platt made it their abiding place in Washington.

Mr. MOORE of Pennsylvania. Do not forget the Gridiron Club, which made it famous.

Mr. CAMPBELL of Kansas. And the Gridiron Club, which made the hotel famous. It was the situs of the most celebrated birthday dinner that has ever been given in the United States, the occasion of Uncle Joe's seventieth birthday anniversary. [Applause.] Early in 1912 it was decided by the company to tear down the old building and erect a new one, larger and more spacious in its appointments. The old hotel was torn down and a hole made in the ground. A series of

incidents occurred. The Democrats were successful in 1912; J. Pierpont Morgan, whom, it is alleged, was going to finance the enterprise, died; and the Arlington Hotel proposition failed. Court proceedings and foreclosure sales ensued. The property was offered for sale under a mortgage held by the Equitable Life Insurance Co. early in January, 1914. It was purchased by a company of gentlemen from Richmond, Va. Owing to some failure of a financial transaction immediately following the sale, the sale was not consummated, and the property was readvertised and sold again a week later. It sold for \$850,000. Some days later it sold for \$847,000, the purchasers giving a certified check for \$50,000 on the day of the sale, and subsequently giving another \$100,000, making a total that the purchasers have in the property of \$150,000. Since then financial embarrassment has attended the negotiations of the Arlington Hotel Co. They have made many efforts to unload the property and to get rid of it. It has been a great burden to them. It was far from a financial success. They attempted a year and a half ago to rent it to the Navy Department. They made a proposition to erect a spacious office building and rent it to the Navy Department for 65½ cents a square foot for a period of five years. This was submitted to the Committee on Appropriations, carefully considered, and the committee refused to take the lease of the property. Then there was more embarrassment in the Arlington Hotel Co.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. MADDEN. The Committee on Appropriations refused to authorize the lease of the Arlington property and preferred to recommend an appropriation of \$2,000,000 to build temporary office buildings, the cost of which from an interest charge standpoint would not be anything like what the rent of that building would have been if they had rented it.

Mr. CAMPBELL of Kansas. The Committee on Appropriations acted wisely.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. For a question.

Mr. CALDWELL. Is the gentleman's speech intended as a demonstration of the Republican support that his party is so proudly claiming for the President?

Mr. CAMPBELL of Kansas. Mr. Chairman, the Arlington Hotel Co. then sought to sell the property to the Treasury Department. That offer, so far as the Treasury Department was concerned, was apparently accepted. Authorizations were asked of Congress to consummate the purchase. Congress has been hearing evidence pro and con and has been dealing with the matter without very much enthusiasm. There has never been shown a very great disposition to make the purchase. Even this morning a resolution from the Committee on Rules making in order a bill for the purchase of the Arlington Hotel site, after having been offered was withdrawn, so that the Congress does not seem to be very enthusiastic over a transaction that would relieve the Arlington Hotel Co. of the great burden they have been carrying on an investment of \$150,000. The reasonableness of the price asked or the questions incident to it I shall not discuss at this time.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield now?

Mr. CAMPBELL of Kansas. Just for a question.

Mr. MOORE of Pennsylvania. When Congress voted to the President a lump sum of \$100,000,000 for war purposes, did it not also grant to him the power to appropriate a part of that money for the purchase of the Arlington Hotel site or any other site if he thought it necessary as a war emergency?

Mr. CAMPBELL of Kansas. It did not.

Mr. MOORE of Pennsylvania. Does the gentleman think that if in the estimation of the President it was necessary for purposes of war that he or the Secretary of the Treasury should purchase the Arlington Hotel or any other site that he did not have the power to do it with his \$100,000,000 fund? The practice, of course, is unusual.

Mr. CAMPBELL of Kansas. Oh, it would be a most violent assumption that the President would consider the purchase of hotel properties as war measures. What we need to win the war are arms, ammunition, airplanes, battle planes, ships, munitions of war of all kinds. We do not need hotel properties.

Mr. MOORE of Pennsylvania. The gentleman would not yield to me a moment ago, and I was hoping some Democrat would take my place and ask the question whether or not the President had actually made this authorization. My own judgment is that he has—

Mr. CAMPBELL of Kansas. I refuse to believe it.

Mr. POU. Mr. Chairman, if the gentleman will permit, I will state to the gentleman that the President has authorized the

expenditure of this fund upon the ground that it is a war-emergency measure, and upon the ground that in order to carry on the war the men who are working here in Washington must have a roof under which to work to protect themselves.

Mr. CAMPBELL of Kansas. Unless the gentleman from North Carolina, whose word I would not dispute under any sort of circumstances, has positive proof coming to him from the President himself I still stand upon the assumption that the President has done nothing of the kind. [Laughter.]

Mr. POU. With the gentleman's permission, I have a letter here, it will take just a moment if the gentleman will permit me, from the Secretary of the Treasury—

Mr. CAMPBELL of Kansas. Well, that is not the admission of the President. [Laughter.]

Mr. POU. With the permission of the gentleman, it says here:

I inclose copy of a letter I sent to the President in reference to the Arlington Building. The President has authorized me in the circumstances to acquire it out of the war-emergency fund.

The exigency is so great that it is not possible to delay action further. I earnestly hope, however, that the bill now pending in the House, and favorably reported by the Public Buildings and Grounds Committee, will be passed as promptly as possible, in order that the President's war-emergency funds may be reimbursed.

That is dated March 28, 1918. [Applause.]

Mr. MOORE of Pennsylvania. So that the gentleman believes the question now is one of reimbursement. [Laughter on the Republican side.]

Mr. RAINEY. Will the gentleman permit me to read—

Mr. CAMPBELL of Kansas. I would rather go on and let the gentleman from Illinois take time in his own right.

Mr. RAINEY. As to the law under which this is done—

Mr. CAMPBELL of Kansas. I will ask the gentleman to take time in his own right.

The CHAIRMAN. The gentleman declines to yield.

Mr. CAMPBELL of Kansas. How much time have I remaining?

The CHAIRMAN. About half a minute.

Mr. CAMPBELL of Kansas. Mr. Chairman, notwithstanding the statement of the gentleman from North Carolina [Mr. POU], notwithstanding the reading of the letter from the Secretary of the Treasury, I do not modify a single statement that I have made here with respect to this subject and to the duty of the President with regard to this \$100,000,000 war fund. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOOHER. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CANTRILL]. [Applause.]

Mr. CANTRILL. Mr. Chairman and gentlemen of the committee, I was very much in hope when spring came that the gentleman from Kansas [Mr. CAMPBELL] would catch the spirit of the season and get in a good humor. He seems to have been in a bad humor especially with all measures which seem to have the recommendation of the President of the United States and the executive heads of our departments, upon whom the responsibility for the proper conduct of this war exists, and I sincerely hope—

Mr. CAMPBELL of Kansas. Mr. Chairman, I hope—

Mr. CANTRILL (continuing). That this House will have the pleasure some time in the near future of hearing the gentleman from Kansas stand up here upon this floor and, as a patriotic American citizen ought to do, do something to uphold the hands of the President of the United States [applause on the Democratic side] instead of vicious and idle criticism of every move that the President and the departments undertake to make in the great crisis now facing this Nation. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Kansas?

Mr. CANTRILL. As to the merits of this proposition—

Mr. CAMPBELL of Kansas. Will the gentleman yield? I hope the gentleman will not charge me with failing to support the President of the United States in all war measures. I have worked and voted for every measure—

Mr. CANTRILL. Mr. Chairman, in answer to the gentleman from Kansas I will say that he, like some of the other Members of this House who take up all the time of the House on idle measures day after day in idle talk, when the roll comes does not dare stand before the American people and vote against what the President and the people want. [Applause on the Democratic side.]

Now, as to the merits of this proposition, Mr. Chairman, the facts in the case are—and that is what this House wants are the facts—no man in my 10 years' experience here has ever heard me make a partisan speech criticizing gentlemen on the other side; this is no time for it and no place for it. What this



House wants to-day are the facts connected with this case for the purchase of the Arlington Hotel property. As a member of the Committee on Public Buildings and Grounds, who heard in detail all of the facts connected with this property, and as a member of the Rules Committee, where those facts were rehearsed before that committee, I say to the committee, and the Record of the House bears me out, that the Committee on Public Buildings and Grounds by almost a unanimous vote, if not unanimous, decided to report a measure authorizing the appropriation of \$4,200,000 for the purchase of the Arlington Hotel property. The Members of the House know that the calendars of the House are loaded down, and the only way to get consideration of that measure was to come before the Rules Committee and get a rule to expedite the passage of this bill because it was a war measure, and I will prove it before I leave the floor. The Public Buildings and Grounds Committee thought it was a war measure and gave their unanimous support to it. The Committee on Rules, with the exception of the gentleman from Kansas, was of the opinion that it was of sufficient importance to bring in a special rule and ask this House to give this bill immediate consideration. Yet the House, acting under other rules, took up days and days in idle discussion of minor measures. The time had come when in order to secure this property at a reasonable price some one had to act, and pending the legislation in Congress, which has the indorsement of the Committee on Public Buildings and Grounds and the Rules Committee, the President has seen fit to act, and I, for one, say that he did right in doing what he did do, in giving the money to buy this property. [Applause on the Democratic side.]

Now, the facts in the case—facts are strange things to the gentleman from Kansas, but the House wants them—the facts in the case are these: That this building is now in course of construction. I walked over it the other day and looked at it, and I think there are four stories above ground of steel construction now up. The building that is being erected there is not, as the gentleman from Kansas stated, a hotel piece of property, but it is a modern, up-to-date office building, and the hearings before the Committee on Rules showed that, and the gentleman from Kansas was not fair with the House when he undertook to make the House believe that it was a hotel going up there instead of a modern, up-to-date office building with the approval of the various building commissions of this city here behind it. Now, this building is to be used for the Commissioner of Internal Revenue and by the Bureau of War-Risk Insurance.

And I want to say to this House that the room for these employees of the Government is absolutely needed at this moment, and that is why the President acted. The testimony, the facts, before the Rules Committee and the Committee on Public Buildings and Grounds showed that the three stories of this building underground are to be used for the preservation of the policies of the soldiers and sailors who are now in the service of their country, 1,000,000 life insurance policies having been taken out by the loyal soldiers and sailors of Uncle Sam. Where are those policies to-day? It would not be wise for me to state it here upon this floor. The committee members were advised in secret as to where they were located. Suffice it to say they are not where they ought to be, for their proper preservation. They now are being guarded day and night by armed soldiers in order to protect the interests of our boys.

The purpose of buying this property is to have proper storage immediately for these million policies of our soldiers and sailors, because, as stated before the committee, the strongest blow that could be given us to-day would be the destruction of these 1,000,000 policies, which would wipe out the record of every loyal soldier and sailor and deprive his family of the insurance that the Government intends him to have.

Mr. GILLETT. Will the gentleman yield?

Mr. CANTRILL. I will.

Mr. GILLETT. When is this building going to be completed, so that it can be used for that purpose?

Mr. CANTRILL. The building is now under construction?

Mr. GILLETT. I understand it will be finished by the 1st of next October.

Mr. CANTRILL. I understand it is to be finished just as rapidly as it can be pushed to completion, whereas if we had to go into other parts of the city and buy property it would be delayed a year. And, gentlemen, let me say this to you, that in my opinion this is a proper place for the President of the United States to buy property. As said by the gentleman from Kansas, the Belasco corner has been purchased by the Treasury Department and a building authorized there. It ought to go there. It is just across Pennsylvania Avenue from the Treasury Department proper. It can be connected by tunnel under the Avenue with the Treasury, and just as soon as pos-

sible a building will be put up there and ought to be put up there, and Congress has already authorized it. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. Can I get two or three minutes more?

Mr. BOOHER. I yield to the gentleman five minutes more.

Mr. CANTRILL. Thank you.

Now, as the Members of the House know, the Arlington Hotel property is just a square beyond the Belasco property. So that makes the Treasury Building and the Belasco property building, connected by tunnel under the Avenue, and the Arlington Hotel property, practically all within one square, under the direct control of the Treasury Department. It would be better if they could all be in one building, but every Member of Congress knows it is impossible to remodel the old Treasury Building so as to bring them under the same roof, and this is the nearest that can be done to put them together. It is in the proper location to be properly connected with the Treasury Department. It is upon very high ground, too, which is absolutely necessary, inasmuch as these million war policies have to be stored in the basement, and we need dry basements in order to store those policies properly or to store any other valuable papers of the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CANTRILL. Just for a question.

Mr. MOORE of Pennsylvania. Ordinarily, when property is to be purchased by the Government, the procedure is for the department to come to Congress with an estimate to the committee that has real charge of the matter here?

Mr. CANTRILL. I will answer your question directly, because I want to give the House all the information I have, and I do not want to take up any time in indulging in anything but facts.

The gentleman from Kansas [Mr. CAMPBELL] complains about the price of the property. The record before the various committees shows that the Government paid for this lot about \$1,000,000. At forced sale it brought almost \$1,000,000, and for years has been listed and taxed by the city of Washington upon the basis of almost \$1,000,000.

Mr. KEARNS. Will the gentleman yield?

Mr. CANTRILL. Just let me finish my answer to the gentleman from Pennsylvania first.

And the Government has paid exactly what experts in the city have said it is worth, and not a dollar more than it is worth. The building which is going up has been carefully looked into by the Supervising Architect and his entire force, and the head men of that office and of the Treasury Department, after a full investigation of the cost of building material, labor, and all, and the cost of the lot, came before two committees of Congress and told us that the price paid in the bill is reasonable and practically the cost price of the property. And in that connection permit me to say to the House that in private conversation not long ago with a real estate man in this city, who had no interest whatever in the property and who happens to be my personal friend, I asked him for information on this subject, and he, as a practical real estate man in the city of Washington, told me that the Government was getting the full worth of its money in the purchase price of the Arlington Hotel property.

Mr. CANNON. Will the gentleman yield for a question purely for information?

Mr. CANTRILL. Yes.

Mr. CANNON. Does the \$4,500,000 measure the cost of the building when it is completed?

Mr. CANTRILL. Yes, sir.

Mr. MOORE of Pennsylvania. Four million two hundred thousand dollars.

Mr. CANTRILL. Four million two hundred thousand includes, I will say to the gentleman, the cost of the lot and the entire completed cost of the building, taking in the entire surface of the lot. There is but one-third of that lot that was not in the original plans when they started out to build this office building; but, in order to make room for the department, the third of the lot was added on, and the proposed building will cover the entire area. And I will say to the House that, in order to transact the business of the Government in the Commissioner of Internal Revenue's office and in the Bureau of War-Risk Insurance, which is now housed in six different places in this city, with the records scattered from one end of the city to the other—and I am supported in my contention both by the Committee on Public Buildings and Grounds and by the Committee on Rules—this purchase should be immediately put through; and I say the President was right in taking advantage of the opportunity and that it is the duty of this House to reimburse that fund.

Now, in answer to the gentleman from Kansas, undertaking to say that this is a secret fund given to the President, I will say it is no such thing. It is an emergency fund given to the President by this Congress to utilize as he pleases, and the President has done nothing in secret as intimated by the gentleman from Kansas [Mr. CAMPBELL]. He has no secrets from the American people. He stands here doing what he believes is his duty, and I believe he did right, and I believe it is our duty in all fairness and all honesty to reimburse that fund. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills of the following titles:

On April 4, 1918:

H. R. 5351. An act providing for the disposal of certain lands in block 32, in the city of Port Angeles, State of Washington;

H. R. 11123. An act to amend an act approved September 24, 1917, entitled "An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes"; and

S. 2469. An act to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*.

On April 5, 1918:

S. 3714. An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. BOOHER. Mr. Chairman, I yield 20 minutes to the gentleman from North Carolina [Mr. POU].

The CHAIRMAN. The gentleman from North Carolina is recognized for 20 minutes.

Mr. POU. Mr. Chairman, I merely wish to supplement what has so well said by the gentleman from Kentucky [Mr. CANTRILL] by submitting one or two observations.

If any gentleman has any doubt as to the necessity, the urgent necessity, of the action taken by the Secretary of the Treasury, indorsed by the President of the United States, I respectfully request that gentleman to send to the rooms of the Committee on Rules and get a copy of the brief hearing upon this proposition and read it. The hearing did not take up very much time, and every question that has been asked, I think, has been answered in the hearing by that committee. I understand the hearings had before the Committee on Public Buildings and Grounds have not been printed. They are somewhat fuller and go more into detail than the brief hearing held by the Committee on Rules.

The records of the War-Risk Insurance Bureau at this time are kept at eight different places in the city of Washington.

Mr. GLASS. Mr. Chairman, may I interrupt my colleague?

Mr. POU. Yes; I yield.

Mr. GLASS. Did it appear in the evidence before the Committee on Rules that the Secretary of the Treasury did write a letter to the President, and that the proposition did receive the indorsement of the President?

Mr. POU. At the time the hearing was had by the Committee on Rules that action had not been taken.

The records of the War-Risk Insurance Bureau are kept at eight different places, in all sorts of buildings, some of them in highly combustible buildings.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. POU. I do.

Mr. MOORE of Pennsylvania. I think the gentleman has a copy of the letter. Does he intend to insert it?

Mr. POU. Yes. I am going to ask to have it inserted in the RECORD and consume part of my time in having it read to the House.

These records of the War-Risk Bureau, which can not be replaced, are, as I have said, distributed in eight different buildings; and, as the gentleman from Kentucky has said, they are guarded night and day. Ten additional buildings are occupied by the Internal-Revenue Bureau, making 18 in all. There is no other available place in the city of Washington except this Arlington Building wherein these two great bureaus can be housed. Their records can not be consolidated under one roof

unless the Arlington Building is acquired, and in the circumstances the Secretary of the Treasury decided that the urgency was so great, that the danger was so great, he would not take the risk of destruction any longer, and he assumes the full responsibility for all that has been done.

Mr. REAVIS. Mr. Chairman, will the gentleman yield for a question, entirely for information?

Mr. POU. I do.

Mr. REAVIS. I think all the Members of the House appreciate the necessity for the Treasury Department having more room. The complaint, if it may be called such, of the gentleman from Kansas [Mr. CAMPBELL], as I understood it, was the alleged impropriety of purchasing this property out of the usual way. Ordinarily such things come on the floor of the House, where the necessity of the purchase and the price to be paid are debated and discussed. I wish the gentleman would state, if it will not interfere with his line of thought, what was there in the condition that would lead to the belief that Congress was not ready to act upon this and that would justify the President in making this purchase out of that fund and without waiting the action of Congress?

Mr. POU. The urgency, as I understand it, was simply this: If these records were to be put in a fireproof building and as nearly as possible under one roof, the Government must acquire this particular building, there being no other available building in the city; and the Secretary of the Treasury decided that the urgency was such that he felt it to be his duty to act; the urgency was such, the risk was so great, that he did not dare to wait longer upon the action of Congress. To him his duty was so obvious he felt he had the right to assume that his action would be ratified by Congress.

Mr. REAVIS. Just a word further.

Mr. POU. Yes.

Mr. REAVIS. That was the decision of the Secretary of the Treasury? What I want to know from the chairman of the Committee on Rules is this: Would the facts justify that opinion? I mean by that this: Is it not possible, and was it not possible, for the Committee on Rules to submit that measure to Congress, so that it could have been acted upon immediately and without unnecessary delay?

Mr. POU. The Committee on Rules was intending to submit the matter to Congress. The rule had already been authorized, but the Secretary of the Treasury decided that it was a matter that ought to be acted upon at once, and for that he assumes full responsibility. As a matter of fact, one option held by the Government on this property had expired on the 11th of March. The Secretary did not know how long the offer of the owners to accept \$4,200,000 would be held open. He could not know that some private individual or corporation would not purchase the property. He simply knew it could be had now if proper action were taken. He had exhausted every effort to acquire space, and as the price was deemed fair and reasonable the Secretary decided he could not afford to wait.

Mr. SHERLEY. Mr. Chairman, if the gentleman will yield to me for a moment, I think I can help the whole situation by a plain recital of what occurred.

Mr. POU. I will yield to the gentleman.

Mr. SHERLEY. There came to the Committee on Appropriations an estimate for the purchase of the Arlington site and the erection of this building in exact accord with the action that has now been taken, the price being the same; but the estimate coming after the hearings had closed on the urgent deficiency bill, it was impossible at that time to have a hearing and make the item a part of that bill. When the urgent deficiency bill came on the floor it carried provisions for buildings for housing other activities of the Government. The question was raised by the Committee on Public Buildings and Grounds as to the action of the Committee on Appropriations in carrying provisions for buildings that had not been authorized. The point of order was made by the gentleman from Florida [Mr. CLARK], and the provision in regard to the housing of other activities went out of the bill. Subsequently it was permitted to be restored without the obtaining of a rule to make it in order.

In view of those facts it did not seem to the Committee on Appropriations that it would be warranted in undertaking to act upon the Arlington matter until authorization had been made by the Congress. In the meanwhile there has been a legislative congestion in this House. The Committee on Public Buildings and Grounds some time ago reported a bill to authorize the purchase of this site and buildings. If that bill were passed tomorrow there still would have to be an appropriation carried. Presumably the Secretary of the Treasury felt the need for either carrying out this project or undertaking some other, and as he believed this to be a desirable thing, and the action of the Committee on Public Buildings and Grounds confirming his



judgment, he has felt warranted in going ahead without waiting for the authorization and appropriation by Congress, which would probably have delayed action a month or two further.

I think this also ought to be said in view of what has been said by the gentleman from Illinois [Mr. MADDEX]: The Committee on Appropriations has never functioned in this matter and has never turned down or approved this proposal, for the reasons I have stated.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman permit me to make an inquiry, if it will not interrupt him?

Mr. POU. I have but little time.

Mr. MILLER of Minnesota. The gentleman can get more time if he wants it.

Mr. POU. I will yield to the gentleman.

Mr. MILLER of Minnesota. Having regard for the construction of a new building as a permanent building for the Government, is it not desirable that the building when constructed shall have certain architectural features that will make it a desirable public building and an addition to the city of Washington, especially in that location? The Fine Arts Commission has a plan, which has been carefully worked out, embracing the construction of a building on that site. Has any consideration been given to the kind of building to be erected on that site; and if so, does anybody know what it will look like and what it will be worth?

Mr. POU. That matter was taken up and was considered in the agreement that the Secretary of the Treasury has made in respect to the purchase of the property.

The situation in a word was about this: The Secretary of the Treasury did not know how soon Congress was going to give him authority to take over this building. Of course, he could not know for certain that authority would be given, but he assumed it would be. That is the truth of it, and he decided that it was so necessary to act in the premises that he was willing to take the responsibility without waiting. He has done it, and he submits willingly to any criticism that may properly be made.

Mr. DILLON. Will the gentleman yield?

Mr. POU. In a minute or two I will yield. Now, as to the cost of the building, any gentleman can determine that by reading the hearings. So far as I am concerned, I think there can be no just criticism as to the cost. As to the necessity for prompt action, let us bear in mind that these records are scattered over seven or eight different places, and may be destroyed at any minute. Every available building has been considered by the Treasury Department. I want to emphasize that this is the only building in the city of Washington which can be obtained anywhere in the near future for the housing of the invaluable records of the War-Risk Insurance Bureau. I send to the Clerk's desk and ask that the Clerk read in my time the letter of the Secretary of the Treasury.

The CHAIRMAN. Without objection, the Clerk will read.

Mr. MOORE of Pennsylvania. Reserving the right to object, this is the letter which bears the authorization of the President?

Mr. POU. It is.

Mr. MOORE of Pennsylvania. I think this letter ought to go into the RECORD.

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

Mr. POU. I yield to the gentleman for a question.

Mr. DILLON. Will the gentleman tell how much has been paid down on this proposition by the Secretary of the Treasury?

Mr. POU. I do not know. I presume nothing has been paid. I think nothing has been paid up to this time.

Mr. SLOAN. Just for information, I desire to know if the depositing of these insurance policies in some place for the Government is a requirement of the statute, or simply a policy of the Government? Ordinarily, these policies are sent to the holders or somebody who may be designated by the man for whose benefit a policy is taken out.

Mr. POU. I understand that records are kept in the city of Washington which, if destroyed, could not be replaced, and the destruction of which would bring about endless confusion. That is the information I get from the War-Risk Bureau.

Mr. DILLON. That is true of the records of the policies; but the gentleman spoke of keeping these policies on deposit.

Mr. POU. No; I was misunderstood. I simply alluded to the records of the War-Risk Bureau. My information is that it is desired to keep these records in a fireproof building, because if destroyed they could not be replaced and that the confusion resulting therefrom would be practically endless. I ask the Clerk to read the letter.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

THE SECRETARY OF THE TREASURY,  
Washington, March 22, 1918.

DEAR MR. PRESIDENT: You were good enough to approve, on February 12, an estimate, which was promptly submitted to the Congress, for the purchase by the Treasury Department of the Arlington Building,

now under construction, involving a cost, including the proposed annex to it, and such changes and modifications as will make it suitable for Treasury needs, of \$4,200,000. A bill was promptly introduced in the House, was reported favorably by the Committee on Public Buildings and Grounds, and is now pending. I am hopeful of early action by the House, but the calendar is somewhat crowded with other important matters and I do not know when this bill will be reached; and even after it has passed the House it must pass the Senate. How much time this will require I do not know. I am sure that there is every disposition on the part of the House and the Senate to expedite consideration of this matter, but at best it will take considerable time.

The situation in the Treasury Department is so exigent that I am deeply concerned about its ability to perform the vital work now required of it in the public interest unless immediate measures are taken to provide the amount of office space imperatively demanded. It is not only a question of amount of space, but also of the time within which it can be obtained. It is equally important that this space should be, as far as practicable, under one roof in order that efficiency and speed in the administration of important functions of the department may be secured. Not alone that, but the building should be fireproof in order that invaluable records, especially those in connection with the administration of the War-Risk and Internal-Revenue Bureaus, may not be imperiled by fire.

The Arlington Building is partly constructed. It will have sufficient space to fill the imperative needs of the Treasury, and if taken hold of immediately by the Government can be pushed to prompt completion. If taken hold of now, it can also be constructed with reference to the Treasury's particular requirements, and, in addition to that, the exterior treatment of the building can be greatly improved without large additional cost, so as to make it far more attractive architecturally than the building as now designed.

As you know, the War-Risk Insurance Bureau is now taking care of the dependent families of our soldiers and sailors who are at the front, is administering over \$12,000,000,000 of insurance on the lives of our soldiers and sailors, and is performing the most prodigious task of its kind ever undertaken by any Government. This work is rapidly increasing, and of necessity must continue to increase with the growing list of killed and wounded and with the enlargement of the Army and Navy which must come with the progress of the war. The Internal Revenue Bureau must continue to grow as the war proceeds, in order to administer successfully the additional duties which will have to be imposed upon it. These two activities alone require more than 500,000 square feet of space in addition to the 96,000 square feet to be provided by the Treasury Annex soon to be erected on the corner of Pennsylvania Avenue and Madison Place. At present the War-Risk Bureau is being administered in 8 different buildings in Washington, the Internal Revenue in 10 different buildings. The inefficiency, delay, and unnecessary expense resulting from this scattering of the activities of these important bureaus are greater than I can describe. It is extremely hurtful to the public interest; in fact, it works an injustice to the dependents of our soldiers and sailors, and to our soldiers and sailors themselves, when the functions of the War-Risk Bureau are made inefficient because of inadequate office space in which to do the necessary work.

Not the least serious feature of this situation is the fact that the invaluable and irreplaceable records of the War-Risk Insurance Bureau and of the Internal Revenue Bureau are now in considerable part stored in nonfireproof buildings and might be destroyed, to say nothing of the possibilities of loss of human life from overcrowding in such buildings and the insanitary conditions under which the employees are now forced to work.

The activities of these two important bureaus are equaled in large measure by other bureaus of the Treasury, which administer the liberty-bond issues. It is impossible to describe the difficulties under which the Treasury is now laboring in its effort not only to raise essential money through the sale of liberty bonds, but to find room for the employees to work, in order to turn these bonds out promptly and deliver them to purchasers throughout the country. The corridors of the Treasury Building, where light and ventilation are poor, must be used from time to time for this service. It is an injustice to the employees and to approach to the Government.

The railroad administration will require a large amount of space in order to efficiently manage the railroads of the United States now in the possession and control of the Government. The Interstate Commerce Commission has been good enough to give me as much space in their building as could be spared, but it is wholly insufficient. The railroad administration is seriously hampered even now for want of space, and that condition will grow more acute each day.

The War Finance Corporation, which will spring into existence as soon as the pending law is enacted and receives your approval, must have adequate space in which to do the important work assigned to it. This work will constantly increase with the progress of the war, and room must be provided for that purpose.

The responsibilities resting upon the Secretary of the Treasury are so numerous and important that it adds enormously to his burdens if the agencies under his control are unnecessarily scattered. Efficiency of administration will be greatly promoted by the consolidation, as far as practicable, of these great and responsible activities.

This is a war emergency of the most serious character. I can not overstate it. Every day of delay is aggravating the problem and imperiling the public interest. In these circumstances I am moved to beg you to allot to the Treasury \$4,200,000 out of the war-emergency fund in your control, with authority to expend so much of it as may be necessary in the purchase of the Arlington property and the completion of the building now under construction and in the erection of the proposed annex thereto. This will enable the Treasury to get back of the contractor and expedite the work greatly. If the Treasury can take possession of this property immediately, it will be possible to complete a large part of the building and have it ready for occupancy in the early fall.

If you will grant this request, the war-emergency fund may be reimbursed when the Congress passes the pending bill for the purchase of the Arlington property. I am most reluctant to make this request, but the situation is so exigent that I would be derelict in my duty if I did not do so.

I inclose a list of the 18 different buildings, together with a map, upon which is indicated their location in the city of Washington, from which you can see how widely the business of these two bureaus of the Treasury is now scattered.

It is far more economical and far more advantageous to the Government to buy the Arlington property and complete the building than to erect temporary, combustible structures which would represent a large loss in the end and be wholly unsatisfactory for the purposes in view.

Moreover, the activities of the Treasury Department, even after the restoration of peace, will necessitate the use of the Arlington building for a long period of time, if not permanently.

There is no other opportunity in Washington which will meet the Treasury's imperative need within a reasonable time or at all, so far as I have been able to discover.

With the earnest hope that this request may receive your prompt and favorable consideration, I am,

Faithfully, yours,

W. G. McADOO.

The PRESIDENT,  
The White House.

Inclosure.

Approved and authorized.

25 MARCH, 1918.

WOODROW WILSON.

Mr. **POU**. The authority under which the President acted appears to be full and ample. After reading the law I submit there is absolutely no ground upon which any criticism of the President or of Secretary McAdoo can be based. The President clearly had authority to authorize this purchase of the property.

That part of the act of Congress approved April 17, 1917, under which the President acted reads as follows:

NATIONAL DEFENSE.

For the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President, and to be immediately available and to remain available until December 31, 1917, \$100,000,000.

The act of December 15, 1917, continuing the appropriation reads:

EXECUTIVE.

The appropriation of \$100,000,000 "for the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President," contained in the general deficiency appropriation act approved April 17, 1917, is continued and made available until June 30, 1918.

Mr. **MOORE** of Pennsylvania. That letter carries the approval and authorization of the President?

Mr. **POU**. Yes.

Mr. **MOORE** of Pennsylvania. Therefore out of the \$100,000,000 fund the President has authorized the use of \$4,200,000 for this purchase.

Mr. **POU**. Four million two hundred thousand dollars.

Mr. **MOORE** of Pennsylvania. Now, it seems to me that the question as to the propriety of the authorization is the question which concerns the gentlemen who have spoken.

Mr. **POU**. I am going to conclude by asking unanimous consent to have printed, along with the letter which has just been read, a letter of Secretary McAdoo, of March 9, addressed to myself, answering several questions as to why the Government does not acquire this building and why the Government does not acquire that building.

The **CHAIRMAN**. The gentleman from North Carolina asks unanimous consent to insert in the **RECORD** a letter addressed to him by the Secretary of the Treasury, Mr. McAdoo. Is there objection?

There was no objection.

The letter is as follows:

THE SECRETARY OF THE TREASURY,  
Washington, March 9, 1918.

Hon. EDWARD W. **POU**,  
House of Representatives.

MY DEAR CONGRESSMAN: I take pleasure in replying categorically to your three questions of the 8th instant indirectly bearing on the purchase of the Arlington property.

Question No. 1. Why doesn't the Government use the Poli Theater property?—Answer No. 1. Theater property is not at all suitable for departmental use. The lobby, auditorium, and stage occupy seven-eighths of the building and, being practically without natural light and ventilation, could not be utilized in their present condition. The cost of remodeling and reconstructing the building would be prohibitive, and even then the space would not be suitable for use by the Government nor would the amount of space be sufficient.

Question No. 2. Why doesn't the Government use the Oxford Hotel?—Answer No. 2. This building is in very poor repair and is cut up into small rooms, which would make the maintaining of an efficient organization impossible. The war-risk insurance and internal-revenue work require large spaces of from 5,000 to 10,000 square feet in one division. The building is also nonfireproof and of very light construction, so that it would not support the files in current use by these bureaus without strengthening the construction. Furthermore, the arrangement has been reached with the lessee of this hotel by which, in exchange for permission to keep the hotel in operation, he has turned over for Government use the four-story building No. 1209-11 Pennsylvania Avenue, containing 12,000 square feet of fairly satisfactory office space against 29,000 square feet in the Oxford Hotel of unsuitable space. Moreover, the demand for living rooms and space in Washington is so great that this property is more useful for hotel or boarding-house purposes than for any other.

Question No. 3. Why can't the Government utilize the G. A. R. Building?—Answer No. 3. A division of the Internal Revenue Bureau is occupying this building with the exception of the hall on the top floor, the continued use of which has been granted to the Grand Army of the Republic.

There are several other buildings in the block bounded by Pennsylvania Avenue, E, Fourteenth, and Fifteenth Streets which are being utilized to such an extent as is possible, and one four-story building, No. 406-8 Fourteenth Street, has been repaired and an extension built thereto, thus supplying about 26,000 square feet, but these buildings furnish only a very small fraction of the space required by the Treasury De-

partment. The War-Risk Insurance and Internal Revenue Bureaus alone require 250,000 square feet each, or 500,000 square feet in all, which is half the size of the temporary building recently erected in Henry Park.

All these buildings are highly combustible and should not be used for valuable records.

I hope the above information will furnish you the data required.

Sincerely,

W. G. McADOO.

Mr. **BARKLEY**. Will the gentleman have put into his remarks the law appropriating this \$100,000,000 for the use of the President, so that we may see that he had the authority to use it for that purpose?

Mr. **POU**. The law is, of course, available. If I can do so conveniently, I will have it inserted.

Now, Mr. Chairman, I conclude with just this statement: Even after the building is erected adjoining the Belasco Theater, and even after this building is acquired, there will still be a deficit of some 20,000 or 30,000 square feet of necessary space, as I understand it. It will take every inch of these buildings in order to house those engaged in this Government work.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9054) disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. **GORE**, Mr. **SMITH** of South Carolina, Mr. **SMITH** of Georgia, Mr. **GRONNA**, and Mr. **NORRIS** as the conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. **KENNEDY** of Iowa. Mr. Chairman—

Mr. **SMALL**. Will the gentleman from Iowa kindly allow me to yield 10 minutes to the gentleman from Florida [Mr. **CLARK**]?

Mr. **KENNEDY** of Iowa. You have used twice as much time on that side as we have used on this side, and the gentleman from Wisconsin [Mr. **FREAR**] desires to follow the gentleman from North Carolina [Mr. **POU**].

Mr. **SMALL**. I am aware of that. I hope the remarks of the gentleman from Florida [Mr. **CLARK**] will end this discussion about the acquisition of the Arlington Hotel building. The gentleman from Florida [Mr. **CLARK**] is chairman of the Committee on Public Buildings and Grounds, and desires to speak now.

Mr. **FREAR**. I am very desirous of finishing to-day.

Mr. **KENNEDY** of Iowa. Under the circumstances, I do not think the gentleman from North Carolina [Mr. **SMALL**] ought to ask that the gentleman from Florida speak now. You have used twice as much time as we have, and the gentleman from Wisconsin [Mr. **FREAR**] is a member of the committee.

Mr. **SMALL**. I assume that the gentleman from Wisconsin does not desire to discuss the Arlington proposition. The gentleman from Florida [Mr. **CLARK**] desires to discuss that, and we hope to end the discussion on that subject with his remarks.

Mr. **KENNEDY** of Iowa. Would it not be just as well to have a little discussion on the bill?

Mr. **FREAR**. I do not inflict myself on the House very frequently. I would be very glad to listen to the gentleman from Florida [Mr. **CLARK**], but there may be others who may desire to be heard on the same proposition following him.

Mr. **SMALL**. The gentleman from Florida says he will be satisfied with five minutes.

Mr. **FREAR**. All right.

Mr. **SMALL**. I yield five minutes to the gentleman from Florida [Mr. **CLARK**].

Mr. **CLARK** of Florida. Mr. Chairman, I do not care to enter into any lengthy discussion of this matter. It has been pretty thoroughly discussed, and I do not care to take up the time of the committee. I want principally to ask unanimous consent to print in the **RECORD** a couple of letters, one of them being a letter from the Secretary of the Treasury, Mr. McAdoo, of the same date as the letter that has been read, and in which he inclosed a copy of that letter to me. I also want to ask unanimous consent to put in the **RECORD** a letter from Secretary McAdoo of February 26 last on this same subject.

Mr. **MOORE** of Pennsylvania. Reserving the right to object, I want to ask the gentleman if the letter of the Secretary is the same letter which bears the approval and authorization for the use of the \$4,200,000 by the President of the United States? Mr. **CLARK** of Florida. Yes.

Mr. **MOORE** of Pennsylvania. His approval is there?



Mr. CLARK of Florida. Absolutely. Mr. Chairman, this building will contain 10 stories and an attic above ground and 3 stories below ground, which makes splendid space for the storage of records, and so forth. It is to be a building in keeping with the Treasury Department Building and buildings of that character. It is to be a magnificent building. It will save the Government about \$104,000 a year in rent. The Secretary wants the building mainly on account of the War-Risk Insurance Bureau. The War-Risk Bureau had about \$12,000,000 of insurance applications pending at the time of the hearings, and all of the papers are scattered about in fire traps liable to be destroyed at any time.

It occurs to me, Mr. Chairman, that under the law giving the President the \$100,000,000 fund he had a perfect right to divert this much of it for this great war necessity. All of the men and women of this country who have boys in the trenches are interested in the preservation of these papers, which could not be replaced if they were lost. Therefore this arrangement has been made, and nothing has been attempted to be concealed about it. I understand that the Secretary of the Treasury wrote the same letter that he sent to me to the gentleman from North Carolina [Mr. POU] and to the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Michigan [Mr. FORDNEY], and there was absolutely no attempt at secrecy. If the gentleman from Kansas [Mr. CAMPBELL] had not heard of this transaction, he is perhaps the only Member of Congress who had not the information that this action had been taken. There was absolutely no purpose on the part of anybody to conceal it; it was open and aboveboard.

The Secretary of the Treasury had a right to ask it and the President had a right to do it, and they are both willing to stand on their rights to enter into this contract under the law which we enacted. Now, Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to insert these letters that I have referred to in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.  
The letters are as follows:

TREASURY DEPARTMENT,  
Washington, February 26, 1918.

HON. FRANK CLARK,  
Chairman Committee on Public Buildings and Grounds,  
House of Representatives.

DEAR MR. CLARK: Referring to your communication of the 23d instant, I take pleasure in transmitting herewith the following additional data regarding the Arlington proposition:

Estimated cost by the Office of Supervising Architect:

Main building	\$2,262,848
(This includes \$118,751 for changes required by the Treasury Department, such as modification in design, strengthening floor construction, etc.)	
Extension to building	850,502
Site as valued by the Treasury Department	1,000,000
	4,122,350

The actual proposal of the Arlington Building (Inc.) is \$4,119,072. The estimate and the actual proposal are in very close agreement. The Treasury Department has asked for \$4,200,000, so as to have a contingent fund for changes incident to assignment, such as rearrangement of partition work, conduits, and wiring for addressograph and other machines, and also for awnings, shades, etc. The cost per cubic foot is 40 cents for the main building and 44 cents for the extension. The higher cost of the extension is accounted for because as yet there are no subcontracts in force and consequently labor and material will have to be paid for at a higher rate. The unit cost of the building and extension combined is 41½ cents per cubic foot.

The site has been included in the estimate at \$1,000,000, which is based on the valuation of three real estate experts, as follows:

No. 1. Minimum value	\$1,257,745
No. 2. District assessor's office	1,042,821
No. 3. \$900,000 to \$950,000, average	925,000

The average value of the three valuations is \$1,075,188. This appears to fully justify the valuation by the Treasury Department at \$1,000,000.

The structural design of the building has been examined by engineers of the Office of the Supervising Architect and found satisfactory with the exception of the floor construction, which was considered too light for Treasury use, in consequence of which an agreement has been reached with the owners to strengthen the floors so as to make them safe for a live load of 100 pounds per square foot for offices and 120 pounds for corridors.

It is pertinent in this connection to call attention to the beams connecting the columns, which are very light in appearance. This has led to some criticism by people not conversant with the method of construction used in this building. However, these beams are not designed to carry the floor loads but serve to hold the columns in position during erection and in the completed structure become tension members of concrete girders. This method of construction has the approval of building bureaus of several large cities, among others, New York, Baltimore, and the District of Columbia.

I have previously shown the necessity of providing suitable quarters for the Internal Revenue Bureau, and especially the War-Risk Insurance Bureau, and I believe your committee is fully convinced of this as an urgent war measure. The only two methods of providing space is by erecting a temporary structure or acquiring the Arlington Build-

ing, and that the latter is greatly to the advantage of the Government is shown by the following comparative figures:

The temporary buildings recently erected have cost from \$2 to \$2.35 per square foot of floor area. Assuming the cost at only \$2, and the operating expense at 21 cents against 27 cents in the Arlington Building, and assuming the life of the temporary building to be four years, which is probably longer than it can be maintained, then the Government will at the end of the four-year period have expended \$1,921,280 for the temporary building against only \$1,648,640 for the Arlington Building, or \$272,640 less. The following table gives this information in detail:

<i>Temporary building.</i>	
Interest, 4 per cent on \$1,216,000	\$48,640
Depreciation, 25 per cent on \$1,216,000	304,000
Operating expenses, 21 cents on 608,000 square feet	127,680
<b>Total per year</b>	<b>480,320</b>
<i>Arlington Building.</i>	
Interest, 4 per cent on \$4,200,000	168,000
Depreciation, 2½ per cent on \$3,200,000	80,000
Operating expenses, 27 cents on 608,000 square feet	161,160
<b>Total per year</b>	<b>412,160</b>

At end of year.	Temporary building.		Arlington building.	
	Per square foot.	Total.	Per square foot.	Total.
First	\$0.79	\$480,320	\$0.67½	\$412,160
Second	1.58	960,640	1.35	824,320
Third	2.37	1,440,960	2.03	1,236,480
Fourth	3.16	1,921,280	2.71	1,648,640

Temporary building	\$1,921,280
Arlington Building	1,648,640

Saving in favor of Arlington Building 272,640

Considered on a rental basis, the temporary building costs 79 cents per square foot per year against 67½ cents for the Arlington Building.

It is now not possible to rent any more office space in Washington, but if it were obtainable it would cost not less than twice as much, and probably three times as much, as the Arlington Building.

It is evident that this is a first-class business opportunity that the Government should not neglect, especially as the price is considered reasonable.

Sincerely, yours, W. G. McADOO, Secretary.

THE SECRETARY OF THE TREASURY,  
Washington, March 28, 1918.

HON. FRANK CLARK,  
House of Representatives.

DEAR MR. CLARK: I inclose copy of a letter I sent the President in reference to the Arlington Building. The President has authorized me in the circumstances to acquire it out of the war emergency fund.

The exigency is so great that it is not possible to delay action further. I earnestly hope, however, that the bill now pending in the House and favorably reported by the Public Buildings and Grounds Committee, will be passed as promptly as possible, in order that the President's war emergency fund may be reimbursed.

Assuring you of my appreciation of all that you have done in this connection, I am, with warm regard,  
Cordially, yours,

W. G. McADOO.

Mr. CLARK of Florida. Mr. Chairman, I want to state one thing further, and then I am through. The testimony was not printed, at the special request of Assistant Secretary Love, who made statements which he said ought not to go to the public. The testimony has been transcribed, is in my office, and any gentleman of the House is at liberty to see it at any time he desires.

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 45 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, I desire to digress from the river and harbor bill for a few moments. There is a matter of far more importance before the country at this time than the river and harbor bill. I desire to speak on the subject of Wisconsin's position before the country at large and to discuss matters of national moment that concern the whole country. My attention has been called particularly to an advertisement which I will read and may again refer to later. This advertisement was published in the Rockford Morning Star, a Democratic paper at Rockford, Ill. It could not be published in my own State without having attached to it the signature of the person authorizing it at that time. It violates the Wisconsin law, because it is unsponsored. It is an advertisement two columns in width and is addressed to Wisconsin soldier boys in the camp near Rockford, Ill., and is as follows:

TO THE WISCONSIN SOLDIERS AT CAMP GRANT.  
Tuesday, April 2, you are entitled to vote for United States Senator from Wisconsin to succeed Paul O. Husting.  
President Wilson, your Commander in Chief, desires all loyal Americans to vote for Joseph E. Davies for United States Senator.  
Davies's election means joy at Washington and gloom at Berlin.  
Davies's defeat means gloom at Washington and joy at Berlin.

Mr. Chairman, one of the ablest Democrats at either end of the Capitol recently said in public debate:

It will be conceded without argument that I have been, perhaps, as bitter a partisan Democrat as has sat in this Chamber for many years, \* \* \* but when it comes to a question of loyalty to this Government, I deny that there can be drawn a line between a loyal Democrat and a loyal Republican.

I know as I look across the aisle—

He continued—

that I am looking into the faces of men whose sons are, some of them, upon the battle line, some of them in training camps, and some of them upon the blue waves of the ocean. \* \* \* As I look upon this side I see men whose sons are engaged in the same loyal service. As I look into the hearts of all here I know that each man would give his last drop of blood that surges through his veins if he could bring victory to our armies and a glorious fruition to our hopes. \* \* \* Let the election go on in Wisconsin. Let us go on with our business here. \* \* \* I say as a Democrat that if either one of the leading candidates is returned, a loyal man will be sworn in at yonder desk.

Mr. Chairman, I have quoted the words of a distinguished Senator [Mr. REED], whose patriotism rises far above the plane of petty partisanship, and I do so for the purpose of making a brief observation on the same subject.

In opposition to this spirit of loyalty and patriotism the Democratic senatorial whip, Mr. LEWIS, declared in the New Hampshire special election last year that a vote for the Republican candidate for Congress was a vote for the Kaiser. His statement was repudiated by an intelligent electorate, and a Republican Member from New Hampshire was added to those on this side of the aisle, all of whom are supporting every war measure in the present world conflict. The same Democratic senatorial whip has recently presented his usual arguments to the people of Wisconsin in the senatorial campaign with like results, the election of a Republican. [Applause on Republican side.]

That partisan issue of comparative loyalty was attempted last election in Indiana, the home of Vice President MARSHALL, and a former Democratic Member of this body, Mr. Gray, sought reelection through a letter approving his candidacy written by President Wilson. Notwithstanding other active support, Mr. Gray was defeated and a Republican elected who has supported every war measure. [Applause on Republican side.]

Every measure for the prosecution of the war has been supported by practically every Republican and Democrat in the House. There has been no aisle between us in this expression of loyalty to our common Government, and we have not distinguished between upholding a Democratic or Republican President. Although we differ here on political questions, it is not a Democratic country or a Democratic war that commands our allegiance, but a common country and that country's cause which we unitedly support and will continue to support.

This much may properly be said at this time, because of partisan attempts outside of Congress to misrepresent those who are giving their boys on this side of the House and who have loyally contributed all that can be given to our Government in her hour of national crisis.

Ever since the beginning of the European war, nearly four years ago, demands for a united national spirit have been voiced by administration Members and the press. Since our own entrance into the war, legislative criticism of administration mistakes, inefficiency, or extravagance have been tabooed by Republicans and partisanship relegated to the rear. Republican Representatives have unitedly supported every war measure asked for by the President and have avoided criticisms of the party in power, which, on the other hand, has maintained close party supremacy in all matters. We will continue to uphold the President in the prosecution of the war, loyally and wholeheartedly. Our country's cause is greater than any party. [Applause.]

#### DURING A GREAT WAR CRISIS.

A senatorial election occurred in Wisconsin this week, and the political dogs of war let loose. Closely following claims of grave war inefficiency made to the country by the Democratic leader, Mr. CHAMBERLAIN, chairman of the Senate Military Committee, who startled the country with disclosures of lack of arms, clothing, and proper sanitary conditions for our soldiers; on the same day of a senatorial investigation, disclosing that \$800,000,000 in appropriations by Congress for aeroplanes had not yet resulted in a single war plane being shipped to Europe or a single cannon sent to our troops abroad; on a day when important war measures were pending in both branches of Congress; on the day of the greatest battle in all history, with our own American troops engaged, in France; on a day when the world waited in breathless suspense for tidings from that battle—on that day the Vice President of the United States and the Democratic senatorial whip were reported by the press to be far away from their post of duty, demanding of the people of Wisconsin support for the Democratic candidate for the Senate under penalty of being de-

nounced as against their country and for the Kaiser, and as a disloyal people, while the Democratic candidate for Senator, armed with a letter from the President, with its "acid test" of the same import, was repeating bitter partisan claims of superloyalty.

A startling two-column advertisement, presumably with authority from the Democratic National Committee, appeared in a Rockford (Ill.) paper prior to the Wisconsin election:

That advertisement I have already read to the House.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MADDEN. Will not the gentleman again read the advertisement of which he speaks?

Mr. FREAR. I have already read it, but I will read it again. It is as follows:

Tuesday, April 2, you are entitled to vote for United States Senator from Wisconsin to succeed Senator Paul O. Husting. President Wilson, your Commander in Chief, desires all loyal Americans to vote for Joseph E. Davies for United States Senator.

Davies's election means joy at Washington and gloom at Berlin.

Davies's defeat means gloom at Washington and joy at Berlin.

Mr. BRITTEN. Mr. Chairman, one moment. I think the gentleman omitted to read the heading of the advertisement.

Mr. FREAR. It is headed, "To the Wisconsin Soldiers at Camp Grant." There we have several thousand Wisconsin soldiers, and I wish to refer particularly to the soldiers of Wisconsin before I have finished.

For extreme partisanship, nothing in American politics has ever equaled this infamous statement that Davies's defeat means gloom at Washington and joy at Berlin.

Who gives joy to Berlin? Who gives joy to the Kaiser? Those who make that false issue in New Hampshire and Wisconsin. [Applause on Republican side.] Those who sink all interests, State and National, through miserable appeals to prejudice in hopes of thereby securing partisan success. They, and they alone, have given to Berlin and the world a false issue. Those who printed that statement are more to be condemned than ignorant men who are misled and act on such palpable falsehoods.

Mr. Chairman, the soldiers will not be deceived, although a few may be improperly influenced. I served with the Wisconsin National Guard for 11 years in addition to 5 years' service in the Regular Army, and know the boys in service.

[NOTE.—The Camp Grant soldier vote for Senator was: Lenroot, 576; Davies, 403; Berger, 85.]

The boys of Wisconsin are intelligent and not easily misled, but the men who sought to deceive them by that wicked article have an account to settle with the American people. [Applause on Republican side.]

Democratic governors, Congressmen, Senators, and heads of bureaus by the score from Washington were called upon to join in this recent drive to make Wisconsin safe for partisan Democracy. The battle has been fought before an intelligent, discriminating electorate. The partisan methods are to be deplored, but the result is a triumph for the American spirit of fair play and high ideals, which refuses to measure loyalty by lip service or party labels.

Mr. Chairman, I do not care to discuss the unprecedented action of distinguished officials in seeking to advance interests of the Democratic candidate by charges of wholesale disloyalty against my State at a time when every ounce of energy should be joined in united effort here; when Wisconsin's sons are giving their full measure of devotion in France; and when every man, be he a Democrat or Republican, is first of all a loyal American. That slander has been publicly rebuked by the electorate of Wisconsin. I do say that the "acid test" of loyalty mentioned in President Wilson's letter and Vice President Marshall's speech on the McLemore and other prewar measures would empty the seats of one-third of the membership of this House, Democrats and Republicans alike, notwithstanding these same members have stood for and voted for every war measure presented to Congress.

That "acid test" of votes before the declaration of war would bar Congressman MANN, the distinguished leader of the House minority, whose loyalty and patriotism is unimpeachable. Even the veteran leader and eminently patriotic ex-Speaker CANNON [applause], the grand old man who sits before me, with his four score years and lifelong record of great public service and unrivaled loyalty, would fail the President's test. Congressman Woods, chairman of the congressional committee, who enjoys the respect and high esteem of every House Member, and Representatives LENROOT, ESCH, HAUGEN, COOPER, HAYES, MASON, DAVIS, and scores of other strong, loyal Republicans, would be disqualified by the President for public service.



## DEMOCRATIC LEADERS AND THE ACID TEST.

More remarkable, the President's "acid test" on votes cast prior to the war would remove from Congress the distinguished Democratic leader of the House, Mr. KITCHIN, of North Carolina, whose able direction of war measures has been loyally supported by Members on both sides of the party aisle. Representative Fitzgerald, the Democratic wheel horse from New York, and FOSTER, KEATING, SLAYDEN, SHACKLEFORD, General SHERWOOD, hero of over 40 battles during the Civil War [applause], and many other strong Democratic Members voted against measures that the President now declares in his letter are "acid tests" of loyalty when applied to a Republican candidate for the Senate in Wisconsin. All these distinguished men and loyal Americans are included in the indictment lodged against the State of Wisconsin. Wisconsin, indeed, is in good company. If acid tests apply in Wisconsin and New Hampshire, then surely they applied to Gray, of Indiana, who voted against the "acid-test" measures and yet received the President's written approval. Does not the test apply to Democrats in Missouri, Mississippi, Texas, and North Carolina? Can the President say, "One rule for northern Republicans, but another for southern Democrats"? If so, why?

More significant of present-day partisanship, the President's acid test, if applied to Abraham Lincoln, who actively opposed the Mexican War, would have disqualified our greatest American and martyred war President from reelection to this House or from any higher office, notwithstanding his unquestioned loyalty to his Government after war was once declared.

Senator Stephen A. Douglas, Gen. McClellan, both candidates for the presidency, and many Democrats whose names are high in history and who loyally supported their Government after war was declared in 1861, would not meet the "acid test" of present-day partisanship as now applied to loyal Republicans.

Is there any difference in the loyalty of the official, however high, and that offered by the humblest mother in the land who hoped and prayed against war, but gave her all when her country called?

Even President Wilson said to us in his messages prior to the war, "I am inclined to think that Germany had a right to sink belligerent ships without warning," and five weeks before entering the war he said he was "not contemplating war or any steps that might lead to it."

Who will question the right of utterance of such sentiments prior to the declaration of war, or the patriotism of the President, or of hundreds of thousands of fathers and mothers who anxiously prayed against war and for guidance from on High for the President in his hours of trial and responsibility. What proportion of the people of this country would have passed this "acid test" before the declaration of war no man can tell, and candidates who make claims of superloyalty now, must offer their own records of service for war and greater sacrifice in its prosecution. Silence in the past on the part of those without records will not meet "acid tests," though they bear a President's indorsement, for the same reason that Congressman Gray, of Indiana, who failed in the test and election, received that same high indorsement before defeat.

SELF-ANNOUNCED AND SELF-APPOINTED PATRIOTS WILL BE TESTED IN THE CRUCIBLE OF FIRM AND TRIED AMERICANISM, NOT BY POLITICAL PARTISAN STANDARDS.

When Congress declared war, Representatives in Congress, Democrats and Republicans, unitedly gave loyal support to every measure that would help win the war, and their example has been emulated by every State and every community throughout the country. That must be the true test of loyalty.

## WISCONSIN'S PROVED LOYALTY.

Wisconsin has been criticized by men high in authority. Let them bring forward the record of their own States, native or by adoption, for comparison. Evidenced by volunteer enlistments the official record shows 54 per cent, or proportionately more soldiers have volunteered from Wisconsin in this war than from any other of the 12 largest States drawn upon for our Army. Wisconsin has over 40,000 men under arms now in this war, and measured by the number of her soldiers in France, approximating 20,000, Wisconsin is second to none at the battle front. Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. COOPER of Ohio. I would like to say that in an article published in a newspaper just a few days ago the statement was made that for every 15 soldiers in France at this time there was 1 soldier from Wisconsin.

Mr. FOCHT. And let me say, in further tribute to the patriotism of Minnesota and Wisconsin, that, but for the troops from those States, when Meade rode up to Hancock on the

slopes of Gettysburg and on that fateful day asked him for God's sake to hold those lines for five minutes, the Union would have been lost; but the troops from Minnesota and Wisconsin did rush up and they held the lines and gallantly helped roll back the tide of treason to defeat and brilliantly aided in rescuing the Union from destruction.

Mr. BRITTEN. And I would like to say to the gentleman from Wisconsin that my father was among those troops from Wisconsin.

Mr. FREAR. My father was in a Wisconsin Cavalry regiment, with three and one-half years' service, and I had two uncles wounded in the Battle of Gettysburg, which the gentleman from Pennsylvania so eloquently described, and I have a boy now in France. [Applause.] The remarks of the gentleman from Pennsylvania [Mr. FOCHT] and other gentlemen are greatly appreciated, for I was about to refer to the fact that Wisconsin furnished the greater part of the Iron Brigade that saved the day at Gettysburg and saved the Union, and a hundred thousand brave soldiers was my State's contribution to that war. In financial aid and quick support of her country's cause in this war and past wars Wisconsin's record for patriotism invites comparison with any State, North or South, none excepted.

New York, New Jersey, Indiana, Virginia, and Mississippi have given loyal support at different times in past history. Wisconsin's critics have arisen from such States, but in past wars and in this war not one of these States has been more consistently loyal or unflinching in tests of sacrifice, national love, and defense of country than my own State. History records the constant loyalty of her people and their glorious achievements. Wisconsin has never wavered in devotion to that flag.

However high the station, critics will find no State with better record for progress, legislative accomplishment, or steadfast patriotic support of our Government in peace or war.

## MEN ARE NOT MISLED BY TRANSPARENT PURPOSES.

Attempts have failed to frighten men into the ranks of the Democratic Party either in New Hampshire, Indiana, Wisconsin, or any other State by raising a partisan cry, more to be condemned than the bloody shirt of old, and my distinguished colleague, Mr. LENROOT, one of the ablest Members of this House, whose record for loyalty is unimpeachable, has been vindicated by the people of the great State of Wisconsin.

By a vote of over 150,000 he has been selected by those who know him best for the highest honor in the gift of the State—to represent a people whose intelligence, discriminating judgment, and patriotism will meet every test of loyalty and service in the future as in the past, to represent Wisconsin, the State that is and always has been loyal to this Government. [Applause on the Republican side.]

Mr. Chairman, I have here a telegram from the adjutant general of the State of Wisconsin, to whom I applied for information respecting the Wisconsin troops to-day under arms. That telegram is as follows:

MADISON, WIS., March 31, 1918.

HON. JAMES A. FREAR, M. C.,

House of Representatives:

To date Wisconsin has put into military service under draft act 14,690 men, the excess of 1,814 over draft quota requirement being result of voluntary induction. Credit for voluntary enlistment Wisconsin National Guard previous to August 5 not fully settled, but War Department offers total credit of 19,217 men.

War Department has also given credit for Regular Army enlistments, period of April 1 to June 30, inclusive, 1917, 1,586 men. Total known credit, 35,493. The foregoing takes no account of enlistments, Regular Army, except during those months named, National Guard since August 5 last, nor of any voluntary enlistment, engineers, forestry, or other special organizations, nor in United States Navy, since no official data as to these are available in this office, but indications are that total of these, including Navy, exceeds 7,500. It is known that the entire Guard except a few casualties is with the Rainbow and Thirty-second Division now somewhere in Europe. With Wisconsin men in other units, it may safely be stated that there are approximately 20,000 Wisconsin soldiers on or near the battle lines.

ORLANDO HOLWAT, Adjutant General.

I believe no State in the country in proportion to its population can offer such a splendid record. I state this on all the facts that have come to my hands.

When the *Tuscania* was sunk not long since, there were 89 men from my district alone on that boat. Wisconsin had more troops on the *Tuscania* than any other State. The first soldier boys killed in this war and in the Spanish-American War were from Wisconsin. Our boys are in France to-day, many of them with the State guard of which I was a member for many years, and among them is the company I organized over 25 years ago. They are fighting for this war with boys of parents on the Democratic side of the aisle of this House.

## WISCONSIN'S SPLENDID RECORD FOR LAW AND ORDER.

I sent to the Attorney General of the United States for a statement regarding Wisconsin and the record of offenses in a

State possessing nearly 3,000,000 people. You have understood, I suppose, that there have been mobs and lawlessness there like in other States recently, burnings, explosions, mob-rule, strikes and riots. The Attorney General's office, Washington, D. C., gives the following list of offenses in Wisconsin in both the eastern and the western districts. Remember this State has over 2,500,000 people within its borders, and practically 42 per cent of our boys who are at the front to-day, according to statements I will submit, are soldiers of German extraction. Here are the number of suits: Conspiracy in connection with the draft in Wisconsin, how many? One. Explosives act, how many suits were brought by the Government under that act in the State of Wisconsin? One. Trading-with-the-enemy act, how many cases have been brought—remember this is the official statement from headquarters? None.

The national-defense act, how many cases of violation of that act? None. The espionage act, how many cases under that act that covers practically every offense that can be suggested? Seven; all are pending; not one has been tried. No civil cases were brought by the Federal Government in the State. Selling liquor to soldiers, 37. That is the record. There have been no riots, no strikes, no mobs, or attempts to blow up or destroy either Government or private property; not one in the entire State of Wisconsin. Wisconsin is a lawabiding, loyal State. Gov. Philipp, of my own State, wrote me a personal letter recently, from which I read a brief extract. He says:

I am heartily tired of seeing our people abused every day by an element of the press and a class of men who seriously regard themselves as patriots, but who, as a matter of fact, do not now, nor will they in the future, render the State or the Nation any service that is worth while. I propose to make a fight against the men and the newspapers that engage in that sort of falsehood and at least show them up, if I can not do any more.

Mr. Chairman, that is about all we can do. Falsehoods and misrepresentation can not be reached by us under the espionage act. Everyone can take his fling at the people of a great State.

I have a brief statement received from one of my good Democratic friends in New York the other day about the New York City election, where over 150,000 plurality was given Hylan over Mitchel, who insisted on running as a loyalist or royalist candidate, better than his fellow citizens, as though we are not all loyal. The man who won out, Hylan, had for his father a Union soldier, as was mine. [Applause.] I understand Mitchel's was not. Every newspaper in New York City with one exception—I have a list here—was in favor of Mitchel, who ran on that platform. A vote against Mitchel was to be a message to the Kaiser that New York was disloyal; that was the miserable twaddle indulged in by reputable papers. Two million dollars was contributed to Mitchel's campaign. Were the people of New York disloyal? Only those who made the false issue; only those who stuffed the ballot boxes for Mitchel, of whom 36 officials were convicted out of 72 indicted.

The people of New York are loyal, although they defeated Mitchel over 2 to 1. They are as loyal as the people of New Jersey, Wisconsin, Tennessee, Louisiana, or any other State. They are loyal, and you can not make me believe otherwise. [Applause.] Their boys are going to the front to-day just as willingly and gladly as the boys of fathers who plume themselves on superpatriotism, and their fathers are back here in the factories, mills, offices, and workshops doing what little they can to help win the war. I will insert an exhibit relating to Wisconsin and then speak briefly on the river and harbor bill, which is the order of business. [Applause.]

WISCONSIN IS FIRST IN LOYAL SERVICE.

LOYALTY RESOLUTION BY REPUBLICANS OF WISCONSIN LEGISLATURE.

The following resolution, adopted by the Republicans of the Wisconsin Legislature at the last legislative session, gives a full and complete answer to charges of disloyalty registered against the citizenship of Wisconsin. The last paragraph is commended to the attention of those who engage in factional loyalty:

The people of the State of Wisconsin, represented in senate and assembly, hereby again renew their allegiance to the Republic, and pledge their loyalty and undivided support to the National Government in its prosecution of the present war to a successful end, and in this moment of struggle, which threatens the very existence of the Nation, will never shirk in their duty as loyal citizens of their beloved country.

The State of Wisconsin stands second to none in meeting the demands made upon it by the Federal Government for our national defense.

Wisconsin took the initiative in providing for the dependents of its soldiers, and has made the most liberal provision for them of any State in the Union.

Wisconsin placed its entire election machinery at the disposal of the United States in the first registration for selective service.

Wisconsin was the first State in the Union to file a complete return of its registration under the selective law with the Federal Government at Washington.

In Wisconsin less than 2 per cent of the men called under the selective-service law failed to respond to the call, while in the United States as a whole 8.2 per cent of those called failed to respond.

Wisconsin stands at the head of the list of her neighboring States in the percentage of volunteer enlistments, which numbered over 17,000, 45 per cent of which are of Teutonic blood. The percentage in Illinois was 34.8; Indiana, 41.6; Iowa, 50; Michigan, 31.1; Minnesota, 34.1; Kentucky, 35.8, while in Wisconsin our percentage was 54.5. Wisconsin's troops when they left Camp Douglas were fully equipped, not by the Federal Government, but by the State.

Wisconsin's citizens have contributed over \$125,000,000 to liberty loans, Red Cross, Young Men's Christian Association, Young Women's Christian Association, Knights of Columbus, and other war activities. Our subscription to the first liberty loan was \$36,236,750; our subscription to the second liberty loan was \$87,056,900. In the seventh Federal reserve district the subscription of this State was 155 per cent of its minimum allotment. In this loan Wisconsin stood at the head of all the States in this district. Illinois stood second, with a percentage of 152.8; Michigan third, with a percentage of 142.5; Indiana fourth, with a percentage of 122, and Iowa fifth, with a percentage of 111.4.

Wisconsin is proud of the foregoing record, and submits the same to the fair and impartial judgment of all loyal citizens of the Nation and pledges itself to even greater accomplishments in the future.

The people of the State of Wisconsin have and always will stand squarely behind the National Government in all things which are essential to bring the present war to a successful end, and we condemn as unpatriotic all activities which seek to breed the spirit of disloyalty among the people of our State.

EXTRAVAGANCE, PROFITEERING, AND TAXATION.

THE 1918 WATERWAY BILL IS REDUCED OVER \$20,000,000, BUT CONTAINS MANY WASTEFUL ITEMS.

Mr. Chairman, I will now address myself to the pending river and harbor bill before us, which carries \$19,227,900, or less than one-half the amount generally appropriated. At a time when war expenditures demand every dollar that can be spared that fact makes the bill an improvement over its predecessors.

The Army engineers have recommended some appropriations that seem to me inexcusable. I have mentioned them in my report, and I will speak briefly about them here, and in addition point out what are inexcusable and wasteful expenditures by new bureaus organized apparently for self-glorification, judging from newspaper accounts of their proposed labors, written by paid publicity agents.

The committee has reported only items urged by Army engineers at this time. No new projects, excepting two so-called Pacific coast war items, are included. As in the past, the minority report points out what seems inexcusable extravagance at this time, reaching many millions of dollars in the aggregate, as will be more fully set forth, while the right to criticize or oppose such items was reserved. It is realized, however, that many real waterways need improvement, and several large harbor projects are needed for war purposes, so the bill is not opposed as a whole.

Let me offer comparisons found on page 3 of the minority report, which speak for themselves and are indicative of others contained in the 1918 bill. They deserve the study of every Member, and are taken from the 120 river and harbor items that reach \$19,227,900, as stated:

Amazing comparisons of water-borne commerce and cost.

[From United States Engineers Reports, 1917.]

	Tons.	Value	Average miles hauled.
<b>Harbors:</b>			
Superior-Duluth.....	52,177,330	\$387,219,625	850
Ashland.....	10,076,703	29,489,599	800
Milwaukee.....	7,925,488	267,155,651	300
<b>Total.....</b>	<b>70,179,511</b>	<b>684,264,875</b>	<b>800</b>
<b>Three rivers:</b>			
Ohio.....	4,000,000	38,773,721	28
Mississippi.....	300,000	Indefinite.	14
Missouri.....	24,000	6,335,313	100
<b>Total.....</b>	<b>4,324,000</b>		<b>23</b>

Appropriations.

	Total.	1918 balances.	Appropriation, this bill.
<b>Three harbors:</b>			
Superior-Duluth.....	\$8,116,028	\$447,002	.....
Ashland.....	644,500	20,876	\$6,000
Milwaukee.....	2,460,475	51,387	12,500
<b>Total.....</b>	<b>11,221,003</b>	<b>519,265</b>	<b>18,500</b>
<b>Three rivers:</b>			
Ohio.....	59,016,463	7,550,164	5,000,000
Mississippi.....	170,000,000	4,500,000	2,412,000
Missouri.....	22,594,591	2,883,162	500,000
<b>Total.....</b>	<b>251,611,060</b>	<b>14,433,326</b>	<b>7,712,000</b>

Three harbors in Wisconsin handled 70,000,000 tons of commerce in 1916 (the last report), valued at about \$700,000,000,



and hauled on an average about 800 miles. Total appropriations for these harbors in past years reached \$11,221,003; balances for 1918 were \$519,265; and this bill carries \$18,500 for 1919. Compared with this, three rivers—the Ohio, Mississippi, and Missouri—floated less than 5,000,000 tons of actual commerce last year, an average distance of only 28 miles, 90 per cent of which commerce was coal, valued at \$2.40 per ton. Total appropriations for the three rivers in past years reached \$251,611,060; balances for 1918 were \$14,433,326; and this bill carries \$7,712,000 more for 1919.

In other words, in 1916 three harbors in one State handled fourteen times as much commerce as our three greatest rivers and carried it twenty-eight times as far, or a ton-mileage of about 400 to 1 in favor of the harbors. On the other hand, the three rivers have cost the Government twenty-two times as much as the harbors, and the river balances on hand are twenty-eight times as great as for the harbors, while this bill carries appropriations for the three rivers four hundred times larger than that carried for the harbors.

The ton-mileage of the three harbors is four hundred times larger than for the rivers, and this bill carries four hundred times more money for the rivers than for the harbors, as stated, and the total appropriations for the rivers are twenty-two times as great as for the three harbors. Can the facts be made plainer?

#### NOT ONE PROPER TERMINAL ON THE OHIO.

From the minority report it further appears not one proper river terminal exists on the Ohio; only one on the Missouri and three or four on the Mississippi, which are more ornamental than useful. Similar comparisons can be made on other harbors and rivers showing how wasteful and prodigal we have been with the people's money. Hog Island scandals are not the only scandals that need to be probed.

Every river contractor, every private land reclamationist, every private water-power interest, and every other beneficiary is on the job during these war times, as I propose to show, while every farmer and laborer in the fields, shops, mines, and offices is shaking down the old stocking in order to help win the war.

In the bill before us Government engineers have over \$14,000,000 on hand for three rivers with a comparatively small commerce, and yet recommend \$7,712,000 more for the same three rivers. In order to get appropriations for New York, Philadelphia, Baltimore, Norfolk, San Francisco, and other harbors that are handling commerce for the war, we must give nearly \$8,000,000 in this bill, or 40 per cent of the whole bill, for three rivers that have been improved for 40 years or more with a decreasing commerce, that have a total navigable length of over 4,000 miles, with only 28 miles average haul.

War grips the world by the throat, and we are calling on every capitalist, every banker, every farmer, and every laborer to do his bit toward winning the war, and any man who is able to contribute and fails to do so is a slacker. All are patriotically doing their part in this great national crisis, and those who divert the money collected for war purposes, in order to prosecute questionable enterprises unrelated to the war, will be called to account by an outraged people. I have no personal quarrel with the man who disagrees on the subject of Government expenditures, but any man who at this juncture fails to disclose public extravagance of which he is cognizant fails to do his duty.

Waterway improvements for actual commerce are necessary in peace as well as war and can not be neglected now or at any other time without hampering legitimate war operations. This applies to waterways that carry actual commerce and includes maintenance of all channels on the rivers used for commerce. It does not include extravagant canalization or dam operations, or land reclamation schemes that have no immediate or early use or possibly any future use, and every dollar so wasted now is indefensible.

#### THE OHIO RIVER EXTRAVAGANCE.

Five million dollars contained in this bill for the Ohio River is recommended by Government engineers. It is not directly or indirectly related to war purposes. Over \$59,000,000 has been appropriated by the Government for 1,000 miles length of the Ohio River, and during the same time the actual river commerce has greatly diminished, the average lock-and-dam haul is only 28 miles, or one thirty-fifth of the river's length, and apart from coal near the headwaters the commerce is insignificant. A balance of \$7,550,000 was on hand at time of the last report, and according to experience not 5 per cent of that amount is needed for open channel work, the remainder being used for extravagant locks and dams, and yet all these millions will be expended by Government engineers in 1918 and \$5,000,000 more will be filched out of the pockets of

taxpayers in order to continue this carnival of waste on a stream that has not a single municipal terminal along its 1,000 miles of length. The following extract, taken from the report of Maj. John Stewart, Army engineer, dated December 22, 1917, filed with the committee, states:

There are no municipal water terminals along the Ohio River. All terminal facilities are privately owned and are inadequate to properly provide for water transportation of any magnitude and are not constructed or equipped for joint rail-and-water transportation.

Again, he says of a stream that varies 70 feet at different stages:

The towns and cities have sold the privileges of their water gates for a very low rental—some for nothing. In a number of cases the business of the water carrier has been shut off by the municipalities granting unrestricted franchises to the railroads to the right of way along the river front.

Terminal facilities are inadequate and privately owned, practically all river frontage has been sold to railways or other interests and a 28-mile canalization haul is the net result on a few shaky relics of bygone river glories.

A St. Louis paper takes umbrage because a contract proposed by the Government with Edward F. Goltra, Democratic national committeeman from Missouri, is discussed in the minority the Ohio River after Army engineers have expended over \$50,000,000 in its "improvement."

With seven and a half millions on hand for the Ohio, this bill carries five millions additional that must be extracted from taxpayers during these war times.

Army engineers recommended the amounts contained in this bill, and the Rivers and Harbors Committee has adopted their recommendation in order consistently to follow their advice as to new projects, and Congress is expected to pass this bill as recommended. Not one ton more will be hauled during the war by reason of the \$5,000,000 expenditure, so far as any evidence has been offered. Not one nickel now exacted from the public will be struck from the price of coal.

Private interests have corralled the coal situation on the upper Ohio as elsewhere throughout the country, yet in these days of strict private and public economies we are called upon to carry out the extravagant recommendations of engineers whose predictions of future commerce have not been realized on 2 per cent of the rivers of the country.

#### THE MISSOURI AND MISSISSIPPI RIVER EXTRAVAGANCES.

I will not discuss in detail the Mississippi or Missouri Rivers, but \$6,883,000 was the balance on hand for these two rivers for 1918, or twelve times the balance reported for the three Wisconsin harbors previously compared, while in 1916 these harbors handled two hundred times as much commerce as the two rivers, and hauled it on an average fifty times as far.

In this bill the Mississippi and Missouri receive \$2,012,000, or one hundred and fifty times as much as the three harbors that handled two hundred times as much commerce.

The cost to the Government, I have demonstrated, is \$60 a ton for Missouri River commerce, which includes floating cordwood valued at \$3 per cord, or about \$1.50 per ton.

It would pay the Government twenty times over to pay all railway freight bills for handling the river commerce, and yet this bill carries a half million dollars more for the Missouri 500,000-acre private land reclamation project that is back of the improvement.

#### GOVERNMENT PAYS FOR PRIVATE LAND RECLAMATION.

In the minority report it is disclosed that out of \$1,699,000 spent by Government engineers in Missouri last year, 85 per cent was used for private bank protection and 5 per cent for "experimental dredging." That is the purpose for which tax payments are levied during these war times and given to the Missouri River, not for channel work to accommodate the insignificant commerce, but for private land reclamation at Government expense. The official report is undisputed.

We are going to test the navigability of the Mississippi River. Eight years ago we gave \$500,000 to the Army engineers with which to make tests of experimental boats. We have never received any intelligible report from the engineers since that day as to what has been accomplished on this deserted river, but many millions of dollars have followed other millions every year, and our river advisers have been content to squander money for useless dams and other extravagances that are monuments to their skill in wasting money.

About \$120,000,000 has been appropriated for the Mississippi River below the mouth of the Ohio. It is the finest river channel in the world—it has been for years—from St. Louis to New Orleans, but it is a deserted waterway without a single boat line running between the two cities. Only a little local river traffic now remains, and the loss is estimated at 95 per cent compared with the traffic of a half century ago before river improvements were begun.

Fifty million dollars more has been appropriated by Congress for that part of the Mississippi above the mouth of the Ohio, or \$170,000,000 thus far for the greatest inland waterway in the world that is deserted commercially from St. Paul to New Orleans, excepting for an insignificant local traffic carried by report. Mr. Goltra personally appeared before the Rivers and Harbors Committee and explained his proposed contract. The Government is to build for him a couple dozen or more boats at an estimated cost of \$3,360,000—it may cost much more—and turn the boats over to him for his private use on the river at a nominal rental. The boats can not be completed before 1919, possibly not for years, and are not directly or indirectly for war purposes. Mr. Goltra testified before our committee—page 48 of the hearings—that the boats will cost double ordinary prices through being built at this time of high prices, but if he can make a profit by them, he expects to buy them from the Government at half price. If not profitable, they may be scrapped.

HELPING OUT A ST. LOUIS STEEL PLANT.

Mr. Goltra has a steel plant at St. Louis and needs ore, so he proposes to bring ore from St. Paul down to his steel plant and incidentally carry coal up the river, aided by a railroad which he "controls"—page 48 of the hearings. His application, out of many received by the committee, is the only one approved. The only experiment he ever made on the river was last year when he used Government steamboats for towing, for which a small charge was made. The trip cost him \$11,384, over and above receipts, according to his own statement; but he now asks the Government to spend \$3,360,000 for new boats, and he is willing to experiment again for his private steel plant at Government expense.

Hundreds of men and hundreds of interests on the different inland waterways of the country would welcome such a gift from the Government. How and why does it go to Mr. Goltra? What chance has a profiteering concern on Hog Island to make profits compared with a steel plant that "controls" a railway, controls the only contract on the Mississippi, and makes the Government pay the bill? Mr. Goltra has frankly presented his case, but the contract can not be justified, excepting on the ground that his company wants it—and is able to get it.

Mr. MADDEN. Will the gentleman yield?

Mr. FREAR. I will.

Mr. MADDEN. How much money was expended out of the Treasury, for the construction, of the funds that were turned over to Mr. Goltra?

Mr. FREAR. There is to be expended \$3,360,000. That is the authorization as stated by Mr. Goltra in the hearings.

Mr. MADDEN. What excuse is given for that?

Mr. FREAR. I have been reading about that. The justification is that he can make an experiment in order to see whether or not he can make a success of it for his business.

Mr. MADDEN. Does the gentleman mean to say to the House of Representatives that the Committee on Rivers and Harbors has proposed an item—

Mr. FREAR. No; it was not proposed by the River and Harbor Committee. Mr. Goltra voluntarily came before the Committee on Rivers and Harbors. We have nothing to do with the contract or appropriation. It is the Shipping Board and this new Waterways Committee that is undertaking to make the contract. His object in coming before us was to satisfy us as to his proposition.

Mr. MADDEN. I have not got it in my head, then. Three million three hundred and sixty thousand dollars is to be paid out of the Treasury of the United States for the construction of boats—

Mr. FREAR. At this time.

Mr. MADDEN. To be turned over to some private individual?

Mr. FREAR. This private plant; Mr. Goltra's; yes.

Mr. MADDEN. Who is to own the boats?

Mr. FREAR. He is to run them, with the privilege of buying them at half price, according to his proposal.

Mr. MADDEN. He is to operate the boats?

Mr. FREAR. He is to operate the boats. They are to be turned over to him for his use exclusively.

Mr. MADDEN. And what does the Government of the United States get?

Mr. FREAR. Two per cent on the investment is the proposition that he made when he came to my office. Four per cent is the suggestion to the committee. He hopes to buy them at one-half price.

Mr. MADDEN. And what would be the interest charge on the money invested?

Mr. FREAR. Two per cent he proposes on the basis of \$3,360,000.

Mr. MADDEN. The cost is to be \$3,360,000, and he will be given an opportunity to buy them at \$1,700,000?

Mr. FREAR. He says that after the war is over they will depreciate in value, and he expects to buy them at \$1,700,000. That is the statement in the hearings.

Mr. MADDEN. Boats in use a couple of years ought to be better than they were the day they were put in the water.

Mr. FREAR. I will leave that to experts like my friend from Illinois.

Mr. MADDEN. We have had boats in service now for 15 years that are better to-day than they ever were before.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent for 15 minutes more.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent for 15 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Is that provided for in this bill?

Mr. FREAR. No. It is not related to this bill. Mr. Goltra was before our committee.

Mr. MADDEN. What fund does it come out of?

Mr. FREAR. It comes out of the Shipping Board fund, as I understand. Out of the \$500,000,000 fund I have understood.

Mr. BOOHER. Is it not a fact that the building of those barges and running them to-day is a public matter, and that Mr. Goltra's offer was to run those boats a certain length of time and see if they could be made profitable?

Mr. FREAR. I will read what the Army engineer says about it.

Mr. BOOHER. I am talking about what Mr. Goltra said about it.

Mr. FREAR. I would rather trust the judgment of an Army engineer instead of Mr. Goltra, who is a party in interest.

Mr. BOOHER. Did any Army engineer ever report anything of the kind about that matter?

Mr. FREAR. Yes. I have read that in the RECORD, and I want to finish another point before concluding. I have read that to the House. I want to finish another point now.

Mr. BOOHER. I want to get this right. The Rivers and Harbors Committee has had nothing to do with that contract.

Mr. FREAR. I stated that repeatedly.

Mr. BOOHER. It was done by the Shipping Board.

Mr. FREAR. Yes.

Mr. BOOHER. In an effort to determine whether or not barges could be run on the Mississippi River.

Mr. FREAR. No. It was given by the Shipping Board to Mr. Goltra for his own private interest. There has not been any attempt to do it generally. The engineer says it can only be a test for his business.

Mr. BOOHER. Where do you get the authority for that?

Mr. FREAR. I have got it in the hearing.

Mr. BOOHER. Was there any such evidence as that adduced before the Committee on Rivers and Harbors?

Mr. FREAR. In that hearing the engineer said it was given for Mr. Goltra's special interest, and that no other business, in his judgment, on the upper Mississippi could be made profitable.

Mr. BOOHER. I want to set the gentleman right on that matter.

Mr. FREAR. Oh, I have already quoted the book and the page.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me?

Mr. FREAR. In a moment.

Mr. BOOHER. You did not quote from Col. Keller's testimony?

Mr. FREAR. Yes; I quoted from Col. Keller's testimony.

Mr. BOOHER. You say he said that was the only one?

Mr. FREAR. I said he said Mr. Goltra was the only one who was given the opportunity to make the test, and that in his judgment he was the only one who could make it profitable.

Now, I can not yield more unless you give me more time. I have made my statement fairly, and I have repeated it.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. LONGWORTH. Is it not a fact that the Shipping Board has also recommended an appropriation of \$20,000,000 to buy barges to take coal from the Alabama mines on the Black Warrior River, which is to furnish power on the Muscle Shoals to New Orleans?

Mr. FREAR. Yes. I wanted to refer to that. I was going to talk about Muscle Shoals, but the distinguished gentleman from Ohio [Mr. LONGWORTH] who has just spoken has referred to Muscle Shoals. He presented it so strongly last



night that all I ask is to add a brief word in regard to it later.

MILLIONS OF DOLLARS FOR QUESTIONABLE CONTRACTS.

But these extravagances are modest compared with others. By a singular coincidence another \$21,000,000 has been recommended by Charles Montecon and A. J. Mason, special examiners for the Shipping Board, who urge the building of 100 steel barges and towboats by the Government for the Warrior River to accommodate parties interested in Alabama mines. The announcement was made by the press during the present month. Private capital refuses to put boats on the Warrior just as it refuses to put boats on the Mississippi, Missouri, and Ohio, so the Government is advised by its own agents to give \$21,000,000 for boats for the Warrior, in addition to \$12,000,000 for dams and locks already spent through the River and Harbor Committee on a deserted river. The same amount—\$21,000,000—was the estimate of Hog Island's carnival of money waste. The actual cost is nearly double. Underestimates are sure to follow in every case.

Why put \$33,000,000 in the Warrior River, way down in the wilds of Alabama, and not one dollar in the New York Barge Canal? Who pays the \$42,000,000 that is to be extracted from the Federal Treasury in 1918 for the Mississippi, Missouri, Ohio, and Warrior Rivers, and why?

THE MUSCLE SHOALS ALSO GOES OVER THE TOP.

Yesterday the Muscle Shoals lock and dam proposal, also in Alabama on the Tennessee River, was agreed upon out of some of the numerous funds Congress has provided for war activities. This item first appeared, recommended by Army engineers, in the river and harbor bill of 1915 for \$18,700,000, with an initial appropriation. When exposed, the project was stricken out of the bill by the House and never dared again to invite disaster through that committee recommendation.

Like a crafty shell game, it has been practically impossible to keep trace of this elusive power scheme, which has been stricken out of bill after bill, but, through the cooperation of Government agencies, finally bobs up again serenely. Its estimated cost now is from \$20,000,000 to \$100,000,000, a mere bagatelle; the time to build is several years, and after having been urged for navigation, nitrates, fertilizer, and always for power, we find its power of pull is finally supreme. By a coincidence it is also down in Alabama, where the powerful Muscle Shoals and profiteering warriors grow.

SMALL RIVER EXTRAVAGANCE.

It may be absurd to point out in detail comparatively small extravagances in this bill, like the \$500,000 item for a deserted \$6,000,000 section of the Norfolk-Beaufort Canal, or \$343,000 carried in this bill for locks and dams on the Tennessee in addition to \$1,087,743 balance on hand, according to the Engineer's reports, or to the \$500,000 item for locks and dams on the Allegheny, and other items unrelated to the war or present commerce found in the river and harbor bill before us.

Why question hundreds of thousands of dollars here or there throughout the bill when over \$60,000,000, largely of wasted money, not related to the prosecution of the war, is to be filched from the Public Treasury for five rivers? Why permit profiteering for every conceivable purpose, from shipbuilding contracts and shoddy-uniform contracts down to private fleets, private-land reclamation, and water-power schemes, all at Government expense?

Mr. Chairman, we are engaged in a great war. Practically every man, from the stripling in school to the battle-scarred veteran of the Civil War, is pulling to win the war. Only a few profiteering or political patriots or egoists are promiscuously slandering the loyalty of their fellow countrymen, while practically every man, woman, and child is engaged in Red Cross or other war service, and all are rigidly observing rules of self-denial, down to wheatless, meatless, and heatless days.

PATRIOTISM VERSUS PROFITEERING.

War is a serious business, and the American people are putting every ounce of strength into the war. They are subscribing to the limit for liberty loans and war certificates. Mothers are sending their most precious treasures, their own sons, to France to help win the war. All are doing nobly and all are terribly in earnest. We have passed the time for lip loyalty or political patriotism, and sacrifice is the keynote of every community and every household.

SOME ACID TESTS ON EXTRAVAGANCE.

Ringling denunciation against extravagance comes from the lips of an able Democratic leader, Mr. Sisson, of Mississippi, who said on the House floor in debate:

I must apologize to you Republicans for having ever used the words "criminally extravagant" in criticizing the appropriations that you made, for if that expression "criminally extravagant" was proper to apply to you, my God the English language has never found an adjective strong enough to apply to Democratic extravagance.

Mr. Sisson was not questioning war appropriations, but waste.

Again, a heart-stirring denunciation against Treasury looting from the distinguished Democratic leader, Mr. Fitzgerald, of New York, rings in our ears:

Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party, I am tempted to quit my place. \* \* \* If I placed my political fortunes above my sworn duty under the law, I would not attempt to carry out the promises of the Democratic platform, but I should place myself at the head of this band of Treasury looters upon every occasion.

Pursuant to that threat Mr. Fitzgerald resigned from the House, and on the day he bid good-by—December 14, 1917—Chairman KITCHIN, leader of the Democratic majority, feelingly said of pork appetites:

I sometimes fear that too many of our colleagues set up as the true measure of service here the amount of money which they can filch out of the Treasury into their districts and States for creeks or rivers or public buildings.

Let the record of public extravagance, unrelated to war measures, rest with the testimony of prominent Democratic administration leaders of the House, either in opposition to unfair division of pork on the one hand or against "Treasury looting" on the other, according to statements submitted. And these three fearless Democratic leaders voted against the prewar "acid tests" offered by the President.

OVER \$100,000,000 STRICKEN FROM BILLS.

In opposition to the votes and protests of some of these same leaders, a vigorous onslaught has been made year after year, beginning with 1914 against pork-barrel bills, with the result that over \$100,000,000 has been saved to the taxpayers of the country through defeat or reductions in these vicious bills.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FREAR. No.

Mr. GARRETT of Texas. I think I will ask for a quorum.

Mr. FREAR. All right. You can call for a quorum if you want to.

Mr. GARRETT of Texas. Mr. Chairman, I make the point that there is no quorum present.

Mr. FREAR. I refuse to yield, whether the gentleman does that or not.

Mr. GARRETT of Texas. You can not do it unless there is a quorum present.

The CHAIRMAN. The gentleman from Texas makes the point that there is no quorum present.

Mr. FREAR. Mr. Chairman, I desire to continue my remarks.

Mr. DEMPSEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DEMPSEY. The gentleman can not break in while the gentleman from Wisconsin has the floor.

The CHAIRMAN. The Chair thinks the gentleman from Texas is in order in calling for a quorum.

Mr. SMALL. Mr. Chairman, I suggest to the gentleman that he withdraw his point of no quorum.

Mr. GARRETT of Texas. The object I had in view was that inasmuch as the gentleman from Wisconsin had such a large audience at the beginning of his remarks he ought to have a quorum at the close. I have no disposition to curtail the remarks of the gentleman, and I therefore withdraw my point of order. [Laughter.]

Mr. FREAR. I thank the gentleman. I ask unanimous consent, Mr. Chairman, to extend my remarks in the Record, and will then continue.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, the bill before us is little better in character than its predecessors, although it has \$20,000,000 to \$25,000,000 carved off from the usual hogshead dimensions. Only about \$8,000,000 of the present bill is for the five rivers described. The remaining \$54,000,000 is through the Shipping Board or other new agencies.

Not one of the \$60,000,000 to \$100,000,000 extravagances on the five rivers pointed out in the foregoing statement is for war purposes. At a time when selfish interests are concealing their purposes by shouting their loyalty from the housetops, we need many Fitzgeralds, Sissons, and KITCHINS to scourge the money changers from the temple, not alone from the Capitol but

wherever unconscionable profiteering exists under the Government. Let the slogan be, "Billions to win the war, but not one penny for profiteering."

Against this striking record we find only nominal taxes placed on great wealth, although we have repeatedly promised to conscript wealth even as we have conscripted the youth and man power of the land to win the war.

WE MUST MORE THAN DOUBLE WAR-PROFITS TAXES.

Great Britain levies a tax on war profits of 80 per cent, while our own tax of 30 per cent is abnormally modest. I have confined my remarks to wasted millions in 1918 on five rivers, without discussing general extravagance, but I annex a brief statement of enormous profits made by a couple of score of business interests out of hundreds that could be named as an appropriate supplement to a Government gift for a specially favored steel plant owned by Mr. Goltra, Democratic committeeman.

With this statement I leave responsibility for present extravagances, which, according to Representative Sisson, can not fitly be described by the English language.

Public expenditures are being met by bond issues or taxation. It is estimated that American corporations in 1917 made in war profits in excess of their average profits during pre-war years approximately \$3,600,000,000. During a time when our boys are fighting at the front and every citizen at home is called upon to contribute liberally to the support of the war these unconscionable profits can not be defended and should be reached by rigorous taxation to help meet war expenditures. It would serve to curb extravagance and inflation that thrives on bond issues. I append a few specific cases of war profits in 1916 which convey their own argument:

War profits of a few concerns out of thousands reported.

	Average net income, pre-war period (1911-12-13).	War profits, 1916.	Net war profits, 1916.
<b>COPPER.</b>			
American Smelting & Refining Co.....	\$9,060,396	\$22,152,250	\$13,091,854
Anaconda Copper Mining Co.....	11,741,185	58,892,980	47,151,795
Butte & Sup. Mining Co.....	942,988	8,873,446	7,930,458
California & Arizona Copper Co.....	2,966,634	11,155,004	8,188,070
Greene Can. Copper Co.....	1,407,902	3,435,879	2,027,077
Miami Copper Co.....	1,296,602	7,759,784	6,463,182
Nevada Consolidated Copper Co.....	3,419,263	15,419,268	11,582,785
Phelps-Dodge Corporation.....	7,442,399	21,974,263	14,531,864
Ray Consolidated Co.....	1,634,665	11,716,428	10,082,063
Utah Copper Co.....	7,723,435	39,738,675	32,005,240
Total, 10 companies.....	47,635,772	200,700,763	153,055,288
<b>LEATHER.</b>			
American Hide & Leather Co.....	334,198	1,643,280	1,309,082
Central Leather Co.....	3,473,804	15,489,202	12,016,398
Total, 2 companies.....	3,808,002	17,132,482	13,325,480
<b>MEAT.</b>			
Armour & Co.....	4,746,642	20,100,000	15,352,368
Morris & Co.....	1,588,799	3,632,213	2,043,414
Swift & Co.....	7,879,167	20,465,000	12,585,833
Wilson & Co.....	1,344,926	4,915,872	3,568,947
Total, 4 companies.....	15,559,534	49,113,085	33,550,562
<b>OIL.</b>			
Standard Oil:			
California.....	9,877,964	17,605,304	7,727,340
Indiana.....	14,687,695	30,043,614	15,355,918
Kentucky.....	1,002,453	2,068,598	1,066,140
New York.....	16,212,985	36,638,495	20,425,510
Total Standard Oil (4).....	41,781,103	88,353,011	44,574,908
Texas Co. (The).....	3,856,667	13,898,882	10,042,195
Total, 5 companies.....	45,637,770	100,254,873	54,617,103
<b>POWDER.</b>			
Du Pont Powder Co.....	5,525,964	82,107,693	76,581,529
Hercules Powder Co.....	1,017,212	16,658,873	15,641,661
Atlas Powder Co.....	322,837	2,939,839	2,616,952
Total, 3 companies.....	6,866,013	101,706,405	94,840,342
<b>PAPER.</b>			
American Writing Paper.....	126,430	2,524,378	2,397,948
International Paper Co.....	1,105,913	4,620,727	3,514,814
Total, 2 companies.....	1,231,343	7,145,105	5,811,762
<b>RUBBER.</b>			
Ajax Rubber Co.....	348,196	1,268,311	920,115
Goodrich Rubber Co.....	3,040,745	9,447,299	6,406,554
United States Rubber Co.....	6,661,777	11,226,208	4,564,431
Total, 3 companies.....	10,050,718	21,941,818	11,891,100

War profits of a few concerns out of thousands reported—Continued.

	Average net income, pre-war period (1911-12-13).	War profits, 1916.	Net war profits, 1916.
<b>STEEL.</b>			
Allis-Chalmers Co.....	\$755,125	\$3,165,020	\$2,409,895
American Locomotive Co.....	3,872,807	10,709,429	6,896,622
Bethlehem Steel Corporation.....	3,075,108	43,593,568	40,518,850
Crucible Steel Co.....	3,629,467	13,223,656	9,594,189
Lackawanna Steel Co.....	1,282,500	12,218,234	10,935,734
Republic Iron & Steel Co.....	2,255,694	14,789,162	12,523,468
United States Steel Corporation.....	63,585,777	271,531,730	207,945,953
Total, 7 companies.....	78,466,478	362,290,799	290,824,721
<b>SUGAR.</b>			
American Beet Sugar Co.....	1,246,650	6,126,677	4,880,027
American Sugar Refining Co.....	5,751,688	8,319,882	2,568,194
Cuban American Sugar Co.....	409,988	8,235,112	7,825,124
Total, 3 companies.....	7,408,326	22,681,671	15,273,345
<b>WOOL.</b>			
American Woolen Co.....	1,754,792	5,681,671	4,109,026
Total, 40 companies.....	218,418,748	895,830,819	677,298,729

<sup>1</sup> Col. Goltra's company and associated interests are not included in the above, but will be found among the many thousands of corporations that necessarily are omitted from the list.

Mr. SMALL. I yield 30 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I think under the circumstances that it was proper for the gentleman from Wisconsin [Mr. FREAR] to make some remarks about his State, and I agree that Wisconsin is a great American State. The gentleman, however, has charged up to the Democratic administration a mysterious and unsigned circular published over in the State of Illinois and floating about somewhere for political purposes.

Mr. FREAR. If the gentleman will yield, I do not believe that the President of the United States knew anything about that. I am sure of that.

Mr. HEFLIN. I am glad to hear the gentleman say that.

Mr. FREAR. Why, certainly.

Mr. HEFLIN. I do not know who issued that appeal to the soldiers, but I do know that it is not necessary to make an appeal to the American soldier to cast a loyal vote, because he can be counted on to cast a loyal vote; and whether Members in this House or the other branch measure squarely up to the standard of American loyalty, the soldier can not pass upon that question effectively until he is called upon to vote. The Bible tells us that "by their fruits ye shall know them." A man may say that he is a patriot, but he may do things and say things that do not square with his statement. Now, there are gentlemen in this House and some in the other branch of Congress who, according to my judgment, have not measured fully up to the standard of complete loyalty.

Mr. MADDEN. Will the gentleman yield?

Mr. HEFLIN. I yield to the gentleman.

Mr. MADDEN. Does not the gentleman think it would be wise to let other people decide what they should do, and each man be responsible for his own actions, without some one man trying to become the critic of the actions of every other man?

Mr. HEFLIN. That is not my purpose. I have the right to criticize the conduct of Members here, and I invite their criticism of my conduct. Last year, Mr. Chairman, after this Government had solemnly declared a state of war to exist, after the President of the United States had called the boys of our country to the colors, the gentleman from Illinois [Mr. MASON] introduced in this House a measure which would have tied the hands of the President and left him without authority to use our military forces against Germany on the battle fields of Europe. When the battle was raging in Europe, when the greatest enemy of mankind was in the field with his forces, struggling to overcome Europe and then to come and invade this country, I repeat, the gentleman from Illinois introduced a measure in this House which would have stopped the President with his Army at the ocean side and left this Government puny any helpless, humiliated and ridiculous before the world. I did not think that his conduct on that occasion was in keeping with the spirit of true Americanism. We had declared war and we had laid down a war program, we were mobilizing our forces and moving to the battle field to meet the bloody-handed monarch of the Old World. I was disposed, gentlemen of the House, to let that un-American act go by; and when this Congress reassembled, after stating here last year that some gentlemen's



conduct did not square with my idea of their duty as patriotic Members of Congress, and I discussed the matter with Members of the House and decided to let that matter rest unless something else was done or said which needed attention. But on the 7th day of February, in this House, this same gentleman from Illinois [Mr. Mason] made a speech of 30 minutes and then extended his remarks in the RECORD, all in criticism of this Government and its position in the war. There was not one word of abuse in it for Germany. There was criticism in it of our allies, but nothing against Germany, the arch enemy of mankind. About the only thing that he said in which I could locate him definitely was, "For God's sake, let us quit quarreling among ourselves and fight the Kaiser." But strange to say, after that he branched off and said, "Since the secret peace treaties have been published"—and I thought he was speaking by authority, that he was about to disclose to us facts that he had obtained at the State Department. I did not know that he was bringing here and putting into this RECORD stuff published by the hired agents of Germany and the bolsheviks, their hirelings in Russia. I made investigation at the State Department, and they said, "No; we have nothing about any such secret treaty except from that source" that I have mentioned. But the gentleman says, "That according to these so-called secret peace treaties we find that our English cousins and our French allies and Russia were going to slice up Germany." That suggestion is in his speech. I know that it passed the notice of many patriotic Republicans on that side as it passed the notice of many patriotic Democrats on this side. And I want to say here in passing that there are some as brave and patriotic Republicans on that side as ever stood beneath the flag. I pay you that compliment, because you are entitled to it. There are but few on either side who do not stand square up to the standard in either branch. But the gentleman criticized the position of our Government. He talks here about these mysterious secret treaties, while our boys are over there fighting to preserve democracy and liberty, to preserve the American Republic. We are trying to make the world safe for America to live in, and for our children to live in long after we are dead. The gentleman insinuates that the secret treaties between our allies, which they deny, disclose the fact that they have a bargain between themselves, and that they are fighting to slice up Germany. No, gentlemen, I do not propose that this RECORD shall become the vehicle to carry over the country the propaganda of the enemy. This RECORD should not be used for that purpose, and I have a right as you have to pass upon things said here to see whether or not they square with true Americanism. Now, what else? The gentleman makes a fling at Japan. About that time Japan, it is said, was here asking our Government what she could do to aid the great forces of civilization in this war. But the gentleman's speech is a fling at Japan, and accuses her of having a secret treaty with somebody to fight America at some future time. At a time when we ought to have been sounding every word that suggested harmony and unity that would bring to our aid every force that sympathized with us, a Member stands on this floor and antagonizes a nation in sympathy with the allies and speaks in this solemn place that which can be circulated by German agents in this country who will say, "See what you Americans are fighting for; you are not fighting to preserve the Republic, you are fighting to help England, France, and Russia slice up Germany."

What else? Why, in another place in that speech the gentleman from Illinois [Mr. Mason] said that we would not have any riots in this country, that the people have not had a chance to speak on the question of life and death, and the reason that there will be no riots is that they know that in the cool, quiet days of November they will speak. What does he mean by that? That the American people are not with their Government; that this Congress has instituted a program and is backing up the leader of this Nation in a way contrary to the wishes of the people? What does he mean when he says that they will not riot, because they know that in the cool and quiet days of November they will speak? Is that an insinuation that they are going to indorse the program? No, gentlemen, it is an insinuation that they will repudiate it. What else can you make of it? Further on in that speech the gentleman says that our mothers are interested in this matter—and they are, God bless them—they are giving their sons heroically to the cause of their country; and following that statement the gentleman says that no woman who has been through the high school ever knew boys conscripted before to settle the title to real estate in Europe. What does he mean by that? Before what time? Now. What are they doing now? Fighting to settle the title to real estate in Europe? That is the inference obtained from the statement of the gentleman from Illinois. "No girl who has been through the high school ever saw boys conscripted before to

fight abroad to settle the title to real estate in Europe." God of our fathers, move upon the State of Illinois! She has some as brave and patriotic Representatives here as ever lived. Fighting to settle the title to real estate in Europe! This Nation that we love never drew the sword except in the cause of right and liberty; she has no ancient hate to gratify and no lust for power impelled her to the battle field, but it was the love of right, of liberty, and justice that caused her to draw the sword; and yet the gentleman from Illinois would throw her cause lightly aside and say that our boys are being conscripted to settle the title to real estate in Europe.

In another place the gentleman says, "Let us look this thing squarely in the face; no dodging. The only thing that stands between us and honorable peace," he continues, "is the disposition of Alsace-Lorraine." Ah, gentlemen of the House, I regret that those words have been uttered by one honored with a seat in this body. We never thought of Alsace-Lorraine when Germany shot down our flag, destroyed our commerce, and murdered our citizens. No, gentlemen, the disposition of Alsace-Lorraine never entered our minds. When France sent her brave and heroic army to fight that immortal battle at the Marne she was not thinking of Alsace-Lorraine; she was thinking and fighting to save the life of the French Republic. The gentleman suggests that the truth is that the disposition of Alsace-Lorraine is the only thing that stands between us and honorable peace. Why? Because he says that we have achieved what we wanted when we entered the war—a free sea, that the belligerents have agreed to. Germany agreeing to it? Did not Germany come and lay her hand upon the open Bible, as it were, and tell the President that she was not going to murder any more of our women and children or sink any more ships without giving them warning, and that she would help us to keep an open sea, and also that she would not disturb noncontraband commerce between neutral nations? And did she keep the faith? No. Did she break it? Yes; she said it was a mere "scrap of paper"; that she did not regard it as binding upon her honor; and now, with her hands dripping with the blood of women and children of America, France, and Belgium, with all the crimes and cruelties committed against France and Belgium, with all these crimes at the door of Germany, the gentleman from Illinois [Mr. Mason] would have us say to the Kaiser, "Do you agree to give us a free sea?" and that murderous monarch should answer "Yes," then he would have us lay down our arms and go home, and then the Kaiser would wake up next morning and start his bloody butchery afresh, finish up the European countries, and come and fight us when there would be no ally to stand and help us fight.

That is not all, Mr. Chairman. The gentleman goes on in that speech and suggests that we discuss peace. Discuss peace now. For three years the President talked peace all the time. He had an olive branch in one hand and the dove of peace in the other, but the Kaiser brushed him aside with his mailed hand and would not listen to him. Then the Kaiser drew this Government into war by his own brutal and murderous act, and this Government, under its matchless leader, said to the American people, "Go and conserve the food supply, go tell the good housewives of America that we must conserve the food supply, go tell the farmers that we must make a bumper crop to feed ourselves and our allies," and the agricultural army is in motion; "take over the railroad lines of the country," and that was done; "appropriate billions for war purposes," and that is done; "summon 10,000,000 of men and put them on the roll, this the fighting force of the country," and that is done; and the President says, "The flag and the battle field now." But the gentleman from Illinois says, "Halt your forces; it is barbarous not to stop and discuss peace terms. Here stands this war-mad monarch, who wants to talk peace with us; let us stop and parley with him." The President says, "He did that in Russia; that was his propaganda there," and poor, distracted Russia stands humiliated and despoiled before the world. But still the gentleman insists that "it will be barbarous not to stop and discuss peace terms with Germany." God of our fathers! What are we coming to in this body? Do you know what was done with that speech? It was printed in the RECORD and then put into pamphlet form and circulated over the country. There is not a clear-ringing American note in it; there is nothing in it that exalts the American cause; there is no tribute to the merit, the virtue, and courage of the allied armies. There is in it no stricture upon the brutal German horde, not one. What was the purpose of that speech? Was it intended to help America? If the gentleman, when making that speech, was standing for our cause, "then cast me back into pagan night, to take my chances with Socrates for bliss than be the Christian of a faith like this!" But that is not all that the gentleman said. Talk peace! Yes; and the Kaiser suggested that we talk peace. The gentleman says in another



part of his speech that there is a party that says no peace without victory. He did not even tell us that it was the Kaiser who said that recently. The Kaiser not only said no peace without victory but no peace until it is achieved by German arms and acknowledged by our allies. That is the substance of his statement, and yet this Hall is the forum for the delivery of such a speech and this Record the vehicle to carry it over the country. All this, Mr. Chairman, while our boys—God bless them—are going forth to fight and to die for our country. Gentlemen, I serve notice on you now, on both sides of the aisle, I am a humble Member of this body, but I do not intend, as long as I serve here, that this body shall become the forum and this Record the vehicle to spread German propaganda through the country.

Mr. Chairman, there is another gentleman here from Illinois, Mr. BRITTEN. Mr. BRITTEN introduced a resolution or an amendment which exempted boys of German and Austrian blood from service in the United States Army against Germany.

Mr. BRITTEN. Mr. Chairman, that is absolutely false. The gentleman does not recall correctly my statement.

Mr. HEFLIN. The gentleman will not apply any such epithet to me inside of this House or outside of it. I stated that the gentleman introduced a measure which gave to boys of German blood, every one of them, and every boy of Austrian blood an opportunity to get out of the service in a foreign country in the war against Germany. Is not that so?

Mr. BRITTEN. I do not recognize the gentleman in the House or in the street, but I will say to the chairman of the committee that his last statement is correct.

Mr. HEFLIN. I do not permit the Member from Illinois to interrupt me in this manner.

The CHAIRMAN. Does the gentleman yield?

Mr. BRITTEN. The gentleman asked a question and I supposed he wanted an answer.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. HEFLIN. I do not yield to the Member from Illinois, that is my language. Now, Mr. Chairman, the gentleman introduced a bill or measure putting it in the hands of every boy of German blood to come up to the President and say, "I do not want to fight in this war against Germany. My father came over here to live, it is true. I was born here, my father has accumulated this world's goods here, and I am an American citizen, but I do not want to fight for the United States against Germany." Mr. Chairman, is not that an awful thing? My God, in all the glorious history of this Republic that anybody from anywhere should want exemption from her service is more than I can understand. If George Washington had said, "Exempt me from service against the mother country, I am an Englishman," we might have no Republic to-day. Now, the gentleman from Illinois introduced this bill that I am telling you about. There is a copy of it here somewhere; I thought I had it, some of the Members had it yesterday. It exempted boys of German and Austrian blood from service in the war against Germany. They were not to go out of this country if they did not want to go. Other boys could go, but Germany and Austria, the deadly enemies of our country, are favored especially by a Member of this House. I would not have been surprised if that bill had been introduced in the German Reichstag, but I was surprised that it was introduced in the American House of Representatives. I hold here a statement issued this year by Mr. Harre, of the Council of Defense, or the American Defense Society, who talks about this bill and said that Viereck, the traitor in New York, who was the editor of the Fatherland, notoriously against this Government, notoriously in sympathy with Germany, that—

On the afternoon of June 25, the day upon which this bill was introduced by Congressman BRITTEN, of Illinois, Mr. Viereck read to me the text of the bill proposing that citizens of German or Austrian birth or descent upon their request should be exempted from military service in foreign lands.

So then—

Mr. SWITZER. Will the gentleman yield? By whom is that issued, what society?

Mr. HEFLIN. By T. Everett Harre, and these extracts are signed by the secretary of the American Defense Society. Now, gentlemen, what do you think of that—that Viereck wrote that bill. Did he send it to the Member from Illinois? How came that bill here? How came it to be introduced in this body? Those are questions that we must consider; while our boys are fighting at the front we must not fail to do our duty here. [Applause.] If our boys have the courage to go over yonder and fight for the flag, let us have courage to do our duty here, it matters not how unpleasant it may be. I recall that this same Member from Illinois [Mr. BRITTEN] said here last year that Members of Congress would not speak to me when they met me

on the street. There is not one word of truth in that statement. No Member of this House that I care to speak to has ever failed to speak to me, and I speak to the most of them, I am glad to say. I stand well with most of them and they with me, and if any man does not want to speak to me he compliments my patriotism by not speaking, because I stand square to every wind that blows about that flag. [Applause.]

Now, Mr. Chairman, I have just received a copy of the Britten bill. It says:

Citizens of German or Austrian birth or descent, selected for draft in the military service, may, upon their own request, under rules and regulations prescribed by the President, be assigned to military or naval service on American soil or in American waters, or directed for duty in such industries including agriculture—

Oh, yes, God bless them, service out in the field of agriculture—

found to be necessary to the maintenance of the military establishment or the effective operation of the military forces or the maintenance of national interests during the emergency.

God of our fathers, I repeat, "Germany and Austria," American boys of that blood may be excused from service, but come on you boys of Scotch or Irish origin, of French, Italian, Hebrew, or English extraction, and all of the other brave blood of our country and go to the front. But these citizens of German and Austrian blood are the chosen. They are the objects of our special favor, because they do not want to fight against their kindred who are trying to destroy the Republic.

Gentlemen, if that is Americanism, I can not subscribe to the doctrine. If that is loyalty to the boys at the front and to the flag, then I am not loyal myself.

And, Mr. Chairman, the gentleman from Illinois got up here yesterday and told the world where all of our boys in the marine service were located, just how many were down here, 9,000 of them, and so many yonder, and so many over yonder. Germany has been trying to find out how many men we have moved across the sea and how many are still at home. The gentleman did not intend to give out that information, of course. German spies have tried to find out where our Cavalry horses were located. They found 500 of them in Kentucky and they poisoned them.

If you have criticism to make, gentlemen, go to the President, to the Secretary of War, to the Secretary of the Navy, and make known your complaint to them, where no German spy will get hold of it. Do not let spies get hold of something that they can use to the injury of our country.

The gentleman from Wisconsin [Mr. FREAR] quoted Mr. REED, of Missouri. Mr. REED, of Missouri, is an able man, but he is not my guide either in democracy or patriotism. [Applause.] Another man over there said the other day that we had not sent any aeroplanes abroad. That very day we were shipping them to France, and that very afternoon three American boys were shooting down three German aeroplanes above the battle lines in France. That is what is going on. Some men are hindering us and helping the enemy. And in God's name they ought to quit it.

Let me say this in conclusion. I am trying to do my patriotic duty, although it is an unpleasant thing to do sometimes. I rejoice that Wisconsin has shown to the world that she is loyal. I never had a doubt about that. There are some people in that State, however, who are not loyal. Do not tell me that a bunch that will march up to the polls behind that fellow Berger, indicted by the court for seditious conduct and wanting us to call our Army home and crawl before the Kaiser, is loyal. [Applause.]

I will tell you another thing, gentlemen; I know a body that is not a mile away from here which would render great service to itself and to the country if it would expel a Senator that I know. [Applause.]

The gentleman from Illinois [Mr. BRITTEN] by his speech on yesterday caused me to bring the Britten bill, to exempt boys of German and Austrian blood from service, to the attention of the country. The Bible tells us that "by their fruits ye shall know them," and that "as a man thinketh in his heart, so is he." And also that "out of the abundance of the heart the mouth speaketh." So I must judge these men by what they do and say, and if I believe them to be wrong I am going to call their names.

Now, let me say in conclusion, God bless this great American Union. Gentlemen, we are a peculiar people. God Almighty gathered here under this flag the persecuted men and women of every clime and country, and America does not ask anybody from what country he comes. She only asks whether he is a loyal American citizen. Citizens of German blood, and there are thousands of them here who are as loyal as anybody, and brave boys of German blood are fighting under our flag in Europe to-day, owe it to their children to repudiate all acts



on the part of public men that put them in the attitude of crawling around and wanting to be exempt from the service of their country in the hour of its peril.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I would like to have two minutes more.

Mr. BOOHER. I yield two minutes more to the gentleman.

Mr. HEFLIN. Now, gentlemen, let me say in conclusion, let us stand together and all together by the President, this great American, the Commander in Chief of our Army and Navy. [Applause.] Away with the things that divide us. Honest criticism is all right; but I want to tell you this: I do not care whether the man is a Democrat or a Republican, the Member will not speak here two minutes before I know where his heart is. He may say, "I am with the President and I am with the country, but, and if." Do you know what President Lincoln said about that, gentlemen? He said, "Beware of the fellow who says, 'I am with you, but, and if'; he is not right down here in his heart." That is what Lincoln said. In this trying time let there be nothing here but real Americanism. Let us make true Americanism the paramount issue and complete American loyalty the supreme test. [Applause.]

And, now, let me say of Illinois, God bless that historic old State. In her soil sleeps the sacred dust of the martyred Lincoln. God knows, if he could have been spared, the South would have been spared the horrors of reconstruction. No section of the country suffered as much as the South on account of the blow of the assassin's bullet. Some months ago Gov. Lowden, of Illinois, said to the legislature of that State: "It is my duty and yours and the duty of the people of Illinois to get wholeheartedly behind our Commander in Chief." God bless the patriotic governor of Illinois. [Applause.] I served with him in this House, and he is my personal friend. He was the first governor in our union of States to call the State legislature to the standard of the Nation. How fitting and appropriate, gentlemen, that the governor of the Commonwealth of Illinois, in whose bosom sleeps the dust of the martyred Lincoln, should be first to come forward with the colors of his State entwined about the standard of the Union. [Applause.] This is the centennial year of the great State of Lincoln; 100 years ago she took her place in the great sisterhood of American States. Illinois, bright daughter of the Nation, well may you lift up your voice and be glad when on this proud anniversary of your birth time he who holds the highest office within your gift crowns you with the glory of unadulterated Americanism. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. KENNEDY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. BRITTEN. Mr. Chairman, the Member who just preceded me [Mr. HEFLIN] said, "By their fruits, so shall ye know them." It makes me weary, this canned and pickled patriotism that the House is subjected to from time to time by a certain number of gentlemen who are continually winding themselves about with the American flag for fear that the country will not know that they are patriotic.

"By their fruits, so shall ye know them." If I had voted in past years against every naval appropriation and against every military appropriation that was intended to put our country in a state of preparedness I also would want to stand around on this floor and continue to wave the flag about myself to convey to the people of the country the idea that I am patriotic at last, notwithstanding the fact that I had attempted to throttle every increase in the Army and the Navy during my term of service in Congress. I would continue to yell "flag" and "patriotism" and "loyalty" until the very heavens reeked with my voice and the people of my country had forgotten my misguided conduct. I would be ashamed of having voted the way I had in times gone by. I would continue to bray, and bray, and bray about patriotism and about that flag, and then crow like a barnyard rooster about what I was going to do, now that we have gotten into this war.

It is not necessary for a Member of Congress to continually roll himself in the American flag in order to induce people to believe that he is patriotic, that he is loyal. He is known by his fruits, as the Bible says, and as the Member who just preceded me repeated.

In the annual Navy bill of 1912, before I was a Member of this House, a motion was made to build but one battleship, notwithstanding that the Navy General Board, presided over by the late Admiral George Dewey, had recommended to the Congress that four first-line battleships be built that year. Is

it not quite ridiculous to recall that these very spellbinders of patriotism, these wasters of valuable time telling of their own loyalty while the House should be considering important war legislation, including the Member from Alabama [Mr. HEFLIN], voted against even one first-line fighting ship; and there was none authorized that year.

On February 26, 1913, the self-styled patriots of to-day voted to reduce a two-battleship bill to only one battleship, and again, on March 3, 1913, their votes permitted the building of but one battleship, notwithstanding the Navy General Board's recommendation of that year for six first-line ships.

I could go down the line and recite vote after vote for military as well as naval preparedness up to the very moment that we entered the war and these new patriots are always found on the side opposed to real preparedness. If they had had their way, we would to-day have no first-line fighting ships, and our military, small and weak as it was a year ago when we entered the war, could not have been found with a microscope.

Perhaps I am inconsiderate and it is necessary for them to bray their patriotism whenever possible. Their conscience may bother them now that they see the folly of their votes and we are into a world's war, with every ounce of our capabilities about to be taxed.

They habitually refused to vote for preparedness legislation recommended by the Navy General Board, the General Staff of the Army, the Navy League, the Security League, and other purely patriotic societies. It will take a lot of talking and wasting of valuable time to bring our people to recognize the sincerity of these noisy flag wielders.

The speaker who just preceded me tried to ridicule a resolution which I introduced last year that would exempt, upon their request, certain American citizens who still had warm and fresh blood ties in Germany and Austria from going across, under certain rules and regulations to be prescribed by the President. What the speaker said in opposition to my resolution also applies in opposition to the order sent out by the President on March 22 to the Secretary of War, telling him that certain rules should be provided for conscientious objectors to combatant service abroad. The President said they should be given a wide range of military duties from which to select, that were not combatant, in order that they might be used to the very best of their ability and their efficiency in the National Army. And, gentlemen, that is exactly what my resolution intended—to increase the efficiency of the Army, to make our soldiers at the front more dependable; and whatever the previous speaker just said in opposition to my resolution applies equally against the order just sent by the President, the distinguished gentleman at the other end of Pennsylvania Avenue, to the Secretary of War. So much for that.

The previous speaker referred to a statement having been issued by the Council of National Defense, which he afterwards corrected and said it was the American Defense Society.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. May I have five minutes more?

Mr. KENNEDY of Iowa. I yield to the gentleman five minutes more.

Mr. BRITTEN. The American Defense Society did send this statement out, a copy of which was forwarded to me by my clipping bureau, and one from Mr. Vierick, of New York, the gentleman referred to as having boasted of writing my bill, to Mr. T. Everett Harre, the author of the article. Mr. Vierick said the statement was a complete falsehood and he was ready and willing at all times to take oath to that effect.

This society is composed of such gentlemen as Col. Roosevelt, Dr. David Jayne Hill, former ambassador to Germany, Hon. Robert Bacon, Mr. Hudson Maxim, and many other equally distinguished Americans. It did me the honor of placing my name on its public "roll of honor" because of my consistent endeavor in the direction of "preparedness," alongside of such names as our dear former colleague, the late "Gussie" Gardner, and Capt. Richmond P. Hobson, from your side of the House.

We have stood for preparedness measures at all times, whether they were for the military or the Navy. And the Lord knows, five or six years ago it was lots of trouble to pass even a one-battleship program bill through this House, because of men like you, who wanted no preparedness of any kind.

Mr. GREENE of Massachusetts. That is, the gentleman from Alabama.

Mr. BRITTEN. Oh, I do not care to mention the gentleman's name.

Mr. HEFLIN. Mr. Chairman, what does the Member mean by that last remark?

Mr. BRITTEN. I have my own way of designating you.

Mr. HEFLIN. You will do it in a respectful way as long as you are in this House.

Mr. MOORE of Pennsylvania. A point of order, Mr. Chairman.

The CHAIRMAN. The point of order is well taken. The gentleman should not interrupt without rising from his seat.

Mr. EAGLE. Mr. Chairman, I raise the point of order that no speaker has a right to point his finger at anybody and refer to him as "you."

Mr. BRITTEN. My friend is correct. I was about to withdraw that; I do not wish to be disrespectful of the rules of the House.

The CHAIRMAN. The point of order is well taken by the gentleman from Texas.

Mr. BRITTEN. Yes, Mr. Chairman; and I am sorry that it occurred. Of course, I immediately realized that a mistake had been made, and that the society would rectify it to its fullest ability. I exchanged several letters with the society, with the result that a statement is about to be issued which will clear the entire matter. Certainly Vierick had nothing to do with my bill, which was prepared without the slightest outside assistance. Mr. Harre's article referred to me as "one of those willful men" referred to by the President more than a year ago, who in the Senate of the United States had talked to death the bill (S. 8322) authorizing the President to supply American merchant ships with arms. This reference to me was in complete error, as was another paragraph of the article, which suggested by indirection that I was the author of a bill to repeal the draft law. The official RECORD shows that I voted favorably on each of these laws. Naturally the American Defense Society is but too pleased to remedy the injustice which has been done to me, and they will shortly issue a public statement, disassociating me from any connection with Mr. Vierick, as far as its article applies, and at the same time correcting the mistakes I have just referred to.

I do not want to be disrespectful to any Member of this House. We all choose our own friends, and if any of us care to disregard others when we meet them on the street that is our privilege. But I can not help recalling that these gentlemen who are continually throwing the American flag around themselves are the very gentlemen who opposed real preparedness on the floor of this House for these many years past. I have their votes in my pocket, and I am prepared for a dozen of them, particularly on that side of the House, who are continually saying that we on this side are giving aid and comfort to the enemy every time we offer constructive criticism. They aim to prevent honest criticism by accusing us of disloyalty. It will have to be stopped. We all are heart and soul for our Government, and there should be no division on necessary war measures.

I require no apology for my patriotism. My father fought and suffered for that flag [pointing], and that is more than many of these new self-styled patriots can say. I love it as I love my life. [Applause.]

Mr. KENNEDY of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FRANCIS].

Mr. FRANCIS. Mr. Chairman, on February 25 of this year I received a letter from one of my constituents which was unusual. It consisted of two newspaper clippings pasted on a sheet, with a brief written comment by the sender. The first clipping was an editorial entitled "Congress sound asleep," and which began "Alone of all the great nations engaged in this conflict we are making no preparations for the revolutionary conditions that will prevail at its close." The second clipping was a news item about one of our great powder companies. It featured a statement of its president that "the men who so successfully met the recent emergency are engaged with equal energy and foresight in working out plans for the use of these vast works after the war." The comment of the sender was, "Your attention is respectfully directed to these items."

My first reaction to this communication was that we had problems enough on hand to get the war going, and that to talk about reconstruction was premature. Reflection, however, led me to determine to give the subject an hour in the Congressional Library. To make a long story short, in that hour I found such an avalanche of material on present reconstruction activities in England, France, and Germany, covering every phase of social, political, and economic life, that I realized that the matter was of vital importance. Moreover, in addition to the foreign material, I found numerous domestic references, indicating that the subject was already coming to the front at home. Since that time, only four weeks ago, constantly accumulating news items have shown that it is definitely before us, and it is my opinion that it is time for Congress to give it earnest consideration.

True reconstruction is as much a war as a peace problem, and the time to face it is while we are yet in the midst of war.

A brief view of the reconstruction work abroad will show its extent and importance.

#### GREAT BRITAIN.

On August 21, 1917, Parliament passed an act known as the new ministries act. This created a ministry of reconstruction. It gave the minister full power to consider the problems which might arise out of the war, and to institute such inquiries and prepare such schemes, and to make such recommendations as he might think fit. It gave him an ample salary and staff and power to sit in Parliament. Under this ministry a great number of commissions and committees have been created to deal with questions already arising, and to arise at the close of the war, and many existing committees were gathered under its jurisdiction. A list of these committees, of their duties, and their personnel was published in England at the first of the year. It made up a large-paged pamphlet of 30 pages. A synopsis of this vast scheme was published in the Official Bulletin of March 14, 1918. In brief, under the minister, all reconstruction work is divided into 15 divisions. These 15 divisions cover the subjects of trade development, finance, raw materials, coal and power, intelligence, scientific and industrial research, demobilization and disposal of stores, labor and employment, agriculture and forestry, public administration, housing, education, aliens, legal questions, and miscellaneous.

Eighty-seven separate committees are doing the work. It would take too long to recite the names of these different committees and their respective fields. Suffice it to say that their greatest activity is on questions of trade development and in scientific and industrial research, but they reach into such questions as electricity, coal, horse breeding, local government, and mine-rescue apparatus, which gives us an idea of their inclusiveness. These many committees might seem enough, but one of my friends, who is investigating this work for himself, informs me that there are upward of 250 reconstruction committees at work to-day in Britain, including, for instance, several of the British Labor Party. Many have already made important interim reports. They are recommending the creation of a vast commercial structure with a trade bank, enjoying the support of the Government. Without going further it is superfluous to comment upon the value of this tremendous preparation. It not only forecasts the continued greatness of Great Britain, but it means that she has lost no time in preparing to recast her life and industry. This item of time alone is worthy of particular notice.

#### FRANCE.

In France the problem of reconstruction is particularly affected, if not overshadowed, by the problem of rebuilding her invaded territories, which, of course, are yet to be recaptured. An interparliamentary committee for the reconstruction of these lands has the problem in charge, and has working with it a subcommittee for the purchase of materials for the restoration. There is also a national institute for the care and reconstruction of disabled soldiers. In general, it may be said that there are upward of 300 laws which have been passed solely to aid in reconstruction. France desires to become economically independent. She has purchased great quantities of machinery abroad. She contemplates establishing a trade bank with ample capital. The State has already entered into contracts to turn over munition plants to various industries after the war, and expects to loan money to aid her shipbuilders. The Paris Chamber of Commerce is also working on the problem, and plans are being made to take an industrial census of the entire nation at the close of the war. I can not pretend to give a thorough outline of the reconstruction work of this nation. Not all the material on this subject is available and much of the available material remains untouched. It is evident, however, that France has started a thorough and practical consideration of the question.

#### GERMANY.

The information that comes to us from Germany has become limited of late. An Imperial Ministry of Economics was created October 21, 1917, and this has charge of the social, economic, and trade questions after the war. Germany and Austria have already entered into an extensive customs union. From such reports as we have it appears that there will be a national central organization for the purchase and distribution of all raw materials used in the nation upon the arrival of peace. A syndicate is to be created for the cotton trade to eliminate all commission houses. There is a scheme on foot to establish German manufacturing companies in foreign



lands with German capital, but with French and English names to defeat any prospective boycott.

A vast workmen's relief committee has been organized, and there are reports of huge trans-Atlantic liners already on the ways, to restore the lost commercial position. The German Government has always fostered trade and may at the close of the war take over the entire cargo space of its fleets. The British Trade Journal of January 31, 1918, gives a history of these new activities, and says that "the component States of the Empire have been honeycombed with committees appointed to investigate and report on the future of their respective industries or territories." While such information as I have found reflects chiefly upon the commercial side of the life of Germany, it points to a vigorous policy of reconstruction, and we may justly believe that it is being carried into other fields.

Let us now turn to our own country.

#### UNITED STATES.

When I started to inform myself about the situation in the United States I found it exceedingly difficult to do so. There was nothing available but a most miscellaneous lot of information consisting of clippings and items and articles from all kinds of publications dealing with totally uncorrelated activities. There were plenty of evidences of interest and preparation, but none of order and organization. It all reminded me of the opening days of the great war in Europe before our entry into it, when hundreds of charities sprang up overnight and imported us daily for contributions. Though eager to give, we could not tell where to give most wisely, and could not have given to all if we had given ten times more than we would. Our reconstruction situation to-day is about as chaotic as the charity situation was then.

Certain activities are at the present time outstanding.

The American Red Cross is studying the rehabilitation of wounded and crippled soldiers.

The Surgeon General is at the head of a movement to create reconstruction hospitals in large cities, which will include shops for vocational training.

The Federal Board for Vocational Education is studying the vocational rehabilitation of disabled soldiers and is training teachers for the work.

The Secretary of the Interior is agitating the question of eradicating illiteracy and teaching Americanization.

The educators of the blind are preparing to make their charges self-supporting.

Conferences at the University of Illinois and elsewhere have been studying the labor problem.

Numerous chambers of commerce are studying trade conditions after the war.

I am sure there are many more which have not been brought to my attention, because they are so rapidly developing. Valuable as these activities are, however, they are to-day almost uncorrelated. All about us charities and societies and communities are plunging into this work for themselves and going ahead independently, with few exceptions.

If left alone these organizations will develop into hundreds of separate committees throughout the country, overlapping in their fields, duplicating in their work, promoting disorganization and wasting a vast amount of energy. While our immediate reconstruction problem is simple and is chiefly to take care of our wounded, by a year from now it is going to be a tremendous one. If we are going to be forehanded we must prepare ourselves immediately to grapple with the tremendous and complicated problems of trade, finance, banking, tariff, food, labor, shipping, immigration, taxation, housing, and education that are going to perplex us as they have the foreign nations.

#### CONCLUSION.

What, then, is Congress going to do to meet this situation? Is Congress sound asleep, as the editorial said? On January 16 of this year a resolution to provide a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness came before the House. It carried an appropriation of \$50,000. The enacting clause was stricken out and the bill was defeated. Does that mean that Congress was not ready to face the problem of reconstruction? I do not think so. I think it was merely unwilling to authorize a pretentious committee to take such a small bite at so large a problem. I think that it realizes that something has got to be done, and would gladly consider some plan of wider scope to absorb and organize our reconstruction activities. I have confidence enough in Congress to feel that if the question were presented to it in a practical way it would respond with a generous appropriation.

The practical way has been indicated in England, France, and Germany, and we should profit by the experience of these coun-

tries. We should either have a secretary of reconstruction, who shall sit in the President's Cabinet and supervise all this highly necessary work, or we should have a commission of Congress, with a permanent organization to investigate and report on necessary legislation. Congress should face this great need promptly and should believe in this crisis the reputation of democracies for unpreparedness. [Applause.]

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker 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 river and harbor appropriation bill, and had come to no resolution thereon.

Mr. SMALL. Mr. Speaker, I would like to see now if we can not agree upon some time to close general debate upon the bill.

Mr. KENNEDY of Iowa. Mr. Speaker, how much time has been consumed by each side?

The SPEAKER. The gentleman from North Carolina has used 2 hours and 32 minutes and the gentleman from Iowa 1 hour and 50 minutes.

Mr. KENNEDY of Iowa. Mr. Speaker, I would say to the gentleman from North Carolina that I have requests for 2 hours and 50 minutes more time.

Mr. SMALL. So far as I can now tell I have requests for an hour and 50 minutes. Could we agree on general debate closing at the end of four hours to-morrow, say at 4 o'clock?

The SPEAKER. The Chair will suggest that there are two or three or four conference reports to be taken care of to-morrow, and if a fixed time is set gentlemen are liable to get into trouble.

Mr. SMALL. Then we can fix it at so many hours, say four and a half hours more of general debate.

Mr. KENNEDY of Iowa. That would not give me 2 hours and 50 minutes.

Mr. SMALL. Make it 4 hours and 40 minutes, the gentleman to have 2 hours and 50 minutes of that time.

Mr. KENNEDY of Iowa. That is satisfactory.

Mr. MOORE of Pennsylvania. Mr. Speaker, to-morrow is the day for the opening of the third liberty loan drive. Public announcement has been very generally made, and the Secretary of the Treasury is very earnest about the matter of inviting Members of Congress to participate in the movement wherever they may be available. I know a great many Members will be called away from the House to-morrow on that patriotic duty, and many of them would like to be here when the reading of the bill begins. They will be unable to participate in general debate, as they desire to do, because of the necessity of keeping these engagements made for this patriotic day. Can we have an understanding that after general debate is concluded and the first section of the bill is read there will be no further proceedings?

Mr. SMALL. That seems reasonable, and yet I am mindful of the fact that we are urged to conclude the bill as soon as possible. If much time is to be occupied to-morrow on conference reports there will be small opportunity to reach the bill under the five-minute rule. I hesitate to agree that we will not begin the reading of the bill if there is opportunity to make progress.

Mr. MOORE of Pennsylvania. Four hours and forty minutes, if you start at 12 o'clock, will take us to 4.30 and after on Saturday afternoon.

Mr. CALDWELL. Mr. Speaker, the remarks of the gentleman from Pennsylvania apply very strongly to Members on this side and particularly myself. I have engagements to talk in the liberty loan drive throughout the State of New York, and I can not possibly get back here before Monday. It would please me if we could agree not to start the reading of the bill until Monday.

Mr. SMALL. May I ask the Speaker unofficially if it would be safe to agree to that?

The SPEAKER. The Chair is inclined to think so. There are three or four of these conference reports and one can never tell what may happen about a conference report. If Members get to disputing about it it may consume an hour on each one.

So the Chair would think that the chances are that if you should run debate for four and a half hours plus the time that is taken up by preliminaries in the morning and these conference reports it will be time to "take out," as Col. Kilgore used to say.

Mr. SMALL. Then, Mr. Speaker, I ask unanimous consent that we conclude general debate to-morrow, and having con-

cluded general debate on the bill that it will not be taken up under the five-minute rule until Monday morning.

Mr. MOORE of Pennsylvania. That will be entirely satisfactory.

Mr. SMALL. So we will complete general debate to-morrow with that understanding.

Mr. GARRETT of Tennessee. Does that mean the gentleman expects the bill will be taken up on Monday, making it in order on Monday?

Mr. SMALL. That was my intention, Mr. Speaker.

The SPEAKER. Of course, if the Committee on the District of Columbia has important business that is their day, but the gentleman might talk them out of it. The request, as the Chair understands it, is that general debate on this bill be limited to four and a half hours to-morrow, of which the gentleman from Iowa [Mr. KENNEDY] shall control 2 hours and 50 minutes and the gentleman from North Carolina control the rest of it, but the bill shall not be taken up to-morrow under the five-minute rule.

Mr. KENNEDY of Iowa. Mr. Speaker, I think the last suggestion made by the chairman of the committee was 4 hours and 40 minutes.

The SPEAKER. Yes; 4 hours and 40 minutes. Is there objection?

Mr. SEARS. Mr. Speaker, reserving the right to object, I want to state I am in hearty accord with what Mr. KIRCHIN said this morning about rushing matters. I have not taken up the time of the House, and the chairman has just stated that he wants to push this bill rapidly to passage. I am also in accord with that, but I have a very important amendment I shall offer at the proper time, and I would rather discuss it and have a reasonable length of time on the amendment. I would like to know of the chairman what will be his policy of allowing a little extra time when we reach the amendment stage, as much of the debate to-day has not been on this bill? I do not care to discuss my amendment and mix it up with other matters.

Mr. SMALL. Of course, I can not control the time, and I can only say I would make no objection to any request for a reasonable time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Speaker, the understanding is that we close general debate to-morrow before adjournment—

The SPEAKER. Yes; and not take it up under the five-minute rule to-morrow. Is there objection? [After a pause.] The Chair hears none.

#### LEAVE OF ABSENCE.

The SPEAKER laid before the House the following letter:  
The Clerk read as follows:

DEAR MR. SPEAKER: Having agreed to take part in the liberty-bond campaign, I ask permission to be excused from attendance in the House for two weeks.

Cordially,

FREDERICK C. HICKS.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE REPORT ON S. 383, TO PUNISH DESTRUCTION, ETC., OF WAR MATERIAL, ETC. (H. REPT. 470).

Mr. WEBB. Mr. Speaker, on the part of the House conferees I desire to present a conference report on the bill S. 383, together with a statement on the part of the conferees, and ask that it be printed under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A 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 the hostile use of property during time of war, and for other purposes.

The SPEAKER. Ordered printed under the rule.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3994. An act to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes; and

S. 3400. An act to regulate the pay of retired chief warrant officers and warrant officers on active duty.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3388. An act 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; to the Committee on Merchant Marine and Fisheries.

#### ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

Mr. MOORE of Pennsylvania. Mr. Speaker, was there objection to the unanimous-consent request?

The SPEAKER. No.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, April 6, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth B. Beal, administratrix of the estate of George L. Beal, deceased, against The United States (H. Doc. No. 1017), was taken from the Speaker's table, referred to the Committee on War Claims, 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. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 8004) authorizing the resurvey or retracement of lands heretofore returned as surveyed public lands of the United States under certain conditions, reported the same without amendment, accompanied by a report (No. 463), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 9830) providing for the disposition of opium, its salts and derivatives, coca leaves, their salts and derivatives, and any other drugs seized by the United States Government, in the enforcement of the provisions of the act of October 1, 1890, as amended by the acts of March 3, 1897, February 9, 1909, and January, 17, 1914, or the act of December 17, 1914, reported the same without amendment, accompanied by a report (No. 466), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 9457) authorizing national banks to make contributions to the American National Red Cross, reported the same without amendment, accompanied by a report (No. 469), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WELLING, from the Committee on Claims, to which was referred the bill (H. R. 8509) for the relief of Paul Guenther (Inc.) and Paul Guenther and Olga Guenther, reported the same without amendment, accompanied by a report (No. 464), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 2013) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen, reported the same without amendment, accompanied by a report (No. 465), which said bill and report were referred to the Private 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. DAVILA: A bill (H. R. 11243) providing for the establishment of the port of San Juan, customs district of Porto Rico, as a port of entry for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 11244) to amend section 5 of an act entitled "An act to regulate commerce," as amended, relating to the authority of the Interstate Commerce Commission to allow ownership of certain vessel lines by railroads; to the Committee on Interstate and Foreign Commerce.



By Mr. SIMS: A bill (H. R. 11245) 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 an act in amendment thereto approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 11246) to prescribe the personnel of the Army Nurse Corps, the qualifications for appointment, and the method of appointment therein; the method of discharge, removal, and relief from duty; the rank, pay, allowances, and leave of absence of members of said corps; and the conditions under which they may be retired; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 11247) providing for the protection of the uniform of friendly nations, and for other purposes; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 11248) amending section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. CURRY of California: A bill (H. R. 11249) to amend section 19 of an act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes, approved October 6, 1917; to the Committee on Mines and Mining.

By Mr. FLOOD: Resolution (H. Res. 303) requesting the United States Food Administration to furnish to the House of Representatives information relative to its activities; to the Committee on Foreign Affairs.

By Mr. DAVILA: Joint resolution (H. J. Res. 276) extending the operation of the act providing for the promotion of vocational education in the several States of the Union to Porto Rico; to the Committee on Education.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. CANTRELL: A bill (H. R. 11250) granting an increase of pension to Josiah B. Magruder; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11251) granting a pension to Joseph J. Johnson; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 11252) granting an increase of pension to Charles J. Smith; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11253) granting an increase of pension to William T. Abel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11254) granting an increase of pension to Lafayette Murry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11255) granting a pension to Lucinda Hewkin; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11256) granting an increase of pension to Charles A. Wilson; 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 Mr. DALE of New York: Memorial of Tacoma (Wash.) Business Women's Club and executive committee of the Authors' League of America, opposing the zone system as to second-class mail matter; to the Committee on Ways and Means.

By Mr. DAVILA: Communication from the Teachers' Association of Porto Rico, expressing appreciation and gratitude to the President and Congress of the United States for conferring a larger measure of self-government and full citizenship upon that island and pledging loyalty and support of the Government in the world war; to the Committee on Insular Affairs.

By Mr. DILL: Petition of Sherman Grange, No. 421, of Kettle Falls, Wash., relative to regulating food prices; to the Committee on Agriculture.

By Mr. DOOLING: Petition of the American Game Protective and Propagation Association, opposing the second-class postage rates of the war-revenue act; to the Committee on Ways and Means.

By Mr. HILLIARD: Resolutions adopted by the Albuquerque (N. Mex.) Woman's Club, protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of T. D. Cobbey, Charles H. More, Thomas E. Gray, and 14 others, all of Denver, Colo., praying for immediate war prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of members of the Pierce County Medical Society, Tacoma, Wash., favoring House bill 9563; to the Committee on Military Affairs.

Also, resolutions of the board of trustees of the Tacoma Commercial Club and Chamber of Commerce, Tacoma, Wash., favoring House bill 9286; to the Committee on Military Affairs.

Also, petition of various citizens and members of the United Spanish War Veterans of Tacoma, Wash., favoring the passage of House bill 1736; to the Committee on Pensions.

By Mr. KELLEY of Michigan: Petition of Rev. Ira W. Cargo and 52 other residents of Clarkston, Mich., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, resolution of Flushing (Mich.) Farmers' Club, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUFKIN: Memorial of the Legislature of the State of Massachusetts, relating to the independence of Ireland; to the Committee on Foreign Affairs.

By Mr. NOLAN: Petition of Langley & Michaels Co., Electric Appliance Co., Levi Strauss & Co., all of San Francisco, Cal., and Adolph Lewisohn, of New York, N. Y., favoring Senate bill 3963 and House bill 10526; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Employers' Association of Rhode Island, protesting against section of naval appropriation bill on page 77, lines 9 to 22; to the Committee on Naval Affairs.

By Mr. TAGUE: Memorial of the Boston Surgical Society, urging the passage of House bill 9563 and Senate bill 3748; to the Committee on Military Affairs.

By Mr. VARE: Memorial of Rotary Club, of Chester, Pa., asking for the establishment of military tribunals for those showing treasonable intent or committing disloyal acts; to the Committee on Military Affairs.

#### SENATE.

SATURDAY, April 6, 1918.

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father, upon this anniversary day, so fateful in our national and international history, we would again set up our banners in the confidence of the righteousness of our cause and in the belief that our God is on our side. Grant, we beseech of Thee, in these days of renewed sacrifice and enlarged patriotism, that there may be an increased devotion on the part of the people to meet the demands of the hour. May Thy blessing rest upon those high in authority and in all the various phases of governmental responsibility. Hear our prayer. Bless also those beyond the seas who represent us, and may the grace of Thy wisdom be imparted to all in this hour. We ask for Thine own name's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

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

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 4102) granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 383) to punish the destruction or injury 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.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill