PETITIONS, ETC.

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

By Mr. BESHLIN: Memorial of citizens of Warren, Pa., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. DILLON: Resolution of the Mitchell Chamber of Commerce, Mitchell, S. Dak., urging a centralized Federal body to coordinate highway activities; to the Committee on Roads.

By Mr. DOOLITTLE: Petition of citizens of Scranton and Alta Vista, Kans., favoring immediate war prohibition; to the Committee on the Judiciary.

By Mr. DYER: Memorial of the American Surgical Society, favoring passage of the Owen and Dyer bills relative to rank for medical officers of the Army; to the Committee on Military Affairs.

By Mr. HILLIARD: Memorial of Ladies' Aid Society of Methodist Episcopal Church of Englewood, Colo., urging passage of the Barkley war prohibition bill; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Memorial of South Jefferson and Pomona Granges, of Hillsdale County, Mich., against price fixing and excess profits; to the Committee on Agriculture.

SENATE.

SATURDAY, *June 8, 1918.*

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

Almighty God, we come to Thee as Thou art the truth, the way, and the light. Thou art righteous altogether, and Thy judgments are in the earth when people are troubled. Thou art moving to-day mightily among the nations of the earth. Thou art shaking the things that are false. Thou art teaching men the path of life. We pray that we may have grace to follow the providences that are about us. Where God leads may we not fear to follow. We pray Thee to lead us on to the establishment of Thine own great universal kingdom among men. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate the annual report of the National Society of the Daughters of the American Revolution, which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 4445) granting the consent of Congress to Marion and Horry Counties, S. C., to construct a bridge across Little Peedee River.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 9953) To amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 5558) to amend section 101 of the Judicial Code.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 9864) to amend section 111 of the Judicial Code.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9506) 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9641) 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11658) 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 1544. An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes;

H. R. 5558. An act to amend section 101 of the Judicial Code;

H. R. 7796. An act to increase the salary of the United States marshal for the western district of Michigan;

H. R. 9864. An act to amend section 111 of the Judicial Code; and

H. R. 9959. An act to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912.

PETITIONS AND MEMORIALS.

Mr. MYERS. Mr. President, I present a short memorial to the United States Senate, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

Mr. SMOOT. I should like to ask the Senator from Montana if that is the same memorial the printing of which in the RECORD was objected to by the Senator from Arizona [Mr. SMITH]?

Mr. MYERS. It is.

Mr. SMOOT. Does the Senator really feel that it ought to be presented to the Senate with this request in the absence of the Senator from Arizona?

Mr. MYERS. In view of the condition of the RECORD this morning, showing four pages of telegrams and petitions and letters presented by the Senator from Illinois [Mr. LEWIS], addressed personally to him, and in view of the fact that on the very day that I wanted to have this memorial printed telegrams and letters and petitions addressed to individual Senators were by the dozen put in the RECORD on that same day, without any objection, and in view of the fact that the present occupant of the chair, the Vice President of the United States, the presiding officer of this body, once ruled that a memorial addressed to the Senate is entitled to go in the RECORD, I think that my request is correct and proper. If any Senator wants to object to it, he may do so, but I say if any Senator is going to constitute himself a censor of the CONGRESSIONAL RECORD he ought to be fair and impartial and object to all requests, not object to requests from some Senators and not from others.

Of course, if it is the sense of this body or of the Committee on Printing that these things should not be printed in the RECORD, I think Senators owe a duty to obey it. But I think, on the other hand, there appears a double duty. I think any Senator who intends to constitute himself a censor of these things should be here at all times during the morning hour and object to all alike, and have fair treatment, and I will be one of the first Senators to obey that.

I do not offer such things and make such requests more than three or four times a year, and I only made this request because it is on a very important subject, it is short, and it contains some very meritorious suggestions regarding the prosecution of the war and the conduct of this country after the war. I think it is proper for the Senate Committee on Foreign Relations to consider, and I think it is of such importance that all Senators should become acquainted with the contents of it, for it makes some very rare, and I think, sound suggestions. I made the request in good faith, relying, as I understood it, on the ruling by the Vice President made about three months ago

that a document addressed to the Senate is entitled to be printed in the RECORD.

Mr. SMOOT. Mr. President, I wish to say to the Senator that neither the Senator from Arizona [Mr. SMITH] nor any member of the Committee on Printing has set himself up as a censor of the CONGRESSIONAL RECORD, but the Joint Committee on Printing, as well as the Committee on Printing of the Senate, has seen the abuse of filling the RECORD with petitions, if they can be called petitions, to such an extent that it is costing the Government hundreds of thousands of dollars at every session of Congress. This practice we are undertaking to stop.

I agree with the Senator from Montana that the petitions put in yesterday by the Senator from Illinois [Mr. LEWIS] never ought to have been printed in the RECORD. There are four pages of them. I suppose when they were offered nobody realized what they were nor to what extent they were to be printed in the RECORD.

Mr. MYERS. If the Senator will just permit me at this point, I will say that if some member of the Committee on Printing will be here at all times during the morning hour to object to all alike, I will be one of the foremost to bow most cheerfully to their will, but I do believe in equal treatment for all Senators.

Mr. SMOOT. The Senator is perfectly correct; and I was going to say that there should be no partiality shown in relation to matters printed in the CONGRESSIONAL RECORD.

I do not want to take the time of the Senate this morning, Mr. President, to call the attention of the Senate to the conditions that are existing at the Printing Office. I will simply say that I have come from a meeting of the Committee on Printing this morning, at which the Public Printer appeared before that committee, advising the committee that the situation is such and the printing has grown to such an extent that it is next to impossible for the Public Printer to get out the work that is demanded. He can not get the necessary employees at the salaries paid, and you all know the paper situation.

Mr. GRONNA. Mr. President——

Mr. SMOOT. In just a moment. The Public Printer has scoured the country from one end to the other for employees and paper, and it is an impossibility to keep up the printing of extraneous matter in the RECORD, together with the demands of the departments going on as they have been in the past. I yield to the Senator from North Dakota.

Mr. GRONNA. I trust the Senator from Utah will not let the impression go out to the country that that condition is because of the extensive printing of petitions in the CONGRESSIONAL RECORD. The Senator from Utah knows as well as I know that a lot of printing is being done by some of the departments. We receive in our mail every morning any amount of matter which is of no value to anybody. Why does not the Committee on Printing examine into that instead of censuring those who ask to have petitions printed in the RECORD? The people who send the petitions have a constitutional right to have them printed in the RECORD.

Mr. SMOOT. They have no constitutional right to have them printed in the RECORD. They have a right to send them to Congress, and under the rules of this body, of course, they are filed when received with the proper committee.

There is another thing, Mr. President, that the Senator refers to. The Committee on Printing has no power to go into the question of what the different departments print after Congress has made an appropriation for printing to them. I know the Senator is correct. There are thousands of tons of printed matter that should never have been printed. Four tons of print paper are used every day——

Mr. GRONNA. It is not used in the printing of the CONGRESSIONAL RECORD, I will say to the Senator.

Mr. SMOOT. Four tons of print paper are used every day for printing the Official Bulletin, just that one publication alone, and as I stated on the floor of the Senate the other day there are some 47 publicity bureaus——

Mr. ASHURST. Will the Senator yield to me? I do not want to be discourteous, but I promised my colleague and a large number of Senators that from now on I would always call for the regular order during the morning hour. I do not want to be discourteous and I will not do it now.

Mr. SMOOT. The Senator has a perfect right to do it.

Mr. ASHURST. I will not do it now, but as soon as the Senator takes his seat I shall call for the regular order.

Mr. SMOOT. Very well, the Senator may do it now.

The VICE PRESIDENT. The Chair feels constrained to make a statement now. That is in the regular order, I think.

It must be perfectly evident to Senators that the mass of telegrams, letters, and so forth, that come to Senators do not accomplish the purpose for which they are sent. If Senators really want to correct this evil, it can be done by returning to the ancient method of presenting petitions in the Senate of the United States, and get them in the RECORD in that way, and preserve the constitutional right of petition, and not wire in and write in everything under the sun.

Mr. SMOOT. I am not going to take any further time than to say that I wish every Senator, whether he belongs to the Committee on Printing or not, would object to the printing in the RECORD of newspaper articles and magazine articles. I wish they would object to petitions being printed in the RECORD unless they come from the legislature of a State. If we do that, petitions can be presented to the Senate and referred to the proper committee and that committee if it sees fit can act on the subject.

Mr. MYERS. May I say just a word?

Mr. SMOOT. Just a moment.

Mr. MYERS. I want to make a suggestion.

Mr. SMOOT. I will say to the Senator from Montana now, because of the fact that the RECORD upon our desks this morning is filled with petitions that never ought to have been allowed to be printed, I am not going to object to his request that the petition he sent to the desk be inserted in the RECORD.

Mr. MYERS. I merely wish to say to the Senator in reference to his remarks about the memorials of legislatures being printed in the RECORD, I have examined the rules and there is no rule permitting even the memorials of State legislatures to be printed in the RECORD.

Mr. SMOOT. I know that, but at no time have they been objected to.

Mr. MYERS. There is no more reason why they should be printed than the memorials of other bodies. If the Senator from Utah will consistently and persistently and impartially object to the publication of extraneous matter in the RECORD, I for one will cheerfully bow to the rule.

The VICE PRESIDENT. The further presentation of petitions and memorials is in order.

Mr. JOHNSON of South Dakota. I wish to say just a word in line with what the Senator from Montana has said.

The VICE PRESIDENT. The regular order has been called for, and it is not in order at all.

There being no objection, the memorial submitted by Mr. MYERS was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the Government of the United States and the Empires of Germany and Austria are at war; and

Whereas the Emperors of Germany and Austria and those under them have willfully and deliberately violated every canon of international law and every agreement of The Hague peace convention; and

Whereas they have violated their most solemn obligations and treaties; and

Whereas their word is not to be relied upon, and honor and integrity are unknown to them; and

Whereas by their conduct of the war and by violating every article of international law and by the ravishment and devastation of Belgium, the supremest crime in human history, and by the murder of innocent women and children and noncombatants and the enslaving of a free people, and by the willful and wanton destruction of churches and convents, and the willful, wanton, and frightful destruction of orphan asylums and hospitals, they have shown themselves to be barbarous savages, as savage, as ruthless, and as bloodthirsty as their forbears, the Huns; and

Whereas they have by their actions forfeited the confidence and respect of the civilized people of the world; and

Whereas their most sacred pledge and word of honor is not to be relied upon or trusted, but is a mere "scrap of paper": Now, therefore, be it

Resolved by the Missoula County American Defense Society, 1,000 strong, That we hereby petition our Senators in Congress, the Hon. HENRY L. MYERS and the Hon. T. J. WALSH, to present to the Senate and to the President of the United States our petition that no treaty of peace ever be made, signed, or ratified with a Hohenzollern or a Hapsburg, and the announcement be made that this war will not be ended and that peace will not be made until the people of Germany and Austria choose a form of government and select men to govern them whose word can be trusted and whose solemn pledge can be relied upon.

Resolved, That a copy of these resolutions be furnished to the public press of the State of Montana, with request that every patriotic society and association in the State adopt similar resolutions.

Resolved, That a copy be forwarded to our Senators in Congress for such action as to them may seem meet and proper in accordance with the petition herein contained.

FRANK T. JONES,
Secretary Missoula County (Mont.) American Defense Society.

Mr. WILFLEY. I present a resolution adopted at a meeting of the fifth congressional district branch of the Missouri branch of the National Woman's Party, which I ask may be printed in the RECORD.

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

Resolutions passed at a meeting of the fifth congressional district branch of the Missouri branch of the National Woman's Party, May 17, 1918:

"Whereas the Federal suffrage amendment has passed the House of Representatives and is before the Senate for consideration;

"Whereas the President of the United States has given the amendment his support, urging it as a measure of 'right and justice to the women of America';
"Whereas all political parties have indorsed the amendment;
"Whereas our allies—England and Canada—are enfranchising their women by national action; and
"Whereas the women of America are being called upon to bear equally with men the heavy burdens of war:

"*Resolved*, That we the members and friends of the fifth congressional district branch of the Missouri branch of the National Woman's Party at a meeting at the Mission Hills Country Club urge the Senate of the United States to take immediate favorable action on the Federal suffrage amendment, and end this delay in giving justice to the women of America; and be it further

"*Resolved*, That copies of this resolution be sent to the President and all administration leaders and to the Senators from Missouri."

Mrs. THOMAS S. MCMILLEN, *Chairman*.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a memorial of the Licensed Retail Liquor Dealers' Association of Minneapolis, Minn., remonstrating against the adoption of the so-called Randall amendment, prohibiting the use of foodstuffs in the manufacture of beverages, which was ordered to lie on the table.

Mr. WEEKS presented a petition of the executive board of the College Equal Suffrage League, of Boston, Mass., praying for the immediate submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Cambridge, Mass., praying for the enactment of legislation to provide for the drafting of aliens in the military service, which was referred to the Committee on Military Affairs.

Mr. JONES of Washington presented telegrams in the nature of petitions from the Advertising Club of Bellingham, Wash., the Union Club of Cincinnati, Ohio, and of the Hamilton County Dry Union, of Cincinnati, Ohio, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of Garden City Grange, Patrons of Husbandry, of Snohomish, Wash., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Garden City Grange, Patrons of Husbandry, of Snohomish, Wash., praying for the repeal of the law providing for the free distribution of seeds, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the mayor and city councilmen of Aberdeen, Wash., praying for the enactment of legislation fixing the price on wheat substitutes, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a petition of the Massachusetts Woman Suffrage Association of the nineteenth Suffolk representative district, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11231) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia, reported it with amendments and submitted a report (No. 491) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3835) to amend an act entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District (Rept. No. 495);

A bill (S. 3929) for the construction of a private conduit across Michigan Avenue northeast, in the District of Columbia (Rept. No. 494); and

A bill (H. R. 10891) to amend and reenact an act for the establishment of a probation system for the District of Columbia (Rept. No. 496).

He also, from the same committee, to which was referred the bill (S. 2653) to revive with amendments an act entitled "An act to incorporate the Medical Society of the District of Columbia," reported it with amendments and submitted a report (No. 492) thereon.

He also, from the same committee, to which was referred the bill (S. 4000) to authorize corporations organized in the District of Columbia to change their names, reported it with an amendment and submitted a report (No. 493) thereon.

He also, from the same committee, to which was referred the bill (S. 3171) to amend an act entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District," submitted an adverse report (No. 497) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

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

By Mr. FLETCHER:

A bill (S. 4681) to further regulate radio communication; to the Committee on Commerce.

By Mr. WEEKS:

A bill (S. 4682) to authorize the President of the United States to appoint William H. Armstrong a captain in the Porto Rico Regiment of Infantry of the United States Army; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4683) granting an increase of pension to George W. Foster (with accompanying papers); and

A bill (S. 4684) granting an increase of pension to Joseph C. Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4685) granting a pension to Mary Waters Reeve; to the Committee on Pensions.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to acquire additional land at the Leon Springs Military Reservation, Tex., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

DISTRIBUTION OF AGRICULTURAL PRODUCTS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE JUGO-SLAVS.

Mr. SMITH of Michigan. I have a resolution which I send to the Secretary's desk and ask to have read and referred to the appropriate committee.

The Secretary read the resolution (S. Res. 261), as follows:

Whereas the Serbs, Croats, and Slovenes, known under the collective name of Jugo-Slavs, a people inhabiting part of the southeastern region of Europe, occupying principally Serbia, Montenegro, Dalmatia, Croatia, Bosnia-Herzegovina, part of Istria, Carniola, Gorizia, southern Hungary, southern Styria and Carinthia, part of the Littoral, which for centuries past have been known as a people of culture, and one possessing all the qualities and conditions necessary for the creation of a strong state and for the realization of national progress and which, thanks to these qualities, have in the past had their own independent States; and

Whereas the Jugo-Slavs, more by intrigue and fraud than by force of arms, were subjugated by the Germans and Magyars, who still hold all the power in the Austro-Hungarian Monarchy, by which the Jugo-Slavs are economically exploited, deprived of all political rights, and culturally neglected; and

Whereas the Jugo-Slavs, through the geographical situation and the natural wealth of the countries they inhabit, and particularly through their many qualities, which prove them to be a people of great moral and physical force—as they have demonstrated in the present war—appear to be predestined to become the living wall against the Germanic invasion of the East: Therefore be it

Resolved, That the national aspirations of the Jugo-Slavs shall find not only earnest and sincere sympathy from the United States of America but also the well-deserved help in their struggle for national liberation and unification, in order that by joining the ranks of the free peoples they may become the defenders of peace and participants in its benefits, a peace which shall guarantee to all the peoples the right of national existence, freedom, and progress.

Mr. SMITH of Michigan. Mr. President, I want the RECORD to show that the resolution was offered by my colleague, Representative JAMES, of Michigan, in the House of Representatives a few days ago. I now introduce it at his request. I may say that it has my approval, and I should like to have it go to the Committee on Foreign Relations in order that it may be properly considered.

The VICE PRESIDENT. The resolution will be printed and referred to the Committee on Foreign Relations.

WITHDRAWAL OF PAPERS.

Mr. WEEKS. I ask for the adoption of the order which I send to the desk.

The VICE PRESIDENT. The order will be read.

The Secretary read as follows:

Ordered, That the papers accompanying Senate bill 3989, Sixty-third Congress, second session, for the relief of Alfred E. Smith, be withdrawn from the files of the Senate, an adverse report having been made thereon and action indefinitely postponed.

Mr. WEEKS. Mr. President, there has been an adverse report made in that case, and action has been indefinitely postponed. In this instance the man who is involved is very old and does not intend to again press the case. The papers, however, are of personal importance to him and to no one else.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is agreed to.

On motion of Mr. WEEKS, it was

Ordered, That the papers accompanying Senate bill 7897, Sixty-fourth Congress, second session, granting a pension to Philip H. Vose, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 7th instant, approved and signed the act (S. 1549) to require numbering and recording of undocumented vessels.

PENSIONS AND INCREASE OF PENSIONS.

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. 11658) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of South Dakota. 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. JOHNSON of South Dakota, Mr. HOLLIS, and Mr. SMOOT conferees on the part of the Senate.

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. 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of South Dakota. 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. JOHNSON of South Dakota, Mr. HOLLIS, and Mr. SMOOT conferees on the part of the Senate.

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. 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of South Dakota. 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. JOHNSON of South Dakota, Mr. HOLLIS, and Mr. SMOOT conferees on the part of the Senate.

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. 9641) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of South Dakota. 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. JOHNSON of South Dakota, Mr. HOLLIS, and Mr. SMOOT conferees on the part of the Senate.

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. 9506) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of South Dakota. 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. JOHNSON of South Dakota, Mr. HOLLIS, and Mr. SMOOT conferees on the part of the Senate.

MINERALS ON INDIAN RESERVATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I move that the Senate proceed to the consideration of Senate bill 385, being a bill to provide for the mining of metalliferous minerals on Indian reservations.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 385) to authorize mining for metalliferous minerals on Indian reservations.

Mr. ASHURST. Mr. President, I ask that the bill be read in full. It is very short.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this act, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

SEC. 2. That after the passage and approval of this act, unallotted lands within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this act, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within 60 days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this act may be filed with such superintendent for transmission through official channels to the Secretary of the Interior: *And provided further*, That lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering live stock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this act.

SEC. 3. That leases under this act shall be for a period of 30 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

SEC. 4. That in addition to areas of mineral land to be included in leases under this act the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, a tract of unoccupied land, not exceeding 80 acres in area, for camp sites milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

SEC. 5. That the Secretary of the Interior, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

SEC. 6. That any successor in interest or assignee of any lease granted under this act, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original lessee hereunder.

SEC. 7. That any lease granted under this act may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with such conditions not inconsistent herewith as may be specifically recited in the lease.

SEC. 8. That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per cent of the gross value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of 25 cents per acre for the first calendar year thereafter; 50 cents per acre for the second, third, fourth,

and fifth years, respectively; and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

SEC. 9. That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than $100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States: *Provided*, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon: *And provided further*, That no timber shall be cut upon the reservation by the lessee except after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

SEC. 10. That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

SEC. 11. That all moneys received from royalties and rentals under the provisions of this act shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their education, support, and civilization.

SEC. 12. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this act as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this act into full force and effect: *Provided*, That nothing in this act shall be construed or held to affect the right of the State or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

SEC. 13. That mining locations, under the terms of this act, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is hereby authorized and empowered to lease such lands to such Indians in accordance with the provisions of this act: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to permit other Indians to make locations and obtain leases under the provisions of this act, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians.

SEC. 14. That the provisions of this act shall not apply to the Five Civilized Tribes and Osage Nation of Indians in Oklahoma.

Mr. GRONNA. Mr. President, as one of the members of the committee having this bill under consideration I wish to make a brief statement. This bill was given very careful consideration by the committee after it came to the committee with the recommendation of the department. If there is any provision in this bill which does not properly safeguard the interests of the Indians or which does not properly safeguard or protect the interests of the Government, of course I shall have no objection to having the bill amended; but I wish to say to the Members of the Senate that this bill was not hastily considered by the committee. In every respect the committee made an effort to protect and to safeguard the interests of the Indians; and certainly, Mr. President, this is a real war measure. I believe we can find any amount of minerals necessary both in the manufacture of steel and in the manufacture of explosives in our own country and on these Indian reservations, and why should not either the Government or individuals be permitted to go on these reservations and mine these minerals, which are absolutely necessary in the manufacture of essential war materials?

Mr. President, I consider this a very important measure; I consider it a real war measure, necessary for the vigorous and for the effective and successful prosecution of the war. As I have stated, I am sure that the committee has no pride of opinion as to the verbiage of the bill, and if anything has been inserted in the bill which ought not to be in it I am sure the committee will not have any objection to striking it out; but it should not be connected with the so-called leasing bill. This has absolutely nothing to do with any leasing bill.

Mr. ASHURST. Mr. President, will the Senator pardon an interruption?

Mr. GRONNA. Certainly.

Mr. ASHURST. I am very grateful to the Senator from North Dakota, who is a valued member of the Committee on Indian Affairs. I tried to say yesterday the same thing he has just said. If the Senator will pardon me further, I should like to say to the Senators who are opposed to a landlord system I have a regard for their views, and am very largely in sympathy with their views; but this bill does not propose to lease any of the public domain. It proposes merely to lease land belonging to the Indians, which is not public land.

Mr. GRONNA. I thank the chairman of the committee for that suggestion. The only lands that can be leased under the provisions of this bill are lands sufficient to enable some one to go on to the land and mine it. It does not propose to lease any of the surface of the land.

Now, as to the percentage which is to be given to the Indians, the committee thought, after due and deliberate consideration, that 5 per cent ought to be the minimum. Personally I do not believe that that is an excessive rate or an excessive percentage. I believe that anyone who can afford to go on to an Indian reservation and engage in mining can afford to pay the Indians 5 per cent of the gross value of the output of minerals at the mine.

Mr. President, I hope that this bill can be passed this morning. I know we only have until 2 o'clock, when the unfinished business will be taken up; but I sincerely hope that every Senator will make an effort to see that this bill is passed in some form. If the form in which the committee has submitted it does not meet the approval of the Senate, then I say help us to perfect it, and I am sure the committee will have no objection to that.

Mr. LENROOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 8, after the word "lands," it is proposed to insert "or such portion thereof as the Secretary of the Interior shall determine," so as to read:

SEC. 2. That after the passage and approval of this act, unallotted lands or such portion thereof as the Secretary of the Interior shall determine within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States—

And so forth.

Mr. ASHURST. Mr. President, I have examined the amendment; but I wish the Senator from Wisconsin would make a short statement concerning it. It is plain enough to explain itself, but I should like to have the RECORD contain a short explanation of the amendment.

Mr. LENROOT. Mr. President, the original proposition was that by act of Congress all of these unallotted lands should be open to this mineral entry. The Secretary of the Interior suggested an amendment providing that there must first be a declaration on the part of the Secretary that the unallotted lands should be open to entry. That suggestion was made for the purpose of enabling the Secretary to withhold some of the lands, either in cases where there were claims of allotment or for other reasons, so that he might have some discretion and not be compelled to open up all unallotted lands to entry. The language in the bill as it now stands, I am afraid, does not accomplish the purpose intended. Under that language the Secretary would be compelled to issue one order declaring all unallotted lands open to entry and would not be authorized to eliminate from that order any specific lands. The amendment which I have proposed would merely enable him to declare subject to this mineral entry specific unallotted lands and thereby enable him to use his own discretion and judgment.

Mr. SHAFROTH. Mr. President, this bill which comes before the Senate is one that is very comprehensive and far-reaching, and, in my judgment, it should have been referred to the Committee on Public Lands.

Mr. ASHURST. Mr. President, will the Senator pardon an interruption?

Mr. SHAFROTH. Yes, sir.

Mr. ASHURST. Why should it have been referred to the Committee on Public Lands?

Mr. SHAFROTH. For the reason that it relates to a policy of the Government which that committee has been considering for the last four or five years.

Mr. ASHURST. Does the Senator from Colorado—who, as I said yesterday and say again to-day, is an eminent lawyer—mean to stand on the floor of the Senate and assert that an Indian reservation is "public land"?

Mr. SHAFROTH. It is in a sense public land. It is not the same as the public domain, because the rules governing the same are different; but there is one thing that is vital and important as to both Indian lands and the public domain, and that is that as long as the land remains reserved to Indians the State has no power whatever to tax a foot of the area contained therein, and for that reason it has the same principle back of it as that which relates to the public domain.

Mr. ASHURST. Mr. President, I have here a volume of "Words and Phrases," a work familiar to us all, and it refers to a wealth of decisions by all the various courts of our country—State courts, circuit courts, the United States Supreme Court—all holding that whenever a tract of land is segregated from the public domain for any purpose, such as a military reservation or an Indian reservation, and dedicated to such particular purpose, it loses its identity as public land and is

not public land any more until by act of Congress or appropriate action of the Executive it is restored to the public domain. There is not a Senator in this Chamber who would have the temerity to assert that an individual citizen may go upon a military or an Indian reservation and make the location of a mining claim, homestead entry, or any other kind of location.

Mr. SHAFROTH. I concede to the Senator that it is not in that sense public domain, because, as the Senator says, it has been set aside and reserved for Indians; but while that is true, there is the same principle underlying it as to taxation. You can not tax these lands as long as they are Indian lands. The title is still in the Government.

Mr. ASHURST. That is very true.

Mr. SHAFROTH. It is supposed that in the future at some time a large part of it will be segregated and allotted to individual Indians, who will have a fee-simple title to the same, and the balance of the land not allotted will be open to settlement under the laws of the United States.

Mr. ASHURST. The passage of this bill would in no way prevent the future allotment of the land to Indians. It simply proposes that where the land is mineral in character, sufficient to justify a reasonable man in expending time upon it, he may obtain a lease of the mineral deposits, and the right to extract ores therefrom. The land may be allotted notwithstanding such mineral entry.

I respect the views of the Senators who have spoken, and I wish to say to them that I am somewhat in sympathy with them; but there is no reason in logic, there is no reason in justice, why Senators who are opposed to leasing the public domain should oppose leasing Indian reservation lands for metalliferous mining purposes.

Mr. GRONNA. Mr. President——

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

Mr. GRONNA. Of course, I think the Senator from Colorado and I will agree that Indian lands are set aside for the benefit of the Indians exclusively.

Mr. SHAFROTH. Yes.

Mr. GRONNA. Now then, the Indians certainly will get some benefit if we enact this legislation, and permit the mining of manganese ore or other minerals which are absolutely necessary in the manufacture of steel and explosives and other things.

Mr. SHAFROTH. I do not think they will. The difficulty with the leasing system is that it does not produce development. We had that question up here in connection with the Alaskan coal-leasing bill. We provided for the leasing of the coal lands of Alaska, which were supposed to be the richest in the world, and people said that men were here in Washington then ready to take leases; but not a single mine has been opened in Alaska under the leasing system. The reason is that the system is not a system which will produce development; and while these lands are in the ownership of the Government now for the benefit of the Indians, yet at the same time it was never expected and never contemplated otherwise than that these lands would be subject to entry under the usual system after allotments of 160 acres each were made to the Indians. It was never contemplated that the Government for the Indians would hold in perpetuity lands in reservations, because it would deprive the State of the right to tax the same forever. The leasing system is founded on perpetual ownership by the Government.

Mr. GRONNA. Will the Senator pardon another interruption?

Mr. SHAFROTH. Certainly.

Mr. GRONNA. I want to state to the Senator, for his information, what is being done in my State, where we have perhaps the largest amount of lignite coal of any State in this Union. We have hundreds of millions of tons, and the mines are operated very successfully in my State. I could name several mines, but I am not going to take up the Senator's time to do so. I know of one mine in the southern part of our State, at Scranton, N. Dak., where the so-called Johnson Fuel Co. are making lignite coal into briquettes. They are paying a royalty of 5 cents a ton. It is a successful business.

I could name any number of places in my State where what the Senator calls the leasing system is in operation. It is not leasing of the land. It simply permits these people to go on and operate these mines; and the Senator knows that it will take very little of the surface of the land to permit these people to go on and mine this metal. It requires but a very small amount of the surface of the land. When the Senator says that these lands are not subject to taxation, he knows that when an Indian becomes competent, and when he is given a deed to his land, the land then becomes subject to taxation whether Congress takes any further action or not, and it is entirely different from other public lands.

Mr. SHAFROTH. Mr. President, this bill is one that relates to a policy of the Government with respect to the lands that are called Indian lands. These lands are scattered throughout a number of States. We have 350,000 acres in the State of Colorado. We have as much as 19,000,000 acres in the State of Arizona. This proposes to be a general leasing bill, without any right of purchase, without any right to locate for the purpose of obtaining patent to land, and applies more particularly—or at least that seems to be given prominence in the bill—to the precious metals. Let the mineral lands be sold after appraisement, if you like, so the Indians will get the full value thereof; then the State will have the right to tax the mines to support its institutions and schools. There has been a propaganda going on in the United States in behalf of leasing the coal lands, and leasing the oil lands, and leasing lands containing certain other minerals that are not of the character of the precious metals, but we have never had a discussion in this Chamber upon the question of leasing lands containing the precious metals. Those mines have never been seriously considered as those which should be the subject of leasing, and, it seems to me, the reason is very plain. Under a leasing system men will not go upon the public domain and attempt to locate mineral lands such as are referred to in this bill. This is a question that has been agitated only as to what might be termed the baser metals. Never has it been seriously considered in the Senate as a proposition to lease the precious-metal mines of the United States.

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. I may be wrong, as I am not very well informed concerning the public-land question, but I have never supposed that the Indian lands were, in the broad and proper sense, public lands.

Mr. SHAFROTH. They are not, in the sense that you can locate them; of course not.

Mr. GALLINGER. Now, one other point. The Senator says that nobody will go on those lands to exploit them under a bill of this nature. If that be so, no harm will be done by passing the bill.

Mr. SHAFROTH. Why, yes; harm will be done—of course it will. It will lock up that much more of the land that ought to be open.

Mr. ASHURST. Mr. President, will the Senator permit me to interrupt him again?

Mr. SHAFROTH. I yield.

Mr. ASHURST. Will the Senator kindly suggest to the Senate in what way in the future he would proceed to get these metals out of the Indian reservations and into the channels of trade and commerce?

Mr. SHAFROTH. I will tell the Senator just how it was done in Colorado, for that is a fair question. Sell them instead of leasing them.

Mr. ASHURST. Now, just a moment. Let us bear in mind the fact that the United States of America does not own these lands or these minerals. The United States simply holds the legal title in trust for the benefit of the Indian tribe. The equitable title is in the tribe.

Mr. SHAFROTH. Yes; but it has never surrendered the right that it had to determine how these lands should be diposed of. I will explain just how it occurred in Colorado and how it has occurred up to this time in nearly all of the Indian reservations.

Mr. GALLINGER. Mr. President, I was about to ask the question which the Senator from Arizona has asked, and I shall be very happy to hear the explanation on the part of the Senator from Colorado. I had supposed that this was the only means available to get these minerals from the Indian lands, and I realize, as every Senator does, the absolute necessity at the present time of getting these minerals from some source, whether from Indian lands or from some other portion of the country. It is a fact that ought to impress itself upon the mind of every Senator that we are in dire need at the present time of some of these metals.

Mr. SHAFROTH. There is no person who desires the development of these lands more than I do. Nobody could devise a way, it seems to me, that could produce the development of them to which I would not readily assent. But, Mr. President, while these lands are not strictly termed public domain of the United States, the Government has never relinquished its right to determine in what manner these lands shall be disposed of, and in that sense it is not private land such as that which I get by obtaining a patent from the United States or by getting a fee-simple deed from a private individual.

Mr. President, the proposition that is contained in this bill is whether we are going to let the precious-metal mines of the United States be opened to a system of leasing, as contrasted with that of location and patent, under which such enormous development has taken place. We did have a leasing system as to some of the baser metals—for instance, lead and zinc—and at that time the law was put upon the statute books of the United States under the plea that we needed it for munitions of war. At that very time the questions which culminated in the war of 1812 were under discussion. The bill authorizing the leasing of lead mines came before the United States and was passed by the Congress, and from that time until the law was repealed there was continual dissent on the part of the States.

Mr. President, Thomas H. Benton, the great Senator from Missouri, objected most strenuously, and made, it might be said, more speeches upon that subject than perhaps any other while he was a Senator of the United States; and, Mr. President, in 1846, after having operated under this leasing system for 40 years, it was found that it had cost the Government in dollars and cents just $4 for every dollar of royalty that had been collected.

Mr. President, under that state of affairs President Polk advised Congress that the leasing of the public domain would not develop it. It had not developed it. It had not been remunerative to the Government, and on that account he urged Congress to repeal the act; and in 1846 it was repealed. That is the one experience that we have had as to leasing metal mines, and that experience was a complete failure, although the law was in existence for a long period of time, and it simply retarded the development of these mines on Government lands.

Mr. President, this is a question as to whether or not we are going to get development; and right here I want to draw the distinction that this land is not the same as private land. The Government of the United States has always possessed, and possesses now, the power to open up those mines for the purpose of location and patent. The only thing that it has got to be careful in doing is to see that it treats the Indians fairly.

Mr. ASHURST. Mr. President, will the Senator yield to me now?

Mr. SHAFROTH. Yes.

Mr. ASHURST. I do not believe it would be possible to enact into law—indeed, I do not believe it would be possible even to pass through either House of Congress—a bill which would open Indian reservations to such an extent that the individual could go upon the land and make locations for the profit of the individual without regard to the rights of the tribe. The Indian has been relegated to a reservation. As I said yesterday, in many, if not most, instances the reservation to which he was relegated was poor land. It has now been ascertained that a large area of the land to which he has been relegated contains metals. Is it the part of Congress, which ought to be and is the trustee for the Indians, to open that land now, so that all persons may go and locate it as they would under the general law, and the Indians receive but $5 an acre?

Since we have made treaties with him giving him the land "so long as water runs," how can we in good faith proceed to treat his lands just as public lands?

Now we find ourselves in a situation where we must have these metals. I am very sufficiently convinced that we can not, if we wished to do so, pass through Congress a bill that would give all persons the right to go upon the Indian lands and locate claims. Since we can not do that, should we deprive ourselves of the metals, especially when we have a bill, as the Senator from North Dakota has said, and other Senators, I am sure, will say, that has carefully guarded the Indians' rights and which does not commit Congress to the proposition of leasing the "public domain"?

I know, of course, what is in the Senator's fertile mind. The Senator wants to do substantial justice, but he fears that this is the insertion of the "camel's nose under the tent," and that the animal will get in completely later on; but this bill is not the setting of a precedent. If this bill were for leasing public domain, the Senator would be correct in his contention that we are setting a precedent to be pointed toward in the future, but we are not leasing public domain.

Mr. GRONNA. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. GRONNA. May I call the attention of the chairman of the committee to the fact that there is a bill before the committee now that has been pending for some time to the effect that all the lands in a certain reservation in Montana shall be allotted to the Indians. The Senator knows that the Indians on these reservations are opposed to opening up any of them for the white men to go on to and take homesteads, as was done in the past. There is not a member of the committee who does not know that it will be a difficult matter to open up any Indian reservation in the future and let settlers go there for the purpose of taking up homesteads. These lands are Indian lands. They belong to them.

Mr. SHAFROTH. Mr. President——

Mr. ASHURST. Will the Senator let me interrupt him? It must be borne in mind that 42 per cent of the State which I have the honor, in part, to represent is in reservations. Nineteen million acres in my State are Indian reservations.

My constituents write to me frequently saying I ought to be more active in trying to open all Indian reservations for the benefit of the general public. I have uniformly and constantly written them that in asking me to open all reservations they are asking an impossible task of me, first, because it can not be done, and, in most instances, it should not be done.

Mr. SHAFROTH. Mr. President, the way in which Indian reservations have been opened—and they have existed in large acreage throughout the United States—was first by treaty with the Indians. The State of Colorado had what is called the Ute Reservation, which took in, I think, probably a fourth of the State of Colorado. Those Indans, by virtue of a treaty, went to Utah and got certain reservations there. They signed a treaty to that effect. The treaty provided that the land which is opened by the Government shall be subject to entry for all the purposes that lands are opened on the public domain, and it provided that whenever lands were sold, such as the mineral lands and placer lands, they should pay the Government for the use of the Indian fund $5 an acre, and in all grazing lands the amount paid to the Government for the use of the Indians should be a dollar and a quarter per acre, which was the amount which was chargeable at that time under the preemption act. It further provided that if a railroad is within a certain distance they should get two and one-half dollars per acre. That is the manner in which we have opened lands in our State, and an enormous fund exists in the United States Treasury for the benefit of the Ute Indians by reason thereof.

Mr. CURTIS. Mr. President——

Mr. SHAFROTH. While Congress has said that these lands are reserved to the Indians, they are not reserved in the sense of an issue of patent to the Indians. I yield to the Senator from Kansas.

Mr. CURTIS. I wish to call the Senator's attention to the fact that Congress has changed that plan of opening Indian reservations.

Mr. SHAFROTH. Certainly; I was coming to that.

Mr. CURTIS. It is true that at first Congress opened up reservations under treaty and set aside a certain part for the Indians, and on opening up the balance of the reservation in many cases paid the Indians cash for the reservation opened up, and then opened it under the public-land laws or the mineral-land laws. Afterwards Congress adopted another plan, which was to allot a part of the reservation and sell the remainder for the benefit of the Indians. The sale carried with it mineral rights and all.

In the last year or two a new policy has been adopted, and that is to allot all the Indian lands to the Indians, giving each Indian his pro rata share, designating so many acres as a homestead and the balance as a surplus. But Congress in the last few years, recognizing the value of the minerals in Oklahoma, Wyoming, Montana, Minnesota, and other States, has reserved the mineral rights to the Indian tribes, and in the future those minerals must be disposed of for the benefit of the Indian tribes.

Mr. SHAFROTH. Mr. President, it was thought for a time that a treaty was the only way in which the Indian title could be extinguished, it being by their consent that the reservation was limited, but the Supreme Court of the United States has held that it is not necessary to have a treaty with the Indians; that the Government of the United States can make laws with relation to the opening up of these lands upon such terms as Congress deems just and equitable.

Mr. ASHURST. Mr. President——

Mr. SHAFROTH. I have no desire to deprive the Indian of a single dollar's worth of these lands. I would much rather have the Government make a fee-simple patent to these lands to the Indians and let them sell them for what they want to, or let them be opened if they want to under the mineral laws of the United States, and let them be sold at auction if it is necessary. What I am objecting to is the idea of injecting in all the Indian reservations throughout the United States the element of a system that has proven to be disastrous to the revenues of the Government and also to be absolutely undeveloping in its results to the States in which any public lands

are located. It is wrong by a leasing system to deprive a State of the right to tax such lands. I yield to the Senator from Arizona.

Mr. ASHURST. There are three kinds of Indian reservations—the executive reservation created by a proclamation of the Executive, a reservation created by act of Congress, and then a reservation created by a treaty. With respect to reservations created by a treaty one would assume that the United States Government would never infringe upon that treaty made with Indians. Yet whenever it has seen fit to throw open such land it has opened treaty lands by an act of Congress, and I know of one instance it was in opposition to the wishes of the Indians.

There are reservations—I can mention one in my State—where the minerals are expressly reserved to the United States. I mention the Papago Reservation in Arizona. The Members of the Arizona delegation in Congress felt that the Papago Indians ought to have a small reservation. We asked that a small reservation be created for the Papago Indians, and lo, when the proclamation was issued it was 3,000,000 acres in area, very much larger than in good faith and conscience it ought to have been. In that reservation the minerals were expressly reserved to and for the United States Government and did not pass to the Indian tribe.

Mr. CURTIS. That was an Executive-order reservation?

Mr. ASHURST. It was by an Executive order.

Mr. President, of course, if there is opposition, we can not have a vote this morning and I do not want to take up all the morning hour. Other Senators say that they have bills which they desire to bring forward. If we can not have a vote, I do not want to consume the morning hour on this bill.

Mr. SHAFROTH. I will state to the Senator that this is a new bill to me; I never read it until this morning; and I want to prepare an amendment giving the option, at least on the part of the locator, to either buy or lease if necessary.

Mr. ASHURST. Then I will ask——

Mr. SHAFROTH. I feel that there ought to be some developing clause in the bill, for I feel that there will be no development of the mineral resources of these States nor of the coal land. Here and there you might find a certain part of the land that would be worked because it is near a railroad or has some other peculiar advantage, but as a developer of the country the leasing system, I think I can demonstrate clearly, has been a failure, and will forever be a failure because it is not predicated upon right principles.

Mr. SMITH of Arizona. Is it not in fact true that this is the very best time and place to demonstrate to the satisfaction of Congress the views the Senator entertains in investigating the case, when it does not set a precedent for going on public lands at all?

Mr. SHAFROTH. Let me say to the Senator from Arizona that that is just what we did in Alaska. There was one Senator, now upon the floor, who told me that he was going to let it go through because if it killed the dog it would demonstrate that we should not adopt it, and if it did not kill the dog then we might try it ourselves. The experience has been in the years it has been upon the statute books that there has not been a single mine developed in Alaska under the leasing system, although, as a matter of fact, they were screaming that the richest coal mines in the world were there and all we had to do was to give them this leasing system and the people would rush in and develop the same.

The truth of the matter is that you can not finance a scheme and borrow money upon the mine unless you have an absolute title to the land. Take the proposition of a coal mine up in Alaska and go to New York to finance it. It takes about a million dollars to buy the modern machinery necessary for the development of a coal mine. It often takes more than that to build a railroad to the mine. They will ask, "What title have you?" "I have a lease." "Can it be forfeited?" "Yes; it can be forfeited." They will say, "We have no use for an investment of that kind." The result of it is that you can not get the loan with which to develop the mine unless you offer them a title upon which they can rely.

Mr. SMITH of Arizona. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. SMITH of Arizona. That may be true; I entertain the same view, as the Senator well knows. We tried the leasing system in the Alaskan bill, and it has ended as we all anticipated it would who had some experience with that sort of a thing. Inasmuch as we have demonstrated that the leasing of coal lands in a far-distant territory, with enormous freight rates, under the leasing system is an absolute failure, can we not try it with valuable minerals where the freight rates are not so high and the products are much more valuable? If that can not be demonstrated, if the dog dies, as the Senator puts it, it will be the last he will ever hear of the leasing system, and if it proves to be a success in manganese, copper, and other things which are needed for the war we will demonstrate it in this particular bill without establishing a precedent in regard to the public domain.

Mr. SHAFROTH. It is a very dangerous thing to put on the statute books of the United States a law under the claim that we will repeal it if we find that it is not good. We put on a leasing bill for lead and zinc mines in the United States, and it took all the ability of Thomas H. Benton for 40 years to get it repealed, although as the years passed it was shown that the revenue that came to the Government by reason of it was only one-fourth of the expense that was incurred by the Government.

Mr. POINDEXTER. Will the Senator allow me just to make a statement?

Mr. SHAFROTH. Certainly.

Mr. POINDEXTER. If the Senator believes that the leasing system is responsible for the failure to develop coal extensively in Alaska, what reason does he give for the failure to develop coal there on patented coal lands? I was talking this morning with a successful business man, who has a patent to a coal claim in Alaska, on which he tells me there are 56 veins of coal, averaging about 4 feet in width and almost vertical, conditions which make the mining the most favorable possible. The Senator from Colorado, in pursuing the principle which he has so often expressed, is attributing the failure of the development of coal in Alaska to this horrible bugaboo of the leasing system; but what does the Senator say of the failure of development on patented lands?

Mr. SHAFROTH. I think the Senator will find that the patented land is very little in the Territory of Alaska, and probably it is off from the railroad. But we built a railroad up there for the purpose of opening up these lands. The excuse for two years was that those coal lands had not been leased because the railroads were not there. One of the witnesses before the Committee on Public Lands about a year ago said, "No; that will not do, because the railroad has been approaching the coal fields, and wisdom dictates getting the mines ready for leases so that coal can be shipped the minute the railroad is completed."

Mr. POINDEXTER. The Senator is very familiar with conditions in Colorado, but he is not well informed in regard to conditions in Alaska. He seems to think that the unpatented lands are on a railroad and patented lands not on the railroad. There is no such condition as that there. As a matter of fact, the patented claim which I was just referring to is on a railroad, which, however, is not completed, but is being completed. The owners are proceeding to develop a coal mine there, and the same condition, so far as transportation is concerned, exists in the unpatented district that exists in the patented area.

But the Senator is entirely misinformed in regard to the development of leased lands in Alaska. He said a moment ago that no coal mine has been developed. Several mines have been developed and over 50,000 tons of coal were shipped last year from them.

Mr. SHAFROTH. I was informed by the Interior Department within six months that no coal mines had been developed under the leasing system. Now, whether since that time one has been developed I do not know.

Mr. POINDEXTER. Of course, the development has been carried on since that time, but if the Senator will read the report of the Alaskan Engineering Commission filed a few weeks ago he will see there a detailed description of the development of coal mines in Alaska.

Mr. SHAFROTH. I will be glad to read it. I want to call the attention of the Senator to the fact that this leasing system was put forth by certain Senators as the great thing that would develop the coal regions of Alaska, and it was said that here we will get it. Previous to that time, as a matter of fact, no coal mines were being developed there. The Government started an inquiry and made such a fuss about it under the leadership of Mr. Pinchot, that the result was that everything was withdrawn and everything tied up and most of it is still reserved. There was the question of getting title, and for some of the coal lands that I understand are unquestionably good the patents have not been issued yet.

Mr. POINDEXTER. Some of the parties have been convicted of fraud.

Mr. SHAFROTH. That may be; I do not know about that. There is no question anyway that it was presented here as the great developer; the very title of the bill was for the development of coal lands in Alaska, and it has not proven a developer.

Mr. POINDEXTER. I remember the Senator from Colorado had a theory that the Government of the United States had no real interest in the lands and only held them in trust for the

States. I understand the Senator is a disciple of Thomas H. Benton upon that proposition.

Mr. SHAFROTH. I do believe the lands—and I do not refer to coal lands only, but public domain—are held by the Government of the United States in trust for the people of the United States.

Mr. POINDEXTER. That question was the pending question in the great debate between Daniel Webster and Mr. Hayne, of South Carolina, and was settled then, and it has been settled a great many time since by the decision of the Supreme Court of the United States contrary to the doctrine of Benton and the Senator from Colorado. The United States does not hold these lands in trust for the States, but it holds them in absolute fee for the benefit of the people of the United States.

Mr. SHAFROTH. Yes; but any person may go on and locate the same and pay whatever the Government says he shall pay. It was never contemplated that the Government should perpetually own lands, as that would deprive the State of the right to tax the same in order to maintain government.

Mr. ASHURST. If the Senator will yield, I have not for a long time examined the enabling acts of the other States, but I know in reference to the recently admitted States they adopted irrevocable ordinances forever disclaiming any right that the State may have had in the ungranted and unappropriated public lands.

Mr. SHAFROTH. Under the form of your enabling act it only provides that the State will never claim the right to tax the lands as long as they are in the hands of the Government. But the Government really intended to hold these lands temporarily and put them in the hands of the people whoever might want to go and develop them or reside upon the same, whether residents of the State of Rhode Island or of Arizona.

Mr. ASHURST. If the Senator will allow me, I do not wish to be so discourteous as to even suggest to the Senator to stop speaking, but I feel that we can not pass the bill this morning. That is obvious. Senators near me suggest, and properly so, that the time is being consumed without any hope of a vote, and if Senators wish to discuss the bill further I will ask that it be laid aside to be discussed later, and I shall make another "drive" at some other time.

Before the bill goes over I ask permission to include in the RECORD some excerpts, from the volume Words and Phrases, as to what is public land. May I secure that permission?

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

The matter referred to is as follows:

PUBLIC LAND.

The words "public land" have long had a settled meaning in the legislation of Congress, and, when a different intention is not clearly expressed, are used to designate such land as is subject to sale or other disposal under the general laws, but not such as is reserved by competent authority for any purpose or in any manner, although no exception of it is made. Northern Lumber Co. *v.* O'Brien, 139 Fed. 614, 617, 71 C. C. A. 598 (citing Bardon *v.* Northern Pacific R. R. Co., 12 Sup. Ct. 856, 145 U. S. 535, 36 L. Ed. 806; Wilcox *v.* Jackson ex dem. McConnel, 13 Pet. 498, 513, 10 L. Ed. 264; Leavenworth, L. & G. R. Co. *v.* United States, 92 U. S. 733, 741, 745, 23 L. Ed. 634; Newhall *v.* Sanger, 92 U. S. 761, 23 L. Ed. 769; Doolan *v.* Carr, 8 Sup. Ct. 1228, 125 U. S. 618, 630, 31 L. Ed. 844; Cameron *v.* United States, 13 Sup. Ct. 595, 148 U. S. 301, 309, 37 L. Ed. 459; Mann *v.* Tacoma Land Co., 14 Sup. Ct. 820, 153 U. S. 273, 284, 38 L. Ed. 714; Barker *v.* Harvey, 21 Sup. Ct. 690, 181 U. S. 481, 490, 45 L. Ed. 963; Scott *v.* Carew, 25 Sup. Ct. 193, 196 U. S. 100, 109, 49 L. Ed. 403); Id., 27 Sup. Ct. 249, 251, 204 U. S. 190, 51 L. Ed. 438; United States *v.* Grand Rapids & I. R. Co., 154 Fed. 131, 136 (citing Leavenworth, L. & G. R. R. Co. *v.* United States, 92 U. S. 733, 746, 749, 23 L. Ed. 634; Williams *v.* Baker, 17 Wall. 144, 21 L. Ed. 561; Newhall *v.* Sanger, 92 U. S. 761, 763, 23 L. Ed. 769; Northern Pacific R. R. Co. *v.* Musser-Sauntry Land, Logging & Mfg. Co., 18 Sup. Ct. 205, 168 U. S. 609, 42 L. Ed. 596; United States *v.* Southern Pacific R. Co., 13 Sup. Ct. 152, 146 U. S. 570, 36 L. Ed. 1091; Northern Lumber Co. *v.* O'Brien, 139 Fed. 614, 71 C. C. A. 598; Id., 27 Sup. Ct. 249, 204 U. S. 190, 51 L. Ed. 438); Stearns *v.* United States, 152 Fed. 900, 901, 903, 82 C. C. A. 48; Winters *v.* United States, 143 Fed. 740, 748, 74 C. C. A. 666 (quoting Kinney, Irrigation, sec. 124); Scott *v.* Carew, 25 Sup. Ct. 193, 197, 196 U. S. 100, 49 L. Ed. 403 (quoting and adopting the definition in Newhall *v.* Sanger, 92 U. S. 761, 23 L. Ed. 769); Morrow *v.* Warner Valley Stock Co., 101 Pac. 171, 182, 56 Or. 312 (quoting Newhall *v.* Sanger, 92 U. S. 761, 23 L. Ed. 769); United States *v.* Chicago, M. & St. P. Ry. Co., 148 Fed. 884, 893 (quoting Newhall *v.* Sanger, 92 U. S. 761, 23 L. Ed. 769).

The words "public lands," used in connection with entries in the land offices of the United States, if nothing be said to the contrary, relate to lands of the United States which are subject to disposition in some form under the public-land laws, and not to those which are set apart and used for some special public purpose, such as post-office sites, military reservations, and the like. Stearns *v.* United States, 152 Fed. 900, 903, 82 C. C. A. 48 (citing Barker *v.* Harvey, 21 Sup. Ct. 390, 181 U. S. 481, 490, 45 L. Ed. 963; Northern Lumber Co. *v.* O'Brien, 71 C. C. A. 598, 139 Fed. 614).

The rule that the words "public lands" mean such land as is subject to sale or disposition under general laws, and not such as is reserved for any purpose, though no exception thereof is made, does not conflict with the doctrine that, where it clearly appears from the statute that the term is intended to include lands theretofore reserved for a specific purpose, such intention will prevail, under the rule that a statute is to be interpreted according to the plain intention of the legislature. Union Pac. Ry. Co. *v.* Karges, 169 Fed. 459, 462.

The words "public land" do not include lands which are held under a live homestead entry; consequently a grant of public lands to a railroad company can not embrace lands held under any such entry, though the entry was relinquished prior to the filing of the map of definite location and survey. United States *v.* Oregon & C. R. Co., 143 Fed. 765, 771, 75 C. C. A. 66. See also Union Pac. R. Co. *v.* Harris, 91 Pac. 68, 69, 76 Kan. 255 (citing 6 Words and Phrases, p. 5793; Burlington, K. & S. W. R. Co. *v.* Johnson, 16 Pac. 125, 38 Kan. 142, 150; Hastings & D. R. Co. *v.* Whitney, 10 Sup. Ct. 112, 132 U. S. 357, 33 L. Ed. 363; United States *v.* Union P. Ry. Co., 61 Fed. 149; United States *v.* Turner, 54 Fed. 228; Whitney *v.* Taylor, 15 Sup. Ct. 796, 158 U. S. 85, 39 L. Ed. 906; Northern Lumber Co. *v.* O'Brien, 27 Sup. Ct. 249, 204 U. S. 190, 51 L. Ed. 438, affirming the same case in 139 Fed. 614, 71 C. C. A. 598).

The term "public lands," as used in act of Congress, July 1, 1862 (sec. 2, 12 Stat. 489, ch. 120), giving to certain railroad companies a right of way through the public lands, does not include a tract of land owned by the United States, but lawfully occupied by a settler who filed a declaratory statement claiming the right to it under the preemption law. Union Pac. R. Co. *v.* Harris, 91 Pac. 68, 70, 76 Kan. 25; Union Pac. R. Co. *v.* Harris, 30 Sup. Ct. 138, 139, 215 U. S. 386, 54 L. Ed. 246.

The words "public lands" describe "such lands belonging to the United States as are subject to sale or disposal under general laws." Where an indictment for conspiracy to deprive the Government of land by reason of a fraudulent homestead entry alleged that the lands sought to be acquired were public lands, and that defendants had conspired to defraud the United States out of a portion of such land, it was not demurrable for failure to alleged other facts showing that the land was in fact public land or subject to homestead entry. United States *v.* McKinley, 126 Fed. 242 (citing Newhall *v.* Sanger, 92 U. S. 761, 23 L. Ed. 769).

The words "public lands" are not always used in the same sense. Their true meaning and effect are to be determined by the context in which they are used, and it is the duty of the court not to give such a meaning to the words as would destroy the object and purpose of the law or lead to absurd results. United States *v.* Blendaur, 128 Fed. 910, 913, 63 C. C. A. 636.

The term "public lands," when used in a grant, is to be regarded as excluding land included within prior grants. Brandon *v.* Ard, 87 Pac. 366, 370, 74 Kan. 424, 118 Am. St. Rep. 321.

An embankment built out in a lake, with earth from the bottom of the lake, to serve as a public levee, and still serving as such, is not subject to entry and sale as public land, though the bed of the lake belongs to the State. State ex rel. Turner *v.* Blanchard, 41 South. 363, 364, 117 La. 91.

Lands owned by the Province of Quebec and known as "Crown lands" correspond to what is known in this country as "public lands." Myers *v.* United States, 140 Fed. 648, 649.

RESERVED LAND.

The words "public lands" are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws. Congressional grants of public lands are confined to those the title of which is complete in the United States. The mere selection and filing of lists of land selected by agents of the State as swamp lands, under the swamp-land grant of September 28, 1850 (9 Stat. 519, ch. 84), which had been made and filed in the Interior Department for approval subsequent to the passage of act March 3, 1857 (ch. 117, 11 Stat. 251), which approved all such selections previously made, did not operate to segregate such lands from the public lands of the United States nor prevent their passing under the railroad grant, as within an exception of "lands reserved by the United States for any purpose whatever." United States *v.* Chicago, M. & St. P. Ry. Co., 148 Fed. 884, 895 (citing Leavenworth, L. & G. R. Co. *v.* United States, 92 U. S. 733, 23 L. Ed. 634; Newhall *v.* Sanger, 92 U. S. 761, 23 L. Ed. 769).

By act June 8, 1872 (ch. 354, 17 Stat. 339), as amended by act March 3, 1877 (ch. 126, 19 Stat. 405), defendant, the Denver & Rio Grande Railway Co., was granted right of way over the public lands, and the right to take timber, stone, etc., from such lands adjacent to its several projected lines, one of which extended through the then existing Ute Indian Reservation, which covered a tract 125 by 200 miles in extent in southwest Colorado, and had been set apart by treaty for the exclusive use of the Indians, but with a reservation of the right by proclamation of the President to appropriate right of way for the construction through the reservation of any railroad authorized by law. Such a proclamation was issued on behalf of the defendant in 1880, and it thereafter constructed its lines through the reservation. Prior to such construction Congress had also ratified an agreement with the Indians by which their rights in the reservation were extinguished, except as to allotments in severalty. Held, that the words "public lands," as used in the grant, must be construed as including lands within the reservation, and that the act gave defendant the right to take the timber and other materials from such lands. United States *v.* Denver & R. G. R. Co., 190 Fed. 825, 847.

Lands in the Delaware Diminished Indian Reservation which had been assigned in severalty under the treaty of May 30, 1860, must be deemed included in the term "public lands" as used in the act of July 1, 1862, granting a right of way to the Leavenworth, Pawnee & Western Railroad Co. through the public lands, in view of the provision of that act that the United States should extinguish as rapidly as might be the Indian titles to all lands required for the right of way, and of the action of the Land Department in so interpreting the statute. Kindred *v.* Union Pac. R. Co., 32 Sup. Ct. 780, 781, 225 U. S. 582, 56 L. Ed. 1216.

Lands in an Indian reservation are not "public lands," within Revised Statutes, section 2448, providing that where patents for public lands are issued pursuant to any law of the United States to a person who dies before the date of the patent the title shall become vested in his heirs; nor are patents issued to Indian allottees of reservation lands issued pursuant to a law of the United States within such section. Meeker *v.* Kaelin, 173 Fed. 216, 220.

Public lands withdrawn from entry under reclamation act, June 17, 1902 (ch. 1093, sec. 3, 32 Stat. 388), as lands susceptible of irrigation from the contemplated works, but which remain subject to homestead entry under specified conditions, and upon which such entries have been made by entrymen who are in possession but have not yet fulfilled the conditions to entitle them to patents, are still "public lands" within the meaning of act March 3, 1875 (ch. 152, 18 Stat. 482), granting to railroads right of way through public lands of the United States, and a railroad company by complying with the terms of that act may acquire right of way through such lands subject to the possessory

rights of the entrymen, which rights in the right of way it must also acquire by contract under Revised Statutes, section 2288, as amended by act March 3, 1891 (ch. 561, 26 Stat. 1097), and act March 3, 1905 (ch 1424, 33 Stat. 991), which authorizes any homestead settler to transfer right of way through his claim by warranty against his own acts, or by condemnation. United States *v.* Minidoka & S. W. R. Co., 190 Fed. 491, 494, 111 C. C. A. 323. See also United States *v.* Minidoka & S. W. R. Co., 176 Fed. 762, 766.

Lands withdrawn under act Congress, June 17, 1902, known as the reclamation act (act June 17, 1902, ch. 1093), for purposes of irrigation under an irrigation system constructed by the Government, which lands are subject to homestead entry under act of Congress, are public lands within act Congress, March 3, 1875, known as the railroad right-of-way act (act Mar. 3, 1875, ch. 152), giving railroads, which have complied with certain conditions, rights of way over the public lands of the United States, and such lands withdrawn are subject to railroad rights of way of any railroad company complying with the act of 1875. Minidoka & S. W. R. Co. *v.* Weymouth, 113 Pac. 455, 456, 19 Idaho, 234.

LANDS IN BLACKFEET INDIAN RESERVATION, MONT.

Mr. SMOOT. I wish to enter a motion. Yesterday Senate bill 4404 was passed by the Senate at the request of the Senator from Montana [Mr. MYERS]. In reading the RECORD this morning, I find in that bill, tucked away in one of the sections, these words:

Provided, That the lands containing said minerals may be leased under such rules and regulations and upon such terms and conditions as the Secretary of the Interior may prescribe.

In other words, the leasing system was adopted by the bill yesterday, without the knowledge of myself, I will say, and I took for granted the statement, which was made by the Senator from Montana [Mr. MYERS], that the bill was for allotting to Indians lands on the Blackfeet Indian Reservation. I know that the Senator from Montana had not studied the bill in detail from what he said to me. I did not understand that there was a leasing system provided for in the bill.

I simply desire at this time to enter a motion to reconsider the vote by which the bill was ordered to a third reading and passed, and to ask that it be returned from the House of Representatives.

The VICE PRESIDENT. Does the Senator desire an order to that effect or does he enter a motion?

Mr. SMOOT. I desire to make a motion to that effect; but I do not want to take the time of the Senate now to discuss it.

Mr. MYERS. Mr. President——

Mr. FLETCHER. I yield to the Senator from Montana.

Mr. MYERS. Mr. President, the bill to which the Senator from Utah [Mr. SMOOT] refers was taken up by motion; I made a motion to proceed to its consideration, and did not ask unanimous consent for that purpose. I had read the bill and had known of its contents. At the particular time, when I made the motion for its consideration, I did not recall the fact that it contained a section providing for a leasing system. The bill, however, was read in full to the Senate. Every Senator here had an opportunity to hear it and to know what was in it, and had an opportunity also to make known his opposition at that time to any provision of the bill.

I am not the author of the bill. All such bills have always been heretofore referred to the Committee on Indian Affairs. My colleague [Mr. WALSH] is the author of the bill and is a member of that committee, while I am not. It was at his request and the request of others interested in the bill that I moved that the Senate proceed to its consideration. While, of course, it is the privilege of any Senator to move to reconsider the vote by which the bill was passed, I should dislike to see the motion prevail. I have nothing more to say about the matter at this time.

Mr. GRONNA. Mr. President——

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

Mr. FLETCHER. I do.

Mr. GRONNA. I want, in connection with the passage of the bill, simply to make one observation. I desire to say to the Senator from Utah [Mr. SMOOT] and to the Senator from Montana [Mr. MYERS] that this bill was also considered by the committee of which I am a member—the Committee on Indian Affairs. It does not contain a leasing provision for the surface of the land; the leasing applies only to the minerals. The bill provides that the land shall be allotted to the Indians; it also provides that the minerals shall be reserved for the benefit of the tribe. It provides further that the mines may be operated under a leasing system for the benefit of the tribe.

Mr. SMOOT. Mr. President, I read the language of the bill itself; it is just as the Senator from North Dakota says and just as I stated it to be.

SURVEY OF PUBLIC LANDS IN FLORIDA.

Mr. FLETCHER. I move that the Senate proceed to the consideration of Senate bill 4005. It is a bill that pertains to the survey of certain public lands remaining unsurveyed in the State of Florida. There are some small areas of public lands in the State which, because of their isolation, probably, when the other land was surveyed, have never been surveyed. This bill simply authorizes the survey of those lands. The bill has a favorable report of the committee and the approval of the Secretary of the Interior, with certain amendments, to which I have no objection.

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). The question is on the motion of the Senator from Florida.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4005) providing for the survey of public lands remaining unsurveyed in any of the surveying districts of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof.

Mr. GALLINGER. Let the bill be read, Mr. President.

The Secretary read the bill, which had been reported by the Committee on Public Lands with amendments. The first amendment was, on page 2, in line 3, after the word "said," to strike out "agent or official, the Commissioner of the General Land Office shall proceed to immediately notify the surveyor general of the application made for the withdrawal of said lands, and the surveyor general shall proceed to have the survey or surveys so applied for made, as in the cases of" and to insert "agent or official, the Commissioner of the General Land Office shall proceed to have the survey or surveys so applied for made, as in the case of," so as to read:

That it shall be lawful for the properly accredited agent or official of the State of Florida having in charge the adjustment of its school grant to apply to the Commissioner of the General Land Office for the survey of any townships or parts of townships of public land unsurveyed in any of the surveying districts of said State, with a view to satisfy the grant in aid of schools made to said State of Florida by the act of March 3, 1845, and other acts amendatory thereto to the extent of the full quantity of land called for thereby; and upon the application of said agent or official, the Commissioner of the General Land Office shall proceed to have the survey or surveys so applied for made, as in the case of surveys of other public lands, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "reimbursable," to strike out the following proviso:

And provided further, That nothing in this act shall be construed in a manner to deprive the State of Florida from acquiring a preference right of entry or location, subject to prior valid adverse claims in satisfaction of its indemnity school grant, to any lands nonmineral in character which may hereafter be surveyed in Florida by the United States, if such application for preference right be asserted by selection prior to the filing of official plat of survey in the United States local land office in those cases where survey is not made upon request of the said State, as provided herein.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the survey of public lands remaining unsurveyed in the State of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof."

PAY OF BOILER INSPECTORS.

Mr. VARDAMAN. Mr. President, I desire to call up bill S. 2104, to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States, providing for an increase in the pay of boiler inspectors.

Mr. SMOOT. Mr. President, when the Senator from Mississippi [Mr. VARDAMAN] called this bill up the other day I had just received a letter from an organization of steamboat inspectors. To-day I had a couple of representatives of not only the inspectors themselves, but of other employees in the service. I did not have sufficient time to talk to them this morning as long as I desired to do so; in fact, I had to go to a committee meeting at 11 o'clock, and had but a very few minutes to devote to an interview with them. I should like very much to have the Senator from Mississippi let the bill go over to-day, as I desire to hear what these men have to say.

I will say to the Senator that I have no disposition to prevent the Senate voting upon this measure. I merely desire to obtain the information which I am seeking before the bill shall be passed.

Mr. VARDAMAN. Mr. President, it always affords me pleasure to accommodate my friend the Senator from Utah and I shall do so in this instance. I wish to say, however, that this proposed legislation ought to be enacted. I understand from the department that it is really necessary. It is one of those measures that the public interest demands. I am not, however, going to insist upon the consideration of the bill now, but I trust

the Senator from Utah may be prepared to permit us to proceed early next week. I do not desire to inconvenience the Senator from Utah at all—I am not going to do so—and it gives me pleasure to let the measure go over at his request.

Mr SMOOT. I assure the Senator that the information I wish to secure will be in hand, so that the next time the bill is called up we can proceed with its consideration.

Mr. VARDAMAN. Very well.

LANDS IN CACHE NATIONAL FOREST, UTAH.

Mr. SMOOT. I move that the Senate proceed to the consideration of Order of Business 360, being Senate bill 4103.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4103) to consolidate certain forest lands within the Cache National Forest, Utah, and to add certain lands thereto.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept from the persons named below title to the following described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor:

C. Balling: The southwest quarter of section 15; the west half of section 22, all in township 14 north, range 4 east, Salt Lake meridian.

Ferdinand Zollinger, jr.: The south half of the north half and the south half of section 4; the south half of the north half and the south half of section 5; the south half of the northeast quarter and the north half of the southeast quarter of section 6; all of section 9; the north half of the northwest quarter of section 10; the north half of the northwest quarter of section 17, all in township 11 north, range 2 east, Salt Lake meridian.

Conrad Alder: The south half of the northwest quarter, the southwest quarter, the south half of the northeast quarter, and the southeast quarter of section 10; the east half of the east half of section 15; the northwest quarter of the southeast quarter of section 17, all in township 11 north, range 2 east, Salt Lake meridian.

Robert Murdock: All of sections 18 and 19, township 14 north, range 4 east, Salt Lake meridian.

SEC. 2. That the Secretary of the Interior is also hereby authorized to issue to the persons named below in lieu thereof patents to the following described areas or to such parts thereof as may be found approximately equal in value to the lands conveyed:

C. Balling: Lots 1 and 2 and the northeast quarter of section 21; the west half of the northwest quarter of section 22, and the southeast quarter of section 28, all in township 13 north, range 19 west, Salt Lake meridian.

Ferdinand Zollinger, jr.: The southwest quarter and the southwest quarter of the southeast quarter of section 5; the northeast quarter of the southeast quarter of section 8; the northwest quarter of the southwest quarter, the south half of the southwest quarter, and the southwest quarter of the southeast quarter of section 9; the west half of the northeast quarter, the southeast quarter of the northeast quarter, and the southeast quarter of section 17, all in township 13 north, range 17 west; the northeast quarter of the northeast quarter of section 9; the north half of section 10; the northeast quarter of the southeast quarter, the west half of the southeast quarter, the east half of the southwest quarter, and the northwest quarter of section 11; the east half, the east half of the west half, and the southwest quarter of the northwest quarter of section 12, all in township 13 north, range 18 west, Salt Lake meridian.

Conrad Alder: The south half of the southwest quarter of section 10, the west half of the northwest quarter and the northwest quarter of the southwest quarter of section 24, all in township 4 north, range 5 east; the south half of the southwest quarter and the southwest quarter of the southeast quarter of section 26, township 5 north, range 5 east; the north half of the northwest quarter, the southwest quarter of the northwest quarter, the west half of the southwest quarter, the northeast quarter of the southwest quarter, the north half of the southeast quarter, and the southeast quarter of the southeast quarter of section 34, township 5 north, range 5 east, Salt Lake meridian.

Robert Murdock: Lots 5, 6, and 7; the southwest quarter of the northeast quarter, the west half of the southeast quarter, the southeast quarter of the northwest quarter, and the east half of the southwest quarter, all in section 1, township 14 north, range 5 west; the northeast quarter of the northwest quarter and the northeast quarter of section 12, township 14 north, range 5 west; the west half of the southwest quarter of section 5; the south half of the northeast quarter, the south half of the northwest quarter, and the south half of section 6; the northwest quarter of section 7; and the east half of the northeast quarter of section 20, all in township 14 north, range 4 west, Salt Lake meridian.

SEC. 3. That the lands conveyed to the Government shall thereupon become part of the Cache National Forest and subject to all laws and regulations applicable thereto.

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

LIMITATION OF DEBATE—AMENDMENT OF THE RULES.

Mr. UNDERWOOD. Mr. President, if the morning business has been concluded and there is no other business in the morning hour, I ask unanimous consent that the unfinished business be laid before the Senate.

Mr. GALLINGER. Pending that, I suggest the absence of a quorum.

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

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

Ashurst	Cummins	Fletcher	Guion
Bankhead	Curtis	France	Hale
Brandegee	Dillingham	Gallinger	Hardwick
Culberson	Fall	Gronna	Hitchcock
Johnson, Cal.	Myers	Sheppard	Thompson
Johnson, S. Dak.	Norris	Sherman	Tillman
Jones, N. Mex.	Page	Smith, Ariz.	Townsend
Kellogg	Pittman	Smith, Ga.	Trammell
Kendrick	Poindexter	Smith, Md.	Underwood
Kenyon	Pomerene	Smith, S. C.	Vardaman
King	Ransdell	Smoot	Wadsworth
McCumber	Robinson	Sterling	Warren
McKellar	Saulsbury	Sutherland	Watson
McNary	Shafroth	Swanson	Wilfley

Mr. McKELLAR. I wish to announce that my colleague [Mr. SHIELDS] is absent on account of official business.

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

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

Mr. UNDERWOOD. Mr. President, as the morning business is closed, I ask unanimous consent that the unfinished business may be laid before the Senate at this time.

The PRESIDING OFFICER. Is there any objection? The Chair hears none.

The Senate resumed the consideration of Senate resolution 235, proposing a limitation of debate.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent that not later than 5 o'clock this afternoon, when the Senate concludes its business, it take a recess until 12 o'clock on Monday next.

Mr. BRANDEGEE. Mr. President, what is the necessity of cutting out the morning hour?

Mr. UNDERWOOD. I think we shall probably close the session early this afternoon, at the request of some Senators, and I am trying to get that agreement.

Mr. BRANDEGEE. Mr. President, I do not think we ought to dispense with the morning hour. We can not tell what is going to arise between now and Monday. There may be some very important matter that somebody may want to bring up in the morning hour. I shall be compelled to object to the request for unanimous consent in regard to a recess.

The PRESIDING OFFICER. Objection is made.

Mr. SHERMAN resumed the speech begun by him on yesterday. After having spoken for about one hour, he said:

I doubt, Mr. President, whether I can conclude my remarks this afternoon without going on until a very late hour; and if it is desired that I should yield, I will do so at any time.

Mr. UNDERWOOD. Mr. President, I have no desire to ask the Senate to take an adjournment or a recess at this time if the Senator from Illinois desires to proceed. This being Saturday evening, and with the understanding that this matter would not be pressed to a vote to-day, a great many Senators are absent; but if the Senator desires to proceed this afternoon I have no desire to move a recess at this time. When the debate runs out, however, I shall move a recess.

Mr. SHERMAN. That is agreeable to me. I probably will be able to close this afternoon.

During the course of Mr. SHERMAN's speech,

Mr. NELSON. Mr. President, will the Senator from Illinois be indulgent enough to allow me to offer the amendment which I send to the desk to this resolution, for the purpose of having it printed?

Mr. SHERMAN. Certainly. Does the Senator from Minnesota desire to have the amendment read?

Mr. NELSON. Oh, no; it may be printed.

Mr. SMITH of Arizona. Let it be read, Mr. President.

Mr. NELSON. If the Senator from Arizona desires to have the amendment read, I will ask that it be read, as it is very short.

The PRESIDING OFFICER (Mr. JOHNSON of South Dakota in the chair). In the absence of objection, the Secretary will read as requested.

The SECRETARY. It is proposed to amend the resolution by striking out the period and the quotation marks at the end of line 24 of the substitute and adding thereto the following:

Provided, That on an amendment embracing new or general legislation in an appropriation or revenue bill the same time of debate shall be permitted as upon any bill or resolution."

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Friday, June 7, 1918.

Mr. SHERMAN. Mr. President, I have no personal objections to the limitation sought to be placed upon the discussion of matters in the Senate, because I can always inside of an hour exhaust all the accurate information I may have myself on any pending subject, and I know that in the 20 minutes provided in the resolution brought in by the Senator from Alabama I can express in compact form any opinion I might have or deductions

I might wish to draw from any facts stated. It is not that, Mr. President, which leads me to oppose the resolution. I shall vote against it on other and different grounds.

Several Senators who favor the resolution have argued for it because the majority rule is one that ought to be preserved at all times and that this limitation of discussion favored such majority rule. Majority rule is something that is always very popular; but there is nothing that gives rise to more delusions in the common understanding than talking about majority rule in the United States Senate. Majority rule is a paradox in the Senate. What appears to be a majority rule in this body is in reality a popular minority rule. A majority of Senators does not mean a majority in the popular sense; it does not even mean a majority of votes, much less a majority of population. This Senate as a legislative body is peculiarly constructed when compared with other legislative bodies which are governed by ordinary parliamentary rules. It differs from the House of Lords. The House of Lords derives its authority from no popular sentiment save that of the newly-created members of that body. They are created by royal grant. The letters patent of the King issue for that purpose. Some of the members of the House of Lords have been great contractors, railroad builders; some of them have been great brewers. One of the greatest brewers of ale in England many years ago was granted a title of nobility because of the relief that he brought to the thirsty portion of England's population. Some of the great literary characters have been knighted and have been made members of the House of Lords. It is the way that that country has of recognizing preeminent ability. We have no such way here of recognizing merit.

The only way in this country that a person can have his ability sufficiently rewarded is to go into private business. That is the reason why the greater part of the superior ability of this country has devoted itself to private pursuits and concentrated their energies on the accumulation of a fortune upon building great mercantile or manufacturing enterprises or developing inventive genius of some kind making it possible for some great mechanical undertaking to be founded. I do not know of any literary character in this country who even ever got elective political honors. I have seen some of them attempt it, but with indifferent success. England, on the contrary, creates the House of Lords by the recognition in the new membership of special ability. That, coupled with the inherited title which comes down to the eldest son, so that the title is continued until the family becomes extinct, constitutes the membership of that body. It represents no popularity; population has nothing to do with it; votes have nothing to do with it. It is likely for that reason that the limitation of the tax power was during the Lloyd-George controversy of several years ago yielded so gracefully by the House of Lords giving entirely to the Commons the exclusive power to originate money bills and to pass upon the fiscal policies of Great Britain.

In this country the Senate is the only similar body, and I have often heard this branch of Congress referred to as the House of Lords. Since I have served in it I have found out how utterly inapplicable such a term is. It is oftener a term of derision by jealous critics, as a matter of fact, than otherwise. When I think, though, of the way the Senate is constituted, and especially since the seventeenth amendment has been adopted, I can fully realize that the Senate is not a popular body in the ordinarily accepted sense of that term.

When the 13 States assembled by delegates to form the present Government under which we are operating, they had to ratify—at least 9 of them had to do so—the Constitution before it became applicable even to the 9. After the 9 had ratified the Constitution others came in in due time, but even the 9 who ratified the Constitution in the first instance were induced to adopt it in their local debates in the States because it was argued—and this portion of it was referred to very frequently—that the small States had an equal suffrage with the large States. Even in writing in Philadelphia this document it was one of the arguments used in reporting it out favorably from that convention. It won many a vote from the small States that otherwise would not have been possible—that the small State was given equal suffrage with the large State.

I do not know anything else in history like the Senate, except the States-General in Holland many years ago, in the days of William the Silent, when the States there were represented by delegates who sat in the council of the States-General and represented the affairs of the entire country, not merely by the size of the States of the Low Countries but by the number of Provinces or States that were found in all the Netherlands. That was a somewhat similar instance, and we drew very largely our knowledge of some of the practical things in our present form of government from the Hollanders.

I remember reading a very entertaining book by the consul general of the Netherlands, who was in this country not very long ago—Hon. H. A. Van C. Torchiani. It was entitled "Our Indebtedness to Holland in our Constitutional Development." That matter is discussed there very ably, as well as in other places; but it shows some similarity; but outside of it there is no other legislative body of which I know in the civilized world like the United States Senate in its representation.

We do not represent population here, and it is quite familiar to everybody, so that ordinarily I would apologize even for referring to it, but on a subject of this kind I think it is entirely proper for me to incorporate much of this matter in the RECORD that it may be preserved, at least for my own protection, before this resolution shall modify the ancient rules of the Senate. The 13 States had their beginning as a Federal Union in that equal suffrage which they voted to give each State, making the 26 Members which assembled in the first Senate, the complete body.

It is said that the Senate has now grown until it has 35 additional States, calling for 70 more Senators making our present membership, so that no one remains here to listen to the debates. Well, I do not know how many remained when there were but 26 Senators. I have looked at the record of the debates of the early Senate, which is preserved here for our information, and I find they had some trouble in obtaining a quorum then; that there were calls for quorums many years ago. So it is not peculiar to our times, for when the 26 composed the membership, the whole 26 even, when they were able to be present, did not always stay in their seats, it seems, to listen to the wisdom of the one who occupied the floor.

Mr. BRANDEGEE. Will the Senator from Illinois permit an inquiry?

Mr. SHERMAN. Yes, sir.

Mr. BRANDEGEE. Does the Senator from Illinois think that any larger percentage of the House of Representatives remain in their seats to hear their debates or in the British House of Commons to hear their debates than remain in the Senate of the United States?

Mr. SHERMAN. No, sir. I have never myself been in the House of Commons, but a great many of my neighbors have gone over there—lawyers and members of various legislative bodies—and they have come back and stated that in the House of Commons, for instance, there is not a full attendance there; that the benches are empty; that their members come and go.

Mr. BRANDEGEE. Does not the Senator from Illinois know that the routine business of the British House of Commons is conducted by not more than 30 members out of the total membership, and that only upon great occasions is the entire membership present?

Mr. SHERMAN. I know it is a very small number who are ordinarily present; and I am glad to have the Senator from Connecticut state the illuminating fact that something like 30 constitute the working body.

Mr. GALLINGER. Mr. President, will the Senator from Illinois permit me to interrupt him?

Mr. SHERMAN. Yes; I yield.

Mr. GALLINGER. If the Senator from Illinois should visit the gallery of the House of Commons—and he would not get there without undergoing various trials and tribulations—and look down upon the membership there assembled during the consideration of important bills, he would think he was in the lonesomest spot on this earth. The only thing that might appeal to the Senator would be the fact that, as they were wearing their hats, if he were a member of the body he also could indulge in that privilege.

Mr. SHERMAN. I have understood that they followed that practice; but the universal rule in the House of Commons is empty benches. I thank the Senator for supplementing and strengthening my statement. In the House of Lords it is even worse. Very seldom those in authority go out to hunt up a noble lord, in whatever condition he may be, in order to bring him in, because it would be regarded there as a breach of immemorial parliamentary courtesy, to say nothing of shocking the dignities of an ancient and honorable body. I read the record at one time when I was obliged to look up an act of Parliament, which led me to the reading of biographical matter relative to a time in which Edmund Burke in his generation was a very active spirit. It was during the generation in which Burke, Fox, and Pitt, and a number of English statesmen were engaged in a great variety of remedial legislation; it also was the time when Warren Hastings was impeached, and his celebrated trial took place, lasting for several years. On a matter of legislation and subsequent litigation, I had occasion to look up the record of the libel act as administered and decided in that country. I ran across this significant fact, which

is pertinent here, that Edmund Burke was not an attractive speaker. He was somewhat labored in his delivery, but his composition, when read, was a model of the English language; it exceeds anything that Charles James Fox ever delivered, but the galleries were crowded to hear Fox. His elocution was hereditary; his diction was splendid; his imagery was attractive at all times. So the general public came to hear Fox, but few now read Fox's speeches, while not only the literary world but the entire mental empire of the English language pays tribute to the genius of Edmund Burke to this day. Still, it is said he did not hold his audience. When he arose in his place in the House of Commons to speak, it is said that members began to filter out into the cloakrooms and to get away, and uniformly by the time he was approaching the conclusion of his speech he was talking to empty benches as well as to an empty gallery. I know that in the Senate nobody can keep any Senator against his will in his seat; that is impossible; I realize that now, as will always be the case, if any Senator remains to listen to a Senator's speech, it will be his voluntary action. When running debates take place we have a full attendance, as every Senator knows, as we do when there is a unanimous consent agreement and the five or ten minute rule is applied, as the case may be.

When it is known there will be a roll call and Senators expect soon to be needed on that roll call they remain here, and when some matter involves a general discussion and more or less personal allusions, then I have many times seen this Chamber full. But outside of that no one comes here to listen to any Senator make a speech, aside from those in the gallery, except by his voluntary consent, and it is universally recognized that a Senator commits no breach of parliamentary courtesy if he retires to his office and takes care of his ordinary routine office work while some other Senator occupies the floor. I know that very often this condition chills the ardor of new Senators. I know that my colleague [Mr. LEWIS] has hardly yet become accustomed to it. He likes, as I do, to talk to a full house. I do not blame him; everybody likes that. He can hardly bear the ordinary disturbance of honorable and dignified Senators conversing while he has the floor and is animadverting in eloquent language upon various items of public interest. In such circumstances I have seen him pause. I know his habits; I have been with him a great many years, and I sympathize fully with his embarrassment in that particular. Sometimes when on the platform or in a crowded auditorium, when some ribald and irreverent gentleman would get up and go out or seek to converse with a next-door neighbor, I have seen my learned and at all times interesting colleague stop and suspend, even in the midst of the greatest flight of eloquence I have ever heard fall from his eloquent lips, until the conversation was checked, and say that it was impossible for two gentlemen to occupy the floor at the same time.

Well, we recognize that generally; but in the Senate it is a rule more honored in the breach than in the observance, because here it is generally understood that a dozen conferences may take place on the floor of this Chamber; that frivolous gossip to relieve mental tension, neighborly visits, and general office affairs are transacted; that every Senator may dive through the door to the cloakroom and return with perfect impunity after refreshing himself with newspapers and mineral waters, and that such action is not a breach of courtesy, and that it is not a reflection upon the Senator who occupies the floor if every Senator withdraws and goes about his ordinary business in his office. Will that condition be changed by the proposed new rule if it be adopted? I apprehend not.

Mr. SMITH of Michigan. Mr. President——

Mr. SHERMAN. I yield.

Mr. SMITH of Michigan. Since I have been here one of the most eminent Senators in this body, the late Senator Morgan, of Alabama, who used to sit on the center aisle, would speak with perfect ease and composure, and evidently without the slightest annoyance, if he had just one Senator sitting where the Senator from Utah [Mr. KING] is now sitting. His discourse was always luminous and informing, and it was not to the credit of Senators that they did not hear the words of wisdom which fell from the lips of the late Senator from Alabama. He had the right under the rule to address himself to any theme which inspired his heart or mind, and was as potential as almost any man in this Chamber during most of the time of his public service.

The proposed new rule is intended to curtail the individual right and power of Senators. How can a Senator represent his State appropriately in a crisis if a few Senators may decree in caucus and then absent themselves, leaving the State to its fate, shorn of the power to be effective?

I have never seen the present rule abused. I have been impatient at times with Senators, but good has come to the country in most instances as a result of our liberal latitude in debate. The junior Senator from Iowa [Mr. KENYON], who sits back of me, added to his reputation in this body and throughout the country by occupying the floor persistently from day to day until he changed the usual course here in connection with river and harbor appropriation bills. The country upheld and applauded not only his action, but the action of the former Senator from Ohio, Mr. Burton, who brought his night clothes and his bed shoes to the Chamber that he might address himself with greater comfort to a theme of which he was master to which no one was paying the slightest attention in the Senate Chamber, but which the country heard and to which it responded with a curtailment of the authority and power upon the part of the committee having in charge river and harbor appropriation bills.

I see the Senator from Arizona [Mr. ASHURST] in his seat on the other side of the Chamber, and I say to the Senator from Illinois that the Senator from Arizona would not have had a seat in this body or his State a Representative had it not been for the unlimited power of debate now sought to be curtailed by this amendment to our rules. After President Taft vetoed the statehood bill I took the floor near the end of the session and maintained it until I wrung from my colleagues a unanimous-consent agreement to submit to the Senate the bill admitting the States of Arizona and New Mexico into the Union. Much good and no harm has come from unlimited discussion here; and to curtail it and deprive ourselves of this power and privilege, it seems to me, is not called for by any situation now existing.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Arizona?

Mr. SHERMAN. I yield for an inquiry.

Mr. ASHURST. I have never done so publicly, and I crave the opportunity now, to thank the distinguished Senator from Michigan [Mr. SMITH], who was chairman of the Committee on Territories at the time the statehood bill was pending. I am very free to say that our entry into the Union was largely through his splendid services as chairman of the Committee on Territories. He has been a constant friend of the Southwest.

Mr. SMITH of Michigan. Yes, Mr. President; and I am obliged to the Senator from Arizona for that compliment, which will go into the RECORD. Through the long struggle for statehood in the House of Representatives and here I have been the constant friend of both those new States, and it fell to my lot to be chairman of the Senate Committee on Territories when that issue came to full fruition. I am proud of my part in that legislation and thank the Senator from Arizona for his generous words, and I wish, right alongside of that compliment, which is also a compliment to our rules, the vote of the Senator from Arizona might go in favor of maintaining the ancient, accepted, and proud privilege of a Senator in his own right to discuss important questions until a quorum is obtained and a vote can be taken.

Mr. SHERMAN. I quite agree with the Senator from Michigan, and I am especially glad that he added the particular instance to which he referred of the late Senator Morgan. In the comparatively short time that I have been here I remember a very illuminating address by the late Senator Bacon. I then was troubled with the same infirmity of hearing, although not in so marked a degree, as I am now, but I left my seat and went to the majority side of the Chamber in order that I might hear him. He spoke on a matter in connection with which he had great experience, which he had evidently investigated, and upon which he meditated at great length. I remember at that time counting the Senators who listened to his address, and there were five other Senators present in the Chamber, making six Senators present, all told. I remember once when Senator Root was making an address here on a matter involving a very intimate knowledge of the relations between the National Government and the States, as well as a discussion of the question whether the several States were amenable to the provisions contained in treaties ratified by the Senate, which thereby became laws of the United States. During that discussion I counted nine Senators present in this body. In that discussion Senator Root brought to bear all of the legal knowledge that he had accumulated in a lifetime of varied experience both at the bar and in public service. It to me was one of the privileges of my life, and I thought myself extremely fortunate that I did not follow the habit that even that early I had formed of going to my office sometimes when Senators

were engaged in making addresses. I happened to be here, and being interested in the line of discussion that he was pursuing I heard him.

I only mention these instances to fortify the very pertinent illustration given by the senior Senator from Michigan. They illustrate, though, that the mere fact that Senators may not be in their seats does not detract from the character or the high value of the discussions participated in by Senators, who in the discharge of their duties as they see it engage in debate on matters pending in this body.

Again, the publicity that is given outside by the addresses made has its value. I know that there is not very much publicity in Washington as to what takes place in Congress. The new Senators who come here may sometmes be puzzled to know why the press and the general public in Washington do not pay more attention to Congress or to what is said in Congress. The reason is that they are habituated to Congress; it is a twice-told tale; speeches here during the session of Congress are of daily occurrence. It is not like it is outside, where probably speeches are not so common, especially speeches by Members of Congress. Other communities see them only at rare intervals when they are candidates for office, and, of course, they become curiosities. They draw large crowds and entertain the public with accounts of their experiences, and especially with anecdotes about their lives in Washington. I myself have heard such anecdotes many times with great pleasure. But here in Washington nobody pays any attention to us, for which most of us are thankful, and so we find that here the general public pay little heed to congressional debates, and Senators themselves are absent from their seats and are not interested ordinarily in the discussions which take place, but the publicity that goes beyond the District of Columbia or beyond this Capitol is of value.

The local press here gives practically no reports of most of the discussions that take place in the House and in the Senate, but the general press outside, clear to the Pacific coast and up and down the Mississippi Valley, publishes very full accounts of matters that are pending here and whatever may be said on them. So that the mere fact that this body may not be fully represented in its seats is no indication that the Senate is not transacting business or that the public outside who are concerned as a matter of public sentiment in knowing what is going on, so that they may form correct opinions themselves, are not taking note of the transactions of the ordinary legislative routine here.

These matters are ones that have been used in an argumentative way for the passage of this resolution. For my part I can not see that it would change anything. If it would keep Senators in their seats and make them attentive to the speeches of others, it might be an argument to some for the passage of the resolution. So far as I am concerned I do not want the involuntary presence of anybody listening to what comments I may make. Only once in my life have I had an audience that could not get away, and I say that with no feeling of pride.

I went to the State university at one time to deliver an address. The military officer, who was a retired United States Army officer, had charge of 4,000 cadets whom he was drilling in military life. He marshaled them all into the hall, where some 6,000 people were assembled, and I noted that nobody left. It was an unusual thing in that country, because there is a considerable liberty of opinion there and of action as well. They stayed, and I commented upon the fact that nobody left during my address, which otherwise might have been cut short if I had seen indications of impatience or weariness. I was surprised. I congratulated myself upon my development. I really felt flattered. I thought that certainly I had developed better powers of holding an audience. I spoke to one of the military students who lived near my home and told him that I was flattered at the attendance and perseverance of the audience, and he said: "Yes; there were 4,000 of us there, and the military officer that had charge of us was at the door where we had to go out, and we could not get past him." So I had the involuntary presence of 4,000 students once in my life when they could not get away.

Outside of that, from the stockyards clear down to the Ohio River, my audiences have always been voluntary. In the stockyards country they have many attractions outside—vaudeville shows, beer halls, and the like—so that if they stay I am sure that they are earnest seekers after truth; that they set mental attainments above mere physical enjoyment, and I flatter myself accordingly. That happens sometimes, but not often. In the excitement of a campaign sometimes you can get them to stay. Down in the Ohio River bottom you sometimes find the woodchoppers and the boatmen coming into the villages along the bank who stay quite well. Generally they are the longest audiences you find. Out in the country they meditate with more deliberation on public questions. They are possessed of a greater desire to know before they vote, and so they come and hear both sides.

Outside of that, I realize that there is no audience that can be kept together. We can not keep the Senators together by merely passing a resolution. If you put a resolution through here placing a limit of 20 minutes on any kind of discussion, that would not make Senators stay in their seats. They would still manifest the same universal tendency that they do now toward going to their offices, to their committee rooms, such as are chairmen of committees, and going about the ordinary routine of their daily lives as they are doing under the present rules. The small attendance is often caused by the frequent sessions of important committees. With all of these things in mind, it seems to me it would be wholly futile to pass this resolution, because of that reason.

We have spoken here, and I have several times heard the argument used, of the majorities that are to be represented here in these votes. The very distinguished Senator from Oklahoma [Mr. OWEN], I think yesterday, spoke of the fact that majorities ought to rule. Well, they ought to, in the House of Representatives. The House, with 435 Members, must rule by majorities; but that means, reduced to parliamentary terms, the rule of a few persons. The larger the number of men in a legislative body, the fewer the men are who conduct the actual business of that body.

I remember the controversies that swept over the country, and especially in the House, every time an apportionment bill was to be passed and a ratio was to be fixed. It will not be long before that time will be on us again. I remember when the last apportionment bill was passed. Mr. Crumpacker, a Member from Indiana at that time, was a potential character in framing and passing that bill in the House. At that time many of my Democratic brethren, and some of my Republican brethren, announced the doctrine that they believed in making the ratio low. They favored that because it would make the membership of the House large. They believed in the greatest possible number of members in a parliamentary body of that kind. It finally was settled on the basis of a membership of 435, raising the ratio of representation from the original 30,000 in the Constitution up to some 212,407, as I remember now, from memory alone. But with the membership of the House fixed at 435 Members, it is indispensable that there be some limit on debate, or nothing ever would be transacted, little even by unanimous consent, if the whole 435 had no limit upon them.

There is a vast deal of difference between a legislative body with a membership of 435 and a legislative body with a membership of 96. There is a further difference between a body of 435, based upon population, and a body of 96, based not upon population—whether it is greater or less is of no consequence—but based upon the artificial sovereignty of a State, large or small. It makes no difference how great our population may be in 1920; in 1921 an apportionment bill will come up again, and if we had 200,000,000 population in the 48 States we would still have 96 Senators, but if we doubled our population and kept the same ratio we would have 870 House Members; so we must raise the ratio to keep that number down. Here it can not be done. Artificially our number in the Senate will remain at 96 so long as there are 48 States, with an addition of two Senators every time a new State is created and admitted into the Union. That can not be changed. I state somewhat dogmatically that it can not be changed, and I will add to that that I believe it is utterly impossible to change the ratio of the Senate by anything short of revolution. There is nothing but the sword that will cut that amendment out of our present organic act.

Senators are familiar with, and all lawyers have noticed, the fact that in the article in the Constitution relating to amendments is found the purely arbitrary representation of the States in this body. It provides that each State shall have equal suffrage. Following that—and this is in the article on amendments—is the further provision that this equal representation of States in the Senate shall not be amended. Of the thirteen original States, the small ones were extremely jealous of their power in the old confederation. At that time Virginia was the first State in the Union. She had been an early settled colony. Her settlement had preceded by 13 years that of old Massachusetts Bay. These two were the large States. They had borne a considerable burden in the Revolutionary War, it is true, but the smaller States of Rhode Island and Connecticut and Delaware had borne their part; so, when it came to surrendering their power they refused to surrender it if by so doing they would lose their relative importance as States. It was compromised by giving in the House representation by population and giving in the Senate representation by States without regard to

size; so as each State has been admitted into the Union two Senators have taken their places in this body.

Texas came in, after her revolution, with two Senators. I remember reading a history of Texas at one time in my life. One of the two first Senators Texas had was Sam Houston. Sam Houston, so his biographer recites, used to sit over in the old Senate Chamber, rarely making a speech. He was a man of action, as you know, rather than mere words, having been a soldier a good part of his life, and one of the Texas liberators. His favorite occupation when he was in his seat was to have a supply of cypress shingles, and he spent his time whittling shingles with his jackknife, until there were more shavings under his seat than there are at a railroad station down in the lumber regions of Arkansas. Very often he was gone. He did not stay in his seat unless something particularly interested him. I refer to that as another illustration of a very sturdy character, who knew government in its primary, elemental stages, and who knew men, and who knew how to fight, and to point out that he himself was not present in the discussions that took place after he came to the Senate.

As a matter of fact, the small States were induced to ratify the Constitution, and bring themselves in, so that they became a part of the Union together with the original nine that put it into operation, by this very limitation. Now, that is a purely artificial representation. I refer to this without any desire to wound, and I hope I can do so without wounding, the sensibilities of any Senator representing a smaller State. I refer to this only as a matter of argument, not as any matter reflecting upon the States, that the small States have much less interests in many ways than the larger States. They have, however, an equal vote. Let me refer to States particularly.

Arizona, for instance, the first on the roll call of States, is comparatively small in population. It is very rich in mineral resources. It has a very active, well-to-do population. A good many of alien blood are found inside its borders, but it is a State. When it was admitted, with its sister State, New Mexico, it was admitted on an equal footing with the thirteen original States.

Quoting now merely from memory, in 1912, I think, Arizona voted about 21,000 votes. It will vote more now, because they have woman suffrage in that State, and approximately it would double the vote. Nevada has something like twenty or twenty-one thousand votes. Territorially those States are much larger than some other States that have much in excess of that voting population. Texas, territorially, is an extremely large State—the largest State in the Union. It has a very large population as well. New York has the largest population. Approximately 10,000,000 people—no doubt that is actually true now—if not more, are found inside the borders of that State. A large part, of course, are found in the metropolis of this country. Pennsylvania has between seven and eight million population within her borders. Illinois has about six and a half million.

The last three States have the political significance in the election of Members of the House that attaches to the increased returns in the census. The greater their population the more times the ratio is divided into their population, and correspondingly the greater the number of House Members; but it makes no difference in New York's representation in this body. Her two Senators sit here upon an exact equality with the two Senators from Arizona. As far as voting power goes, they have as much power, and no more, as the two Senators from Arizona or the two Senators from Nevada. This is an artificially created distinction. Ours is a purely republican form of government, but the Senate is no more a democratic form of government than the House of Lords in England is a democratic form of government. It represents something besides merely population. It is true that in our election districts the State is the election area, and the voters qualified under the laws of that State become the elective power; but the Senators elected represent simply an election area two in number for the entire State, whatever its size or however small it may be.

Mr. BRANDEGEE. Mr. President——

Mr. SHERMAN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The Senator has referred to the provision of the Constitution which provides that no State, without its consent, shall be deprived of its equal suffrage in the Senate. That appears in the last clause of Article V of the Constitution of the United States. I wanted to call the Senator's attention to the fact that, as I remember, that is the only provision in the Constitution which can not be amended.

Mr. SHERMAN. Yes, sir; the only one. Everything else is amendable. Will the Senator let me have that for just a moment?

Mr. BRANDEGEE. With pleasure. The Senator will find it on page 218.

Mr. SHERMAN. Mr. President, I know of no other provision in this organic act that is not amendable in the usual form by passing the resolution and then submitting it to the States, a three-fourths majority of which thereby ratify the resolution and make it a part of the original Constitution.

I want to read the whole of Article V, referred to by the Senator from Connecticut appropriately in this connection:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

I wish to comment upon those two exceptions. The one relative to 1808, and to the first and fourth clauses in the ninth section of Article I of the Constitution, refers in a euphonious way to the slave question. The word "slave" was avoided and not spoken of in the Constitution. It was a subject on which, at that time, members of the convention were somewhat sensitive—those in the New England and Middle States as much as in the Southern States. At that time there was no party division on this subject, but it was referred to in this more agreeable way—that no amendment could be made prior to 1808 that in any manner should affect the first and fourth clauses of the ninth section of Article I, which related to the slave trade. Then the second exception followed. There was a time limit on the first. No amendment could be made that would affect the slave trade prior to 1808. That was a limitation upon the power of the thirteen States. If all of them had ratified an amendment prohibiting the slave trade, it would have been inoperative, under this provision, if made prior to 1808. Now, following that, and keeping in mind that limitation on the power of amendment of the Constitution, the other may profitably be considered. I continue with this language:

> And that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

There is no limit on that—not an 1808 limit. The limitation on that is forever. That applies in governmental matters so long as the political authority of the Government lasts. So this was written, and written purposely, in such a way that the rights of the smaller States might be guarded, and that there could be no amendment at any time thereafter by the larger States, who might reach out and by their influence, it was supposed, obtain the consent of smaller States and thereby deprive other and smaller States of their equal suffrage.

Mr. BRANDEGEE. Mr. President, if the Senator will allow me to interrupt him there——

Mr. SHERMAN. Yes, sir.

Mr. BRANDEGEE. I think he has made the same suggestion before, but I wish to emphasize it. It was solely because of that condition precedent, and continuing, that the States were enabled to form any constitution or government whatever; and it is a condition the breach of which would warrant the dissolution of the Union.

Mr. SHERMAN. Yes, sir; that is accurately stated. Not only does the Senator state it accurately, but the records of that time, both in the States when they were ratifying the Constitution and in the Constitutional Convention in Philadelphia, indicate that that was the reason and a condition precedent that was held out to them. It would have been impossible without this provision to have formed the Federal Union as it now exists.

That being the condition, it being a perpetual bar upon any amendment to the Constitution depriving the States, without regard to their size, of their equal suffrage in the Senate, it imposes upon the Senate the perpetual character of a body representing not merely popular numbers but representing the political entity known as a State, a sovereign in many essential particulars.

I think one of the prices we paid for the preservation of the Union was the danger we are under now of ultimately destroying utterly the local powers of the States. A tremendous swing has occurred at two intervals of our national life. One was in the Civil War, when the opposing powers of disunion sought then to destroy the Union under the assertion of the right of the States to dissolve it and withdraw at pleasure. In order to check that tendency it became necessary to wage to the end the Civil War. It became necessary to announce strong and advanced doctrine upon the absence of power by

a State to dissolve the Union, or in any manner to interfere with the Federal powers. So these precedents were builded up; but at no time or place was the essentially local character of the powers of a State destroyed by waging the war for the preservation of the Union, nor have any legislation or amendments to the Federal Constitution which have been had since then in any manner impaired them.

I remember reading, not long ago, the last address that Lincoln made on the lawn of the White House on this subject a few hours before he passed from earth. The question then in this country was how to readjust the relations between the lately revolted States and the Federal Government. As President, Lincoln had been obliged to set aside the orders of some military leaders. Gen. Ben Butler had made orders in New Orleans at one time that created a disturbance; and on several occasions an attentive reading of Lincoln's treatment of this subject indicates that he held very decided views in regard to it. I believe that the reserved powers of the States, and what were then called the Southern States, lost their very greatest ally and the greatest friend they have ever had, if they had only known it, when Lincoln died.

In this address he took up the question of what the relations were between the lately revolted States of the Union and the Federal Government. The question had often been debated, both in the Senate and in the House, of whether, when the States passed ordinances of secession, they withdrew themselves from the Union. If they had withdrawn themselves from the Union, how could they be placed back in the Union? How could they be restored? Lincoln's last address on that subject, made extemporaneously, and afterwards very little changed, his biographer says—the substance of it remains substantially as he spoke it—shows that he had a clear understanding of the situation. He said in effect: "It is not profitable to discuss the question of whether a State, by passing an ordinance of secession, can withdraw itself from the Union. That is not a practical question. The practical question is, How can we restore the normal relations between the lately revolted States and the General Government?" He followed that by saying: "Some think that the State government of Louisiana ought to be ignored.

"Some say," he continued, "that the State government of Louisiana can not be trusted in the problem of readjusting the affairs of the Union." He added further by saying:

> Louisiana has framed a State government; the members of its legislature and the members of its State government at its capital have taken the oath of allegiance to the General Government. Having done so, the practical question for me to decide is how to treat the State of Louisiana. I shall deal with Louisiana by assuming that she is a loyal government as now constituted, that she has certain reserved inherent powers under the Constitution that have not been destroyed, and those powers I propose to respect. I propose to take the State organization and the State officers and the instrumentalities presented to me by the State, and by using them to restore Louisiana in its normal relation to the General Government at Washington.

That indicated that the reserved powers of the States by him were regarded as essential to the restoration of the Union as it was before the war. It is equally important, Mr. President, now that many years since the war has ended, that we preserve the powers of the several States in this Union as referred to by the Senator from Utah [Mr. KING] to-day in his powerful discussion of the matter on another measure before this body.

Mr. President, these local powers of the State are ones that are indispensably requisite to the perpetuation of free government. If I thought that the powers of the States were to be destroyed that are essentially local in their character, that everything was to be transferred to Washington, that bureaucrats, departments, commissions, boards, executive appointees would continue to increase their influence and power, I would regard it as a calamity second only to living under the Kaiser. I trust I may never be compelled to live under a centralized autocracy that has no sympathy with affairs that belong essentially to Illinois or Alabama.

Mr. NELSON. Mr. President——

Mr. SHERMAN. I yield.

Mr. NELSON. I want to call the Senator's attention to the fact that I observed in the public press a short time ago that the new railroad administration intended in their rate making to override entirely and eliminate State rates or intrastate rates. What does the Senator think of that situation?

Mr. SHERMAN. I think that is an unwarranted invasion, Mr. President, of a purely intrastate power. For instance, in my own State—and it works just the same way in Minnesota—we had what was called a 2-cent rate that applied where the passenger rate, the initiative, and the destination was inside of our own borders. Of course, these local rates were put on roads that were a part of interstate main lines. We have very few roads that are purely intrastate.

The Interstate Commerce Commission, acting through some of the business organizations in St. Louis and certain other river towns on the Mississippi River, entertained, upon application, an order that set aside the 2-cent rate, claiming that it discriminated against St. Louis—that freight came to East St. Louis or to adjoining Illinois towns on the Mississippi River bank and stopped that otherwise would have gone across into St. Louis or some of the adjacent towns. Because of that it was said to be a discrimination.

The Interstate Commerce Commission made a ruling increasing the rate and prohibiting in fact the application of a 2-cent rate on a purely intrastate haul. There were various hearings had before Federal and State courts, and without alluding to them more than to mention them it finally came up on an appeal from an order made before the Federal court in Chicago to the Supreme Court in this city. The question was the validity of the 2-cent rate. The Supreme Court held that the 2-cent rate of the State authority made by the legislature in an act was binding upon the Interstate Commerce Commission and, in substance, that the local State rate must prevail. I think that was good law. I think it is sound under all the interpretations of the interstate-commerce clause of the Constitution and ought to be adhered to.

Mr. NELSON. Mr. President——

Mr. SHERMAN. I yield.

Mr. NELSON. I wish to say to the Senator that we had exactly the same experience in Minnesota. We had a 2-cent passenger rate, and the Interstate Commerce Commission, two years ago, I think, when they increased the rate attempted to increase our State rate also and make it the same as the interstate rate, at that time 2¼ cents, I think. Our case did not go to the Supreme Court. But what I rose to call the Senator's attention to is that it is said the present railroad administration intends by its new rates to entirely override and obliterate what I call State rates.

Mr. SHERMAN. Yes, sir; it will. There is not any question about what the ultimate effect of it will be. Nearly every railroad in the Northwest has been built as a State enterprise. It is an unwarranted invasion of the local powers of the State.

Mr. GALLINGER. And, Mr. President, I assume the Senator is entirely free from doubt as to what the result will be if the Director General of Railroads orders it.

Mr. SHERMAN. Yes, sir; I have a very decided opinion on that point.

Now, take the Chicago, Burlington & Quincy Railroad—that I happen to be better acquainted with than any other railroad in the country—which runs to St. Paul now, but originally it was purely an Illinois road. It was built from Chicago to Aurora, from Chicago to Galena, and from Aurora down to Galesburg, and from Galesburg to Quincy. It was purely inside the State line and had no more to do with the interstate commerce of the Nation than a wagon road or a pike road. But after it was incorporated as the Chicago, Burlington & Quincy it reached out across the river, went over to Missouri and Iowa, acquired the Hannibal & St. Joe in Missouri, and various Iowa lines were either under traffic arrangements or by purchase of stock developed, and it went on until it was acquired by the Hill lines and its western extensions were stopped.

I am not prepared to say that it was illegal or was undesirable, even. I do not want to discuss that question; but the development stopped. However, originally all of this was a local State road and only became an interstate line many years afterwards.

That was a local road. The mere fact that the road has combined itself with other lines and has reached out until it has some 10,000 miles of operated or owned lines does not change our local rate in the State any more than taking away any other local right of ours. We ought to still have it. But the tendency is in all these things to subtract and take away the local rights of the State.

I have come to the conclusion that as far as I am concerned on these matters, whenever it comes up I shall vote against any further subtraction from the power of the State, unless it be so clearly a war matter and connects itself with the successful prosecution of the war so indispensably that the Army or Navy would be impeded if it were denied. Even the rights of the State must be obliterated temporarily in time of war in necessary military movements. But with this limitation.

What I started to say was that since the Civil War there has been a greater invasion of the powers of the States, especially since the present war broke out. Some of them I am not pre-

pared to say are not necessary as war measures, but many of them make the war a mere guise and pretense. They have invaded the State and taken away the police and other sovereign powers of the State because it is claimed they were necessary.

Before we declared war the tendency of the administration, of its departments, was to subtract unlawfully, I think, from the powers of the State. We undertook here to pass a child-labor law.

The Supreme Court not long since, by a five to four decision, has held that it was invalid. A bill is now pending to amend the Constitution by legislation and vacate the seats of the Supreme Court if they hold that an act of Congress is without constitutional authority. The Senator from Oklahoma [Mr. OWEN] will create at least five vacancies on the Supreme Court bench after his bill shall have become an act of Congress. It is a very summary way of disposing of judicial power.

I have been favored a great deal by communications from divers gentlemen over the country on this subject, largely labor unions and great constitutional authorities who get into the unions and tell them about the villainy of judicial bodies.

I read in the American Federationist for this month a statement by a very distinguished labor authority on the courts. After calling attention to the great usurpations of the Federal Supreme Court and other judicial bodies in declaring acts of Congress and of State legislatures invalid because there was no constitutional authority, he wound up by saying the moral is labor must capture the courts. They seem to have dispaired of amending the Constitution and destroying the judicial authority, so they propose to capture the courts and the personnel of the court. It was boldly avowed in the last number of the organ of the American Federation of Labor that they propose to capture the courts of this country and put men on the bench, like they did during the Populist excitement in Kansas. I remember when they elected somebody district judge in Kansas. The district court out there has general jurisdiction, unlimited, in matters of property and of persons. He was elected under the Populist craze that swept over that country. He did not know a writ of habeas corpus from a replevin writ. So, after he was elected, he was sent away by his admiring backers in the campaign for a 60 days' course in a law school to qualify him as district judge having general jurisdiction over the property and the lives of men.

That is the idea that this gentleman, in the American Federation magazine, seems to have of the capture of the courts. They have an idea that the courts make laws just because we have five-to-four decisions. Five judges thought one way on the child-labor decision and four thought the other, and five, being a mathematical majority, prevailed and made the opinion in that case.

I regret that divisions of that kind come up in judicial bodies consisting of more than one person, but, nevertheless, it happens wherever there is a plurality of numbers on the bench arriving at a joint conclusion that is inevitable. It is inevitable in all other bodies. Why should courts be condemned because they are not always unanimous? I do not know of anything in a free form of government that is unanimous. Outside of the Czar of Russia before his celebrated abdication, and outside of the Kaiser in Germany, I do not know of anybody who can make their country unanimous. How long it will continue there is unknown. Juries are not unanimous. I never saw 12 men go out and stay two or three days and nights with 1 or 2 stubborn men, or 1 or 2 sensible men and 10 or 11 stubborn men, the way they put it, that they did not think a majority of a jury ought to decide. But we have that old custom of a unanimous verdict of the apostolic 12, and we have not got away from it yet. A majority of the courts decide. Juries hang frequently and do not get a verdict at all. I see no infirmity in judicial procedure because judges, when two or more of them are on the bench, do not always agree on a mooted question.

But we have here, after this latest decision, a proposal to vacate their office. I do not know just how we would do that, just by what process, probably, we could call on the President to remove them after they had decided against the action of the sovereign Congress; but for my part I have more respect for the Supreme Court for setting aside an act of Congress every once in a while than I would have if they were of that slavish tendency that would take all our legislation here as law. It is a mark of a very healthy symptom developing itself in this country when an act of Congress is set aside because of its lack of constitutional authority. Instead of criticizing a court, I think it ought to be commended.

I had several communications from gentlemen, I started to say, that called attention to the fact that the Supreme Court had usurped this power; that it was denied them in the convention in Philadelphia when this document was created expressly denying it, they said. We have all had the same thing. I do not know how many I have had from Chicago gentlemen who have made a deep study of the Constitution during the time they have been engaged in trying to beat somebody for office because he would not vote as the labor unions told him. After they have arrived at the conclusion that they know all about the Constitution, they say that this power was denied in the convention that framed the Constitution. They are justified in saying that, because I have heard Senators say in this Chamber that the power to decide an act of Congress unconstitutional was expressly denied the Supreme Court in the Federal convention in framing and sending this instrument out for consideration by the States.

I have taken occasion, particularly since a year and a half or so ago when this charge was made, to look up the record. I have taken all the records of the Constitutional Convention in Philadelphia. I have examined the records of the several States keeping records of their ratification and the results of the convention when the Constitution was presented to them. I wish to say here once for all that the record shows flatly the contrary. It not only shows the contrary but affirmatively shows in at least nine places, to which I can refer, in the Federal convention that the power was intended to be given to the Supreme Court of the United States to pass upon the lack of authority, either in State legislative bodies or Congress itself. So it was only in pursuance of that original intention as well as the inherent judicial power of the Supreme Court itself to pass upon this question. It is inherent in sovereignty, and belongs to judicial power, and I think no criticism could be made of it because of that.

[At this point Mr. SHERMAN yielded the floor for the day.]

Saturday, June 8, 1918.

Mr. SHERMAN. Mr. President, last night I was referring to the fact that the courts have assumed the right, inherent in their judicial power, to set aside acts of the Congress, and that they have been attacked for so doing. That came in only incidentally, and I do not desire to pursue it further. It was suggested here by some matters that were drawn into the discussion somewhat collaterally.

The main point that I desire to present to the Senate in connection with the adoption of this rule, on this branch of it, is the majority rule that was offered by several Senators as an argument. The majority rule in this body, as it is constituted, as I suggested on yesterday, is not promoted by a limitation on debate. Paradoxical as it may seem, the promotion of majority rule lies in the open forum in the Senate, without limitation. There are small States—small in area, small in population, small in their material resources—that constitute a clear majority of the Senate. The larger States, both in population and in material resources, and sometimes in territory, are entirely overwhelmed by the small States. This is an incident to the conditions under which our form of government was created; but because it was an incident, and an indispensable one, it is no reason why any further advantage should be given to the small States by changing the rules of the Senate.

The rules have given an open forum in this body from its institution until a limitation was made, in a manner, without very material controversy by the Sixty-fifth Congress at the special session. It was provided then, as a limitation upon what was admitted to be a filibuster, that—

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"
>
> And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.
>
> Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

This was admittedly adopted as a remedy for confessed filibusters.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. The amendment to the rules which the Senator from Illinois has read, and which I am very glad he

has placed in the RECORD once more, was brought about as a compromise. A great deal of agitation had been heard at varying times concerning the necessity for having some rule that would limit debate. There were those of us who did not think any rule at all was necessary. There were others who thought a somewhat drastic rule necessary. I speak now advisedly, as a member of the Committee on Rules, when I say that that rule was adopted as a compromise rule, and assurances were given that if it should be agreed to—as it was, without any controversy—it would end this matter of so-called cloture legislation. It has answered its purpose. There have been no filibusters since that rule was agreed to; and only twice, I think, has the threat of putting it into operation been made, and it was not found necessary to do that in either case.

Now, Mr. President, I will ask the Senator from Illinois, in all conscience, if he does not feel that that rule, as it stands in our code of rules to-day, is sufficient to take care of any attempt on the part of a few Senators, by what is called a filibuster—and I have been, on one or two occasions, engaged in that business myself—to prevent the passage of good legislation?

Mr. SHERMAN. Mr. President, I think it is amply adequate.

Mr. POINDEXTER. Mr. President, may I ask the Senator from New Hampshire a question?

Mr. SHERMAN. I yield.

Mr. POINDEXTER. The Senator from New Hampshire, by virtue of his position in the Senate, is better informed than most of us as to the origin of legislation here. I will ask him if he can inform the Senate as to the origin of this resolution?

I ask that question for the reason that the movement in favor of such a resolution is exceedingly surprising to me. As the Senator has just suggested, there did not seem to be any occasion for such a movement, and it was the feeling in the Senate that the matter had been disposed of and adjusted.

The rule which has just been cited had been invoked successfully. It seemed to have performed the function for which it was intended. Now this movement, with apparently strong backing and considerable standing in the Senate, with the favorable report of a committee back of it, comes out of a clear legislative sky, without premonition or warning or occasion; and I have had a great deal of curiosity to know its origin, and the forces back of it that gave it its standing in the Senate.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. SHERMAN. Yes, sir; I yield.

Mr. GALLINGER. In a few words I will endeavor to answer the question propounded by the Senator from Washington.

The rule was agreed to in the Committee on Rules at a time when I was not present. I presume it would have been agreed to just the same had I been there. I think I am safe in saying that there was a divided vote on the matter, but a majority of the Committee on Rules decided to report the rule.

I wish I could state authoritatively the reason that has been advanced for this rule, if any has been advanced. The Senator from Alabama [Mr. UNDERWOOD], if I understood him correctly, and if I do not misstate his proposition, said a few days ago in debate that it was necessary for us to pass speedily the revenue bill which is impending, and that we ought to have a recess of Congress, which would give Senators and Members of the other House an opportunity to breathe the air of their native hills and valleys. That was one reason that was advanced, as I understood him. Yesterday the junior Senator from Missouri [Mr. WILFLEY] informed us that in time of war Congress ought to stop talking, and that the affairs of the Government ought to be turned over to the Executive to run at his own sweet will. I think I do not misstate what the junior Senator from Missouri said, in substance. I have not referred to the RECORD to be certain that I have stated it with substantial accuracy, but I think that is so.

Those are the two reasons that have filtered into our minds during this debate. I do not know that I ought to say that it has been privately suggested to me that the President of the United States wants this rule changed, as a war measure. I have no doubt of it, and, in my opinion, that is the origin of it and the meaning of it.

Mr. SHERMAN. Mr. President, I had understood in a general way, as the Senator from New Hampshire has stated, that the present rule on this subject has answered every purpose; that there has been no filibuster attempted here; at least, that it has not been attempted in a way that made it possible to enlist a sufficient number of Senators to make it at all likely to be considered by either the majority or the minority side of the Chamber. The present rule having accomplished the purpose of ending all filibusters for the delay of legislation, I am unable to find any adequate reason on the surface of matters at present for the sudden appearance of this proposed rule.

I might offer many conjectures which would be more or less fruitless, and, in order to round out the matter, before I conclude I shall do so in a very modest sort of way, I hope. The conjectures may be entirely groundless, but nevertheless they present to me some very disturbing features.

I do not care to discuss further the question of the adoption of this rule which I have read. The Senator from New Hampshire [Mr. GALLINGER], a member of the Committee on Rules, has very clearly stated the conditions under which it was adopted. That being considered a settlement of the question, it seems to me it is going a long way out of the ordinary course of affairs to bring in this amendment at this time, and propose now to limit arbitrarily the discussions here to 1 hour on the main question and 20 minutes upon amendments to the bill or resolution. I apprehend that this inciting motive has not come from any Member of this body. It came from the same source from which proceed all other revolutionary methods of a legislative character. For five years there have been continually brought before the House or the Senate those methods that incessantly sap the legislative independence of Congress. There has been a systematic attack from the executive department upon all the prerogatives and powers that inhere in a legislative body of this character. The attack has been upon the Senate within the last few years more than upon the House, because the House itself is well organized. It yields more promptly to Executive influence acting through its majority. It has a Committee on Rules. That committee very expeditiously reports out a special rule to cover any occasion that is necessary, whenever the executive department desires that prompt action be had upon any question. Otherwise, the rules are for the purpose of suppressing discussion, for keeping legislation in a committee. Free speech there is short in duration and seldom had.

It is generally recognized that a committee in the House, even more than in the Senae, is a mausoleum for bills. They slumber the sleep that knows no waking there in infinite numbers. That, I admit, is one of the virtues of legislation. Most of my experience has been devoted to killing bills rather than promoting them, even when I have been with the majority in control of legislative bodies. I do not think I ever introduced a bill in my life to which my name was attached, in any kind of a body, that ever passed into the statutes. There has been so much to do all the time in killing the evil measures that my small energies have been absorbed in the suppression of the malevolent things that came along; and I believe now that outside of appropriation and revenue bills, any Member of this body can do more good and serve his country better by starting out with a war club and incontinently whaling the life out of everything that is on the calendar than he can by promoting the passage of everything outside of the needed measures to which I have referred, so that I am not complaining particularly about the fact that committees are burial grounds for the fond hopes of many an ambitious statesman.

Let it be so. In the very nature of things it is much safer for the whole country to have it this way than to make an open door for the passage of everything that comes along. But when we are told that the Senate is to adopt the same rule that the House has adopted in order to suppress discussion I respectfully dissent. The House, as I said yesterday, represents population, and the greater the population the greater one of two things must be—either the ratio of representation or the number of Representatives in that body.

Mr. KING. Will the Senator yield?

Mr. SHERMAN. Yes, sir.

Mr. KING. Doubtless the Senator in his investigation of this subject has discovered that away back in 1806, when the Senate was amending its rules and there was an elaborate discussion, the question arose as to whether or not the Senate would follow the custom of the House and adopt a rule of previous question. The Senate then and there announced that it would not adhere to that rule. The Senate clearly differentiated between the Senate and the House—the duties, the responsibilities, the dignities of the Senate, and the responsibilities of the House—and affirmed the proposition then that it would not follow that rule, but that it would stand for the policy which had come down from the British Parliament, that the rules of the Senate should be, first, to secure order; second, to secure unlimited debate; and, third, to protect the rights of the minority. I think that was a good conclusion reached then and a wise one which we ought to follow now.

Mr. SHERMAN. The Senator has very compactly cited, and in a most illuminating way, the underlying reasons that support an open forum in such parliamentary body. The rule that has been adopted from early times for now over a hundred years, based upon this reason, the viewpoint of the minority side here taking the third reason the Senator from Utah gave as

the last—to protect the minority—reminds me that parliamentary law is in part created like civil government for the protection of the rights of minorities. One of the most experienced of all the English statesmen, not only in practical affairs, but in the textbooks he has left behind him, said that the whole sum of human government consisted among free peoples in the protection of the rights of minorities.

We are a minority to-day. To-morrow the Senator may be in a minority and I may be in a majority. Parliamentary rules like rules of constitutional law are not made merely to expedite the speed with which a majority may operate over the defenseless protests of a minority. These rules are made so that when I am in a majority the same rule will protect the former majority, now a minority, that when I was in the minority protected me. The whole system of parliamentary government, especially in a body like this, where it is not a large body as the House is, has been directed toward the protection of a minority.

It may be frankly admitted here that a filibuster, when entered upon by a united minority, is for its supposed protection. I never knew a minority to engage in a filibuster here where it was not practically united, if it amounted to anything. A few Members here can not carry on a filibuster. Two or three Senators can not. In fact, if there was not a considerable number, or nearly a united minority, the minority had as well not undertake to carry on the filibuster for practical results; and even then it is limited to a certain time. It is understood when the automatic adjournment comes at the closing hours of the biennial period for which we were created, then in the closing hours men may take the floor and consume the time until, automatically, final adjournment has occurred and legislation is defeated. I have known of no filibusters that succeeded in accomplishing results of any practical character outside of those periods and outside of the united opposition of a minority.

I will go further than that, Mr. President, and state that the successful filibusters have always had some sympathy of some of the members of the majority party, almost without exception. The majority party has had one to seven members since I have been here who were in sympathy with the purpose to be obtained by the filibuster, whether they took part in it or not. It is probably one of the defenses of the minority, in addition to the rules of a parliamentary character and constitutional restrictions and statutes, that even a majority party on matters that are not of a purely political character invariably have some independent thought within their own ranks.

The minority side of the Chamber here has had a very great deal of independent thought within the last seven or eight years within its own ranks, and probably the majority may now credit their administration to the fact that there was a widespread revolt inside of the Republican Party upon certain admitted matters not only of party management but upon matters of legislation and upon the general result attained by the party then in power. So the fact that there is always within the party ranks one or more members or a considerable body of voters is in itself a protection of the country against the alleged evils of a political party long continuing in power, or against what is said to be its tyranny or its improper conduct. The very fact that these divisions come gives to the minority additional protection to the rules that have been referred to.

Now, with these elemental reasons for the protection of a minority in this way, keeping them in mind, and what the Senator from New Hampshire [Mr. GALLINGER] has added as to the adoption of the rule at the special session of the Sixty-fifth Congress, I recur again to the size of the different States and the effect that they have upon the larger States. The only filibuster here that I remember that was really effective in a matter of general legislation was the shipping bill. It is true that the armed merchant neutrality act was defeated finally some time ago by certain Senators who were opposed to it by using time at the expiration of Congress that denied a roll call upon a certain matter.

I remember that I signed a round robin with a number of other Senators favoring that legislation. I was not with the filibuster on that, but I recognized that the Senators were within their rights according to the rules of the Senate in that action.

I do not care to pursue that subject; but long before we ever thought that we would declare war or that we would have any such momentous question on our hands as we have now there was an attempt made to pass a shipping bill at the end of the congressional session. At that time most Republicans regarded it as the substitute for a method of granting subsidies to merchant shipping, and many gentlemen on the floor here declared themselves in favor of a direct subsidy. We argued the question on the basis that the merchant shipping bill was itself a subsidy with some aggravated features, such as Government ownership, and that we ourselves would prefer to vote direct for a subsidy rather than the measure. I know that a good deal of argument was devoted to that phase of the question. But it proceeded in that way, and frankly the minority party, together with certain of the majority Senators who were opposed to the bill, tried to beat it by a filibuster, and finally it succeeded. The filibuster came from the minority side.

A great deal of bitter criticism went over the country, some in the press and some from those in charge of the legislation, and some came from the executive department. On that measure I made a somewhat exhaustive analysis of the effect of a filibuster on legislation. Taking this shipping bill as a matter of general legislation and a fair test, I analyzed the vote on the preliminary measures that indicated about the way the bill would have been voted on if it had succeeded in reaching a roll call.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. At that point will the Senator permit me to suggest that in addition to the reasons he has given for the opposition of the minority, aided by a portion of the majority Senators, there was a very strong suspicion in the public mind and in the mind of many Senators that if that bill passed it would result in the purchase of the interned German ships at our ports, and that fact had very great weight in the minds of many Senators in thinking that the legislation should not be enacted.

Mr. SHERMAN. Yes, sir; the Senator is correct. That was very generally discussed even in the committee.

Mr. McCUMBER. I think the Senator might have gone a little further and stated that had an amendment which eliminated the purchase of those interned ships passed the Senate, and there was an attempt to put it through several times, there would have been no filibuster.

Mr. SHERMAN. The Senator is correct. I am sure that what the Senator from North Dakota has said was a very controlling motive here, because there was a well-founded belief based upon much accessible evidence that there was a plan on foot to purchase the interned ships.

Mr. NELSON. Mr. President——

Mr. SHERMAN. I yield.

Mr. NELSON. I wish to add to what the Senator from North Dakota has said that that bill in its original form, about the German interned ships, providing for their acquisition and payment by the Government, was prepared and recommended by one of the departments of the Government. I was opposed to it from the beginning. I thought the only way to do was to take the ships and leave the question of whether we ought to pay for them until the end of the war, and that was finally the attitude taken by the Senate. I simply rose to remind the Senator of the fact that that bill in its obnoxious form, as I call it, and as the Senator from North Dakota, too, seems to view it, was prepared by one of the departments of the Government and sent up in that form.

Mr. SHERMAN. I am glad the Senator from Minnesota added that. I did not have that information myself, and it is very useful to have it in the RECORD as an additional reason why the filibuster I referred to was undertaken.

Mr. NELSON. Mr. President, I might add one word more. That is not all, but an official of one of the departments appeared before the Judiciary Committee to advocate the passage of that bill in its original form.

Mr. SHERMAN. This adds more, and I welcome it. This was the last filibuster ever of a practical character affecting general legislation that we have had. When we take the record of what we had done, together with this amendment on the right of debate that I have already read into the RECORD, it seems to me that we have all practical measures to facilitate legislation or even to expedite the ratification of treaties in the event any should occur.

I went to some trouble after the criticism made of the filibuster referred to on the shipping bill in analyzing the effect of the cloture rule on the deliberations of this body. I came to the conclusion that the paradox I stated a while ago was literally true, that the open forum in the Senate is an ally of the majority of the people of the United States. It is an antagonist of a combination of small States to control a majority of the population of the Union.

That is literally true, Mr. President, as can be demonstrated with mathematical accuracy by the returns of the Census Department as well as by the vote taken on the shipping bill in this Chamber—that is, upon preliminary measures leading up to the shipping bill, because the vote on its passage was never taken.

Senators here, and among them the very capable Senator from Oklahoma [Mr. OWEN], with whom I agree on many things, said that they were for this amendment because it promoted the rule of the majority. I am moved to inquire a majority of what? If it promotes the rule of a majority of States, the Senator from Oklahoma is correct. If it promotes the rule of a majority of the people of the United States, he is inaccurate, because the latter is far from being the truth. It promotes the rule of the majority of the States apparently, but in fact so long as there are conferences it promotes the rule of the majority in the conference. It is much more euphonious nowadays to speak of a conference than it is of a caucus. Caucus became unpopular a good deal like a great many things that have been criticized by the public press and by magazines. People are loth to use the right names for descriptive purposes, but I see no difference between a conference now and a caucus. It possesses all the badges of authority, it contains all the stalwart binding ties that appeal to persons who desire to be regular in their party that a caucus did.

When we speak of a majority acting representing States it becomes eventually a majority of the smaller States, a combination of the Senators, and it is even worse than that. The other States can take care of themselves in many instances, but a combination that leaves out the smaller States of the Union reduces to a state of absolute impotency in this body the smaller States. They are without the ability to protect themselves unless they can join with the larger States. On political subjects they can not do so.

Therefore, when a smaller State is defeated in a conference or is ostracized in a caucus, the smaller State inside of its own party ranks becomes a victim of a brutal majority of its own party and is without a remedy, because ordinarily on political matters they refrain from joining with the other States or with the minority party in order to protect themselves. So the small State itself is interested in the open forum.

There is no other body in the United States that does not have a cloture. This is the only place left. It is also the only kind of a legislative body of this kind for the entire country. No State has any such body and no city council has it in the larger cities of the country.

The House has long since ceased to be a deliberative body. The Speaker four years ago in the House said that you could not run the House as a town meeting. Everybody knows that. But the Committee on Rules does run it to suit the Speaker. In the nature of things that must be so. But there is no essential difference to-day in the management of the House and its management when Reed was Speaker years ago. The Reed rules are equally efficient to-day. The Committee on Rules can report out anything. They can report out a rule that a measure shall be taken up at 12 o'clock noon, that it shall be discussed for one hour, that amendments shall not be offered, and that no motion shall be in order save that of laying on the table, and that a motion to commit shall not be in order or put all kinds of parliamentary essentials in the motion. There is no limit to what the Committee on Rules can do. As a matter of fact, if you search the records of the House it is found very many convenient rules of that kind have been reported and have been acted on. Legislation has been promoted, expedited in its passage, by rules of the kind I have referred to.

The House is in the same condition that the delegate from Texas was at one time in a national convention. Somebody said there was no rule for the method of selecting delegates in that way, and one very candid gentleman from over in western Texas said, "The gentleman is mistaken, because before we selected the delegates that way we passed a rule every time to authorize it." That is the way the House does. They always do it in a parliamentary way, and the rule is made to fit the emergency.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. Doubtless it has been suggested to the mind of the Senator from Illinois that if we adopt the cloture rule which is now proposed, at some hysterical period in our history we will be asked to go as far as the House is going in the matter of reporting rules, hedged about as they are with every possible provision to prevent debate.

Mr. SHERMAN. Yes, sir. It is easy enough, if the precedent is once made, to cut it to half an hour or to prevent it altogether, to apply the previous question. When the ancient rule that has kept this as an open forum for these years has once been broken down and limitations placed on it it is a very easy matter indeed to remove the limitation, and the Senate will find itself in the same condition that the House is. When that is done it ceases to be a deliberative body. It is simply then a question of a certain number transacting the business of the Senate.

I wish to refer here to some of these combinations of States. For instance, on the shipping bill 21 States, the States of Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, and, at that time, Indiana, which was represented by two Democratic Senators and was classified with this list, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nevada, New Jersey, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, making 21 States, were the States that furnished the great bulk of the support for the shipping bill. There are 42 Senators in the 21 States. There were 36 Democratic Senators of the majority who voted for the shipping bill in its various parliamentary stages whenever a roll call was had upon questions where a test could be taken, and there were 6 out of the 42 who voted against it. Of the 6 Senators so voting against the bill in these preliminary matters 5 of them were of the majority side of the Chamber from the normally Democratic States of Alabama, Arkansas, Georgia, Kentucky, and Mississippi, and one a Republican, from the doubtful State of Delaware. That is the first group of States—21.

I take then another group of States of 18, containing 36 Senators. The States are Connecticut, Iowa, Minnesota, New York, Pennsylvania, Vermont, Idaho, Kansas, New Hampshire, North Dakota, Rhode Island, Washington, Illinois, Michigan, New Mexico, Ohio, Utah, and Wyoming. At that time New Mexico was represented by two Republicans and was brought in the classification of the second group of 18 States just as Indiana, being then represented by two of the majority side of the Chamber, was placed in the first group of 21 States.

Of these 36 Senators from the 18 States, 30 Republicans voted against the bill in all its parliamentary stages where a roll call was had, and 4 Democrats, one each from the States of Illinois, Kansas, New Hampshire, and Ohio, all of which ordinarily are Republican States and were carried in 1914—some of them lost in 1916—voted for the bill. One from the State of Washington, which is ordinarily of the minority politics, voted against it in some of its stages.

I never felt justified in stating how the vote would have been cast if it had proceeded to a final roll call. One Democrat from the State of New York voted against the bill. This leaves 9 States in the 48—21 in the first group and 18 in the second, making 39—and, of these 9 States remaining, California, Massachusetts, Oregon, Colorado, Nebraska, Wisconsin, Maine, South Dakota, and West Virginia had 18 Senators, of whom 9 Republicans and 1 Democrat voted against the shipping bill in all the stages, as I have explained, and 6 Democrats and 2 Republicans voted for it. The 9 Republicans were from California, Maine, Massachusetts, South Dakota, Wisconsin, and West Virginia, and the 1 Democrat was from Nebraska. The 6 Democrats who voted for it were from Colorado, Maine, Oregon, and West Virginia, and the 2 Republicans were 1 each from Nebraska and Wisconsin.

For the purpose of testing the popular strength that lies back of a measure of this kind beaten by a filibuster, Mr. President, it is instructive to note the voting population of these States. I take the first group of 21 States, and for the purposes of this analysis, Indiana then being represented by its two majority Senators on that side of the Chamber, I regard certain other States as Democratic. There are eight of them, however, that are fighting ground, including Indiana—since Republican—Delaware, Missouri, Montana, Kentucky, Nevada, Maryland, and New Jersey. New Jersey is inclined to be classified now with the minority party of this Chamber based upon recent elections. Maryland shows a strong disturbing tendency toward the majority party of like kind. Indiana has ceased to afford consolation to the majority party in the last test that was made, but to say the least of it this is a very liberal classification as it is read.

The total population of these 21 States by the census of 1910 is 37,000,000 in round numbers. The total vote cast in the 21 States in 1912 was 4,314,496. The total Democratic vote cast in 1912 in these States was 2,339,191.

I take the second group of 18 States with the tabulation. I regard them as ordinarily Republican in normal conditions. The larger States of the Union lie in the second group. It is significant, too, that the four largest States of the Union are in that classification. The latter comprise the States of New York, Pennsylvania, Illinois, and Ohio. I take none of the female votes in the States where they were permitted to vote. This is entirely a classification of the male vote of the States. The total population of 18 States is 41,000,000 and over, and the total

vote cast is 7,900,000. The total Republican vote cast in the 18 States in 1912 was 4,398,000.

In the third group of States are five that elected Democratic Senators in 1914 by direct vote of the people—California, Oregon, Colorado, Wisconsin, and South Dakota. I omit any particular reference to California in view of what occurred there in 1914, as well as in 1916, because it may accurately be described as a mixed return or a mixed result. The factional differences in South Dakota, of which the Presiding Officer [Mr. JOHNSON of South Dakota in the chair] has an intimate knowledge, as well as in Wisconsin, gave the election to the Democratic senatorial candidates by pluralities, and personal popularity in Oregon elected the present Democratic incumbent from that State, while all three of the three congressional districts in Oregon elected Republicans that year.

The total population of the nine States is 13,289,000, and the total vote cast in those States was 2,729,000. The total Democratic vote was 1,104,000; the total Taft and Roosevelt vote cast in 1912 was 1,337,000.

Now, let me take the first group of Senators based on population and compare it with the second group. The 36 Democratic Senators in the first group of States voting for the shipping bill represented a population of 37,000,000, and the 30 Republican Senators and 1 Progressive Senator in the second group voting against the bill represented a population of 41,000,000; or the 30 Republicans and 1 Progressive Senator at that time of the second group voting against the bill represented a population exceeding that which the first group represented, having 36 Democratic Senators, voting for the bill, by over 4,000,000 population. That was a filibuster, and the 36 Senators out of the 42 representing the 21 States which almost solidly supported the shipping bill had 37,000,000 population, as compared with 41,000,000 population for the 30 Senators in the 18 States voting against the bill.

Can it be said that it is promoting the rule of the majority to stop in this body by a limitation upon the open floor the discussion to promote the rule of 37,000,000 people over 40,000,000? That is not the way majorities rule in democracies. I do not want to argue it entirely on the basis that we are a democracy. We are not a pure democracy. Russia is a pure democracy today. I do not know whether it is much of a recommendation, but the people who are active rule. Just how active a man has to be in Russia to be a majority depends upon his destructive abilities, not upon the mere matter of voting or getting out under a tree, as they did in ancient times, and making themselves heard; but a pure democracy has no restraints upon the rule of the majority. They may decide one thing to be the law to-day, or through representative bodies they may pass a certain rule to-day and to-morrow they may revoke the rule. Another majority may be in next year and it may revoke every law, every restriction upon property or personal rights or for their protection, and it may utterly destroy the rights of the former majority. Ex post facto laws, bills of attainder, the repeal of all the methods by which institutional liberty is guarded may be trampled underfoot by a victorious and aggressive majority next year. The majority of to-day next year may become the helpless victim. That is a pure democracy.

Mr. President, the total vote in the first group of States is 4,314,000; the total vote in the second group of States is 7,987,000. It comes within very nearly being double as many. If, to follow the argument of the Senator from Oklahoma, the majority means votes, then the majority by senatorial votes in this body applying a limitation upon the right of debate does not promote the rule of a majority of votes; it promotes the rule of a minority of votes; it promotes the denial of the right of a majority of votes even to be heard, much less to vote.

No complaint can be made in a parliamentary or in a legal way of this condition which we find ourselves facing now, because, for reasons indicated yesterday evening, we are so constituted in this body that that discrepancy between representation and population or vote occurs here, so that with nearly 4,000,000 of a difference in population, with nearly double as many votes in 18 States represented by the 30 Senators voting against this bill, which was killed by a filibuster, it was a decided majority of population and a much more decided majority of votes that backed the men who engaged in the filibuster in this body. So it is not a majority referred to by the Senator from Oklahoma, either upon population or votes, that conducted the filibuster here for the purpose of protecting itself against the enactment of the measure.

I will omit any discussion of the 9 remaining States. Of the third group I want to subdivide the 21 solidly Democratic States of Alabama, Arkansas, Florida—11 out of the 21—Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia—the 11 constitute a majority of the 21. They had 22 Senators out of the total of 44 on the vote I have analyzed, and under party caucus action they rule absolutely the great group of Democratic States in this body and elsewhere on legislation. Those 11 States contain a population of 22,392,414, and the total vote cast in the 11 States in 1912 was 1,540,514, or less than 7 per cent of the total population; to be accurate, it was 6.88 per cent of the population of the 11 States that voted.

If popular government is invoked to help the shipping bill, therefore, Mr. President, let me compare these 11 States with 11 other States in the Union, to wit, New York, Pennsylvania, Illinois, Ohio, Minnesota, Connecticut, Michigan, Kansas, North Dakota, Iowa, and Washington. Those are all States of group 2. They have an aggregate population of 38,819,840 to be pitted against the 22,392,414 of the 11 States in group 1. The 11 States in group 1 absolutely control in caucus action or in conference the proceedings and the deliberations of the rest of this body on the majority side.

It can not be said that the cloture rule, or a limitation upon the rule of the open forum here, promotes the rule of the majority of population if one group of 11 States is compared with the other group. On the contrary, it suppresses the rule of the majority on both the population and votes. The protection against that is the right of filibuster as it has heretofore existed and as limited by the adoption of the rule at the special session of the Sixty-fifth Congress. That limitation has practically prevented any filibuster from then up to this time. No filibuster has been carried or attempted to be carried into execution. So it seems to me that that puts the subject in a very practical way at rest.

The 11 Republican States—now leaving the population and going to the vote—cast a total vote of 7,447,089, or over 19 per cent of their total population. If it be a matter of majorities, I pit the majority of less than 7 per cent voting of the 11 States in the first group against more than 19 per cent of the 11 States in the second group voting, and I again inquire whether it promotes the rule of the majority of voters even to take away from a minority of Senators here, whether it be the minority on this side or on some future occasion the minority on the other side of the Chamber, the right to protect themselves by delay in legislation.

I can remember long before I had any practical knowledge of such matters when the then minority side of this Chamber protected themselves against many of what they considered burdensome acts of legislation by a filibuster. It was then done here repeatedly by the minority side of the Chamber. It was not seriously attempted by the majority side of the Chamber to change the rule. They knew what the rule had been from time immemorial and the reason for its adoption, which was so cogently stated by the Senator from Utah [Mr. KING] in the three propositions which he laid down. So, rather than fly to the greater evil of abolishing the open forum the majority party here abided by the right of the minority to check by filibuster the progress of legislation. So, when it comes to a question of popular government, not arguing the legal right or the parliamentary status of this body under the constitutional limitations, when it comes to a question of appeal beyond that to an outside sentiment, and saying the popular rule demands the abolition of the open forum, I reply to that, Mr. President, the open forum here is the ally and support of popular government both in the majority of population and in a majority of votes, while the cloture is an ally of minorities both on votes and population.

There is no popular majority such as the National League for Popular Government, every time they have their annual meeting, insist shall be the rule for this country. They wish a pure democracy. In that sense—and I apprehend it is in that sense that the Senator from Oklahoma spoke—there is no majority back of a limitation upon the right of debate in this body. Such a limitation becomes promotive of the rule of minorities of population and of voters.

Another feature that is incidental to this, Mr. President, is that cloture or the limitation of the right of debate in the Senate when applied to the larger States is destructive of the representation that otherwise might be had. The two Senators from a large State are equally powerful with the Senators from a small State or a number of Senators, because under the rule they can delay legislation at the end of a session. New York has something like 10,000,000 population, and it cast in 1912 1,587,000 votes. If I compare that vote, as I mentioned yesterday, with the vote of Nevada, it can be seen how much advantage the small State has in this body. If it can apply the previous question and bring the body to a vote, then the small State absolutely controls the country; there is no escape from

it. And not only that, but whenever a small State is not within the powerful circle of caucus action or conference proceedings, then the small State can be absolutely obliterated in the sum total of governmental affairs. There is no help for it; we can not change it. In order that we might escape some of these evil results, the open forum rule was adopted and has prevailed down to the time of the limitation inaugurated at the beginning of this Congress, which keeps any very obvious evil from being perpetrated.

In the scheme of the Federal Government, it being impossible except it be done by the sword to amend the constitutional provision for equal suffrage in the Senate, the filibuster was one of the methods adopted to overcome the unfair action taken in caucus proceedings. It is another method of overcoming the influence of the Executive that has, without regard to the party that is in control of that office, insidiously invaded the local province of the States for many, many years and is now making more rapid strides in that direction than at any other time in the history of the country.

There is no such thing as a pure democracy in this country outside of the States, and none of them, Mr. President, that I know of is a pure democracy unless possibly North Dakota should finally succeed in passing resolution No. 44, as I remember the number, under which it is proposed to abolish all constitutional limitations and become a pure democracy. In that event that will be the only State in the Union on the basis of a pure democracy. Even the most radical of the 48 States, where experiments in government are tried, has not gone to the limit as yet; but North Dakota threatens to do so under the lead of Mr. Townley. He would abolish the Constitution, if he had his way, and he himself would become the law of the land. It is a good deal like Jack Cade, as portrayed by the English dramatist. The first thing he proposed to do when he became the ruler was to hang all the lawyers; and the second thing he proposed to do was to abolish all the laws. He said, "Away with all the laws of the realm; my mouth shall be the Parliament of England." That is where Mr. Townley and his colaborers in North Dakota are tending. There is none elsewhere in the United States. The United States is a republic.

The difference between a republic and a pure democracy is that a pure democracy acts directly through the people and a republic acts through representatives, and limitations are imposed upon the powers of the agents representing the popular will. Those limitations ordinarily are in the form of constitutions. The old governor of Massachusetts Bay, Henry Vane, went back to England and lost his life as a sacrifice to the principle that there should be no limitation on the power of free government, so that the minority might not be oppressed or destroyed by the majority. He was sent to a dungeon by Oliver Cromwell, although Henry Vane himself was a great republican reformer of that day. He was the governor of the old Province of Massachusetts Bay, elected by the Puritans of that Colony. He afterwards went back to England and refused, in the days of Charles I, to support arbitrary power in the King. After Charles I was beheaded and Cromwell became dictator Vane refused to support absolute power in the hands of Cromwell and was put in the Tower. After Cromwell died and the restoration came, being under suspicion because he had been the supporter of republican government, Vane was taken out and beheaded by the followers of Charles II, then on the throne. So that he understood very well, and so did all his successors, the difference between a republican form of government and a pure democracy of the kind that Mr. Townley is trying to establish according to his code.

Population and votes ordinarily are the most potent of governmental force, but they are not all. They are to be first considered, but there are secondary matters that ought to be considered in the application of a limitation here on the right of debate. There are other things in a State besides people, although they are of primary importance and everything else is made subservient to their welfare.

Outside of territory, which I am not considering in this connection at all, I want to consider some of the material resources of the States. When it comes to the question of enacting revenue laws it becomes important to remember where a large part of the revenue is collected—not who spends it, but who pays it. I will only refer to that in a general way and will present no tabulations at this time.

The State of New York equals in its manufacturing resources 29 other States of the Union, according to the figures taken from the census report and footed up. Pennsylvania alone equals in its manufacturing resources 27 other States in the Union; Illinois equals 23 other States in the Union; and Massachusetts and Ohio each equals 20 and 19 other States in the Union, respectively. The relative values of the agricultural products of the States in the several groups show an overwhelming preponderance in the States whose Senators opposed the bill or went solidly against the administration in the 1914 election and some of them in 1916. Even the total cotton production coming from the 11 States referred to in the second group which I have mentioned—and I only refer to this to show that they are of the minority party—is about equaled in value by the hay crop of the United States, while the value of the corn crop of the country is double that of the cotton crop, for the export of which the shipping bill, for instance, was supposed to provide. That was one of the arguments used by the majority side of the Chamber whenever an argument was heard. The bank deposits of New York State are more than those of 33 other States combined; the deposits of Massachusetts equal those of 20 other States; and the bank deposits of Pennsylvania and Illinois each equal the deposits of 17 other States.

If the occupations followed by the people of the several States are considered, neither can the majority in the Senate fairly claim to represent the immense volume of business and productive transactions of the larger States, which are in a hopeless minority on a roll call of the Senate.

The filibuster therefore becomes an admittedly proper weapon of defense against the combinations of smaller States of lesser material resources. As it is here, taxation is imposed by the smaller States, the States of lesser resources, on the States possessing the larger resources of the country and paying practically three-fourths, in round figures, of the taxes collected.

I know that "filibuster" is an offensive epithet. It has been used in a very critical way many times, but we had just as well acknowledge that it has served some good purposes in its time. So long as Executive influence or the binding power of the caucus or conference remains, I believe the right of unlimited discussion here ought to be preserved for the purpose of neutralizing those malevolent influences.

I presume that this proposed new rule is designed in view of some emergency that is likely to arise. I find that most of the changes of existing conditions are builded upon some apprehended emergency. Just what it is I am unable to say. I do not know when a peace treaty may come before this body or the character of that treaty. It is possible that it may come sooner than is anticipated, and we hope that it may, but, for my part, now that we are in the war, I might just as well say that I want this war fought to such a conclusion that the generation on the stage after we are off will have permanent peace. I am feeling some of the burdens of this war and my neighbors are feeling them, and I would rejoice to see an honorable peace made possible by the ratification of this body, but I am not unmindful of the fact that the President himself is surrounded by many who at heart are pacifists, who are for the war simply because the Executive thought proper to come to Congress with a message and because later Congress declared war.

Many of such Executive advisers will be exceedingly unsafe to negotiate an honorable and permanent peace. A vast clamor will attend any peace treaty even if improvident and unwise. Mr. Creel and his publicity bureau would manufacture, within the limits of perverted power, public sentiment to overwhelm or awe Congress. With a parliamentary gag law in the Senate, what could be done to meet such a question? The Senate, under the open forum unlimited debate, could check final action until publicity could reach the great heart of the American population.

The bolshevist government has now or soon will have its diplomatic representatives in this capital asking recognition. Is it not a vital concern whether it be given? This socialistic caricature of popular government has liberated from Germany's east front an army to be thrown against our allies and ourselves in France. It has delayed the end of the war, multiplied our burdens, taken toll of our young lives, and added billions to our expenditures. It has set up impossible freaks as statesmen, indulged in bloody experiments, and turned back the progress of the war by many weary months or years. Before we extend our approval to such a bloody sarcasm on human government, I would myself prefer more than an hour in this Chamber for some of its Members to discuss the propriety of such recognition.

The United States Senate is the last refuge of free speech in this Republic. Creel's publicity bureau keeps its hand on the throat of the printing press. A swarm of petty Government officials and informers busily note every utterance, public or private, of individual speech. From phlegmatic apathy the administration has passed to persecuting hysteria. Its punishment is not criticized in proper cases. I rather criticize the mildness of its penalties on notorious and flagrant offenders.

With the Senate debate limited, the last stand for publicity is impossible. The Senate can as well be limited to 10 minutes' discussion as it can to 1 hour. It will apply with all its limitation to the discussion of treaties, to the confirmation of ambassadors, and our relation to governments existing or to be hereafter established in the mighty changes sweeping over the world. Why shall we close the last public forum of free speech in this Government at this time?

Mr. UNDERWOOD. Mr. President, unless some other Senator desires to speak at this time, I move that the Senate take a recess until 12 o'clock on Monday.

Mr. WADSWORTH. Mr. President, I think I shall have to object to a recess.

Mr. UNDERWOOD. I had an understanding this morning with some Senators representing the other side of the Chamber that we could proceed in this way, as they wanted to be absent this afternoon. That understanding, however, was not with all of them, and, of course, not with the Senator from New York.

Mr. WADSWORTH. I had not heard of any such understanding. In fact, I have heard several protests against taking a recess, on the ground that it would eliminate all morning business on Monday. I do not see why we can not have an ordinary adjournment, which will permit the Senate to transact the regular morning business on Monday.

Mr. UNDERWOOD. Of course I recognize the fact that the Senator from New York can force an adjournment by an objection; but there are Senators who desired to be away this afternoon, it being Saturday afternoon, some being called out of town, and some for business reasons.

For that reason I agreed that we would not press the resolution to a vote this afternoon; and it was my understanding with them that there would be no objection to taking a recess and conserving two hours on Monday to make up for the time lost this afternoon. Of course I did not have the understanding with the Senator from New York; but I thought the Senators to whom I spoke represented that side of the Chamber, and therefore I agreed to it.

Mr. WADSWORTH. I do not like to presume too much——

Mr. CURTIS. Mr. President——

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

Mr. UNDERWOOD. I do.

Mr. CURTIS. I did not talk with the Senator from Alabama on this subject, but I was informed by another Senator that after the Senator from Illinois [Mr. SHERMAN] concluded his remarks there likely would be a recess until Monday.

Mr. WADSWORTH. The Senator from Alabama remembers that just before the Senator from Illinois commenced his remarks this afternoon the Senator from Connecticut [Mr. BRANDEGEE] protested against taking a recess.

Mr. UNDERWOOD. The Senator from Connecticut protested against unanimous consent being given at that time for a recess, but not against its being brought about by a vote.

Mr. WADSWORTH. Does the Senator from Alabama think that the Senator from Connecticut would have been perfectly willing to vote for a recess himself?

Mr. UNDERWOOD. No; but I think he meant that if the Senate itself voted for a recess he had no objection. I do not know; I do not speak for the Senator.

Of course, I recognize that a recess requires a quorum, and I also recognize that a quorum is not in the Capitol at this time; but I make the motion, and if a quorum is demanded, of course I shall have to fall back on a motion to adjourn, although I hope the Senator from New York will not insist.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate take a recess until 12 o'clock on Monday.

Mr. WADSWORTH. Mr. President, I do not mean to seem overinsistent on this matter; but it seems to me that the consideration of this proposed rule is not of such enormous importance as to prevent the Senate from doing any other business, and if a recess were taken it would prevent the Senate from doing any of its regular routine business. There are many bills upon the calendar which could well be taken up before the hour of 2 o'clock on Monday. I therefore shall be compelled to suggest the absence of a quorum if the Senator from Alabama makes the motion.

Mr. UNDERWOOD. It is apparent that a quorum is not in the Capitol this afternoon, and I therefore move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, June 10, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 8, 1918.*

The House met at 12 o'clock noon.

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

We would praise and hallow Thy name, Almighty God our Heavenly Father, for all the religions of the world which tend to exalt and ennoble mankind; especially for the Christian religion, with its hallowed associations, its marvelous precepts, and the wonderful truths it reveals; for the Christian Sunday, preeminently the Lord's day, with its quiet and rest, its comfort for the weary and heavy laden; for the opportunity it affords the devout to worship Thee in spirit and in truth; for the inspiration it affords to all mankind in the resurrection of its Founder, which proves the power of life over death.

May the day strengthen us to meet the responsibilities of life and fulfill its duties faithfully and conscientiously, that we may indeed be disciples of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

POST OFFICE APPROPRIATION BILL.

Mr. WALSH. Mr. Speaker, I desire to direct the attention of the Speaker to the conference report on the Post Office appropriation bill (H. R. 7237), which has appeared in the RECORD twice already. I am advised that the conference report, in its reference to the various amendments, refers to the House print of the bill with the Senate amendments. The conference report on any bill ought to refer to the House bill as engrossed with the Senate amendments.

The SPEAKER. The Chair will state to the gentleman that Judge MOON, the chairman of that committee, is not here at this moment. He might be able to give some explanation of it. Now, if the gentleman wishes to go on, all right.

Mr. WALSH. I am willing to defer it; but, of course, the report will be subject to a point of order when it comes up.

The SPEAKER. If that is what the gentleman is driving at, then he had better defer it.

Mr. WALSH. My idea was to get it back to the conferees so that the clerk of the conference could redraft it in accordance with the engrossed bill.

The SPEAKER. The gentleman had better wait until Judge MOON comes in. Under the special order the gentleman from Minnesota [Mr. MILLER] has 30 minutes.

HOUR OF ADJOURNMENT TO-DAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. KITCHIN. I want to express to the gentleman in charge of the vocational rehabilitation bill [Mr. BANKHEAD]—as I understand that bill will follow the speech of the gentleman from Minnesota [Mr. MILLER]—the hope that the committee will rise about 3 o'clock, at which time I hope to make a motion to adjourn, so as to give the membership of the House an opportunity to help the Red Cross by attendance at the baseball game this afternoon.

LEAVE TO EXTEND REMARKS.

Mr. BROWNE. Mr. Speaker, I ask unanimous consent to extend my remarks on the pension bill which was passed yesterday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks on the pension bill. Is there objection?

There was no objection.

Mr. SMITH of Michigan. I make the same request.

The SPEAKER. The gentleman from Michigan makes the same request. Is there objection?

There was no objection.

Mr. SMITH of Michigan. I would like further to say that when the vote was taken on that bill I was attending to a department call at the War Department. If I had been present, I would have voted "yea."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4404. An act repealing that portion of the Indian appropriation act of March 1, 1907, (34 Stat. L., 1015–1035), which relates

to the disposal of the surplus unallotted lands within the Blackfeet Reservation in Montana; and

S. 4108. An act to provide for the entry under bond of exhibits of arts, sciences, and industries.

ENROLLED BILLS SIGNED.

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

H. R. 5558. An act to amend section 101 of the Judicial Code;

H. R. 9959. An act to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912;

H. R. 7796. An act to increase the salary of the United States marshal for the western district of Michigan; and

H. R. 9864. An act to amend section 111 of the Judicial Code.

THE NON-PARTISAN LEAGUE AND ITS CANDIDATE FOR GOVERNOR OF MINNESOTA.

The SPEAKER. Under the special order the gentleman from Minnesota [Mr. MILLER] has 30 minutes.

Mr. MILLER of Minnesota. Mr. Speaker, a recent movement in the Northwest, at first purely local and concerned with economic questions in which farmers were primarily interested, has, since this country entered the war, taken a new direction, extending its activities over several States, and, by reason of the character of its doctrines, requires the immediate attention of the authorities of the Nation. I refer to the Non-Partisan League, organized in North Dakota some two or three years ago.

On this occasion I shall confine myself largely to the activities of this organization in Minnesota and the situation there at the present hour. Those who organized this league were none of them farmers. They were a crowd of socialists, who succeeded in beguiling a large number of the farmers of North Dakota to follow their socialistic leadership. There can be no legal objection of any kind to a voluntary association by farmers to accomplish economic aims that look good to them. I wish it distinctly understood that a farmer has as good a right to organize for his economic betterment as any other citizen in the land. In fact, I think it is good for him to do so.

About the time the United States entered the war the leaders of the Non-Partisan League transferred their activities from North Dakota to Minnesota, and are now endeavoring to organize Minnesota and control the State. The men who have the direction of all affairs of the Non-Partisan League are socialists, and nothing but socialists. Some of them appear to be positively anarchists. As a consequence, from the beginning of these strenuous war days, the leaders of this league have given to the league a distinctly seditious direction, and the whole institution has come to be a sinister influence in our national life—a menace to all our war work. Many men have joined this league not knowing its seditious character; many have joined it who themselves have not been exactly lacking in patriotism. They have, however, at once found themselves among evil influences, and many of them have been led sadly astray. The rush to its membership comes from those of pro-German sympathies.

During recent months I have covered all sections of Minnesota delivering loyalty addresses to aid the liberty loan, Red Cross, and other war organizations. I have found the same thing everywhere. All pro-German elements in the State are either in the Non-Partisan League or affiliated with it. When a branch of the league is organized in a locality, the charter members are all the rabid pro-German members of the community. To-day it is safe to say that practically all the pro-Germans in the State are members of the league or are directly affiliated with it. The safety commission of the State and other governmental agencies have been active in their efforts to prevent the seditious activities of the league.

The State manager of the league for Minnesota is Joseph Gilbert. He has been indicted by the grand jury of Martin County for obstructing the military and naval policies of the United States. February 12 of this year he was convicted in Jackson County of the crime of unlawful assembly and sentenced. He has appealed. On May 10, 1918, he was convicted in Goodhue County of utterances tending to discourage enlistments. He has appealed from this conviction. Mr. A. C. Townley is national head of the Non-Partisan League. He has recently been indicted by the grand jury in Martin County, Minn., for obstructing military and naval policies of the United States. He was arrested February 12 in Jackson County for seditious work, and has recently been indicted by the grand jury of Jackson County, the demurrer to the indictment having just been argued. He was instrumental in having the State convention of his league adopt resolutions of which the following is a part, and has been responsible for its circulation throughout the State:

> The contributory causes of the present war are various, but above the horrible slaughter loom the ugly incitings of an economic system based upon exploitation. It is largely the convulsive effort upon the part of adroit workers of warring nations for control of the constantly diminishing market. Rival groups of monopolists are playing a deadly game for commercial supremacy. * * * To conscript men and exempt the blood-stained wealth coined from the sufferings of humanity is repugnant to the spirit of America and contrary to the ideals of democracy.

An organizer of the Non-Partisan League, named F. J. Shumaker, was convicted in Blue Earth County on account of remarks he made in a local meeting of the Non-Partisan League. The State organizer is N. S. Randall. On May 3, 1918, he was convicted in Goodhue County of utterances tending to discourage enlistments. He appealed and is out on bail. Mr. George D. Brewer, a worker for the league, was convicted in Pipestone County recently of unlawful assembly and fined. Carl A. Wold, Douglas County, an active worker in the Non-Partisan League, and editor of a paper devoted to the interests of the league, was convicted in Douglas County and is out on appeal. Joseph Kolu, an organizer of the Non-Partisan League, was recently indicted by the grand jury in Crow Wing County for seditious utterances and is awaiting trial. F. A. Teigen, another organizer of the Non-Partisan League, was recently indicted by the Federal grand jury in Minneapolis for obstructing enlistments. I am mighty glad that the county which has given to this House three of its Members, Mr. VOLSTEAD, Mr. ANDERSON, and myself, has taken steps to throw these fellows out. He was working in McLeod County, which is almost solidly German. These are the men in exclusive direction of the affairs of the Non-Partisan League, and this is the kind of work of which they are guilty every hour.

Townley and his fellow seditionists are making a tremendous effort to get control of the State by electing one of their number governor. This is the important office. This is the one upon which their main effort is centered. Mr. Townley looked about to find a man exactly to his liking, one whose principles at this time accorded with his own. He soon found the man he wanted. Charles A. Lindbergh had just presented to the people of the State the principles upon which he stood and which he insisted should be put into operation. In July, 1917, he published these principles in a little book to serve as a sort of platform upon which he would go before the people of the State for political preferment. Evidently these principles are exactly to the liking of Mr. Townley and his associates, for Lindbergh was promptly picked as the man they would make governor. This leads us naturally to inquire into the character of these principles upon which Mr. Lindbergh stands and upon which he asks to be elected governor. The book is entitled "Why is Your Country at War?" and was published about the middle of July, 1917, many months after we had been at war. It is to be noted that he declines to honor this country by calling it "his" country. He does not say "my county," not even "our country," but "your country." Isolated fragments of a book can easily be misleading, but there is no question about this work. Running through it from end to end and on every page is the same state of mind, the same advocacy of doctrines, and the same expressions of thought, calculated to do deadly harm to this Nation in her hour of deep distress. In many places he informs us why this country is at war. Thus we find on page 80:

> This—
>
> Referring to the "big financiers"—
>
> was the very same group that have been so active in these later years creating the conditions which caused the belligerents in the European war to violate some of our international rights, and it was they, primarily, who laid all the plans to bring about a condition to excite our people into a state of war fever. Their press was worked night and day at the game, to play upon patriotism, to excite it even by false statements—statements which, if they were true, would have justified extraordinary action long, long ago, on the part of the people to combat.

Again he says on page 115:

> Several times their greed went so far as to nearly force us into the war on account of their selfish acts. From the very beginning the speculators sought in every way possible to work up a public sentiment that in itself should by them be converted into commercial profit, and even to the extent of bringing us into the war, if it should serve their ends best to have it done. When the big loans were made to some of the belligerents it was very clear that if the ultimate payment of those loans became endangered because of their defeat by the other belligerents, the Money Trust would seek to have us enter the war to collect their loans.

How vicious to pour such thoughts as these into the minds of those of our people whose loyalty to this country is questionable. This states the war was caused by selfish money interests who have brought on the awful conflict for sordid purposes. No more damnable doctrine than this ever fell from the lips of a man whose country's life was in danger. Again he throws out in several places a sinister suggestion that our big financiers and speculators, having loaned money to foreign governments, caused our country to enter the war, else their loans would have been lost through the failure of the allies. On page 124 we read:

Of course when the group of inner speculators framed up a plan to be done in order to make their claims good against the foreign nations they were dealing with, they did not have in mind the reform that is sure to take place. They did not realize that the war would expose their system to public condemnation. They knew that the European nations would all be bankrupt, and that, indirectly, they would need aid.

Then again, on page 126:

Suddenly Congress declared war, and of course during the war different rules govern. But before the war Congress had tied us to foreign nations by authorizing the credit of this country to be used to exploit foreign peoples as well as our own.

After throwing these two floods of poison into the souls of Americans, he deluges them with these words:

Of course, all who have examined into the conditions know that the foreign governments are bankrupt, and can never pay their debts. They may pay what they owe to our Government, but whether they will or not, if we were to be in the war under any condition, it was best to make the loans to them, since we had made them our allies.

After undermining the faith of Americans in their country and the rectitude of the cause upon which it has staked its very life, for which our millions are marching to battle, and to which our entire national wealth is dedicated, he bluntly and squarely states his proposition in language that will admit of no doubt.

Wealth saw to it that the conditions would be created that would make it practically impossible for us to keep out of the war if the world continued to follow the old practice, and it is these old practices that wealth insists on following. Wealth is so greedy that it had to build greater fortunes, even if it took the sacrifice of millions of lives and entailed suffering on more than nine-tenths of the world's population. What was its demand? It was the demand of wealth that we should prepare a great Navy and a great Army in order to enforce the existing political and economic system not only upon ourselves but upon all the world—present and future. It required that we should impress into the service of war every available man and woman at nominal pay for their time.

Again, he says:

Speaking of our own country: On the one hand we have the "war-for-profit group," which at this epoch of the so-called world's civilization is responsible for the conditions that lead to wars. It is this "war-for-profit group" that has counterfeited patriotism for commercial ends and counterfeited the flag for the same purpose—all in an attempt to perpetuate the selfish plans of that group.

While the mind is being poisoned with these words he suddenly hurled out the following:

It was indeed strange that we should have proclaimed to the world that we entered the war to establish a "world's democracy," when we ourselves have not for 50 years been a democracy except on election days.

In order that he may not be misunderstood, in order that the people may know exactly where he stands on this war proposition, he reaffirms his damnable proposition relative to the case of the war in these words, on page 86:

We did not begin the war. It was not originally our choice to go to war. We were dragged in because the "war-for-profit group" refused to sacrifice temporarily their speculations. If they had done so, they would have failed to add the several billions of profits which the war has netted to them. Rather than lose that profit they carried on a traffic which tempted the violation of the freedom of the seas as public highways by all of the belligerents.

For fear the reader may have temporarily forgotten that we are fighting in this war only to increase the profits of the rich and to protect the wealth massed by greedy speculators on page 116 he reminds us in these words:

From an economic point of consideration the speculators made us a party to the war from the very beginning, and they still believe that it is their war, and that the victory will be their victory. They are the ones who have mainly been put in the managements. If we had entered the war from their selfish standpoint, it would be most unjust, as well as certain to be disastrous, irrespective of who wins the war from a military standpoint.

And still again to make this emphatic and to give it the big place in the minds of all he says, on page 147:

We have been dragged into the war by the intrigue of the speculators. The people already understand that, and all that remains is for them to experience the terrible sacrifice and realize that if things had been done right in the first place it would have never happened, and further realize that it would have been easier and simpler to have done the right thing for the American people than it was to do the wrong thing.

Thus it is he accounted for our Nation being at war! These are the influences that brought on the war! These are the things for which our sons are dying! Not a decent thing among them! Not a single principle worth fighting for! Aye, every one that which we should fight to avoid! But Mr. Lindbergh is not content with announcing his principles as to the cause of the war. He has many profound beliefs in respect to the conduct of the war, no one of which is decent, all of which are sinister. Thus, on page 17 we read:

"Big business" washing the hands of their captains. In all issues of their big press and other publications you can read about what noble patriots (?) we have in the men who profit by the war, while it is the plain, toiling people who are really supporting the entire system, including the payment of the profits to the big fellows.

He perhaps rises to the height of his power and reveals clearly the character he would have us elect governor of Minnesota in the words he uses on page 25:

It has indeed been humiliating to the American people to see how the wealth grabbers, owners of the "big press," actually attempt by scurrilous editorials and especially prepared article to drive the people as if we were a lot of cattle to buy bonds, subscribe to the Red Cross, to register for conscription, and all the other things. The people will do their duty without being hectored in advance by the "big interest" press. What right, anyway, has the "big press" to heckle the people as if we really belonged to the wealth grabbers and were their chattel property?

According to Mr. Lindbergh nothing is right, everything is wrong. The war was caused by graft; it is being operated for graft. Thus, he says on page 22:

Take the war management, the financial end, who controls it? Not one of the plain toilers have anything important to say about it. Yet the expense of the war, as well as the men to fight it, falls mainly on them. But it is managed by the multimillionaire. Where do you suppose they got their millions to begin with? Not by being liberal with their employees and allowing them the proper measure of their earnings; no, sir; not that. Millionaires are not made in that way. Sharp and predatory practices—manipulation—make millionaires. Why then tempt these sharpers with the financial management of the war? Unless they have changed their nature and their practices both—the evidence is against it—we need not expect them to manage it free from speculation.

It would be, indeed, strange should a man who thus disbelieves everything our country stands for and can see no good in everything the American people hold dear fail to express his attitude of the selective draft. Mr. Lindbergh does not overlook this institution, not by any means. Apparently, in his opinion, this is one of the monstrous things of the age. On page 33 he says:

Strange, inconsistent, even lower than criminal is that practice of the Governments which take the lives and the liberties of their citizens to impress into war, when at the same time they pay a premium in the form of interest or otherwise for the property of the rich to be used in carrying on the war. No one with an ounce of brains, unless filled with injustice or a mere hireling, will defend such a practice, for when peace is restored the loans of the rich burden those who risked their lives and the families of those killed.

Imagine the effect of principles like this enunciated to people not clear on the facts of the war; perhaps not certain in wholehearted support of the war. Yes; enunciated by a man who has been a Member of Congress for many years and by one who aspires to be governor of a great State. The result is deadly. Mr. Lindbergh says it is a crime to send our boys to war by the selective draft while at the same time we pay interest on the money we borrow from the citizens of the land to run the war. Is it conceivable that a man who had ever had a symptom of patriotism could expound a doctrine like this? What is its purpose? Certainly not to aid the Nation in the time of war! Its only purpose can be to oppose the Nation in its life and death struggle. Naturally we will expect to find one holding these views quite stunned when he observes the centralization of power in the Chief Executive deemed wise by Congress and the people generally to secure supreme military efficiency. So we find him saying on page 42:

Nothing is more childish than to place too much responsibility on one man, no matter what his position. The press, and even the President, have criticized, properly so, the Kaiser's autocratic power. But the same press, as well as the President, not only demanded, but the President actually exercised as extensive autocratic power as any Old World ruler—the press, "standing by the President," only when the power exercised was in favor of the interests it represents—but woe be to it when not favorable to such interest.

But please note the sinister cut in these closing words, indicating that the powers conferred upon the President are being exercised in favor of special interests and money sharks.

Even the Red Cross, that institution of mercy, aiding and soothing the wounded and the suffering, and those upon whom the heavy hand of this awful war has fallen, even it is not sacred in Mr. Lindbergh's sight. On page 24 he says:

Then again came the Red Cross campaign for funds. We want our soldier boys who may be sent across the seas to fight in Europe to be cared for in the best way possible. The purpose is one of the most important. Here again the "big finance speculators" are the principal leaders. It is not probable that they have any design to cripple the work of the Red Cross or to filch from the $100,000,000 fund to which they have liberally contributed. What they want is to control the organization of the Red Cross, because it will be worth billions of dollars. They will have a powerful influence in the reorganization of Europe. Out of that reorganization the "big financiers" expect to make very many millions of dollars profit. Therefore it is easy to see why J. P. Morgan, through his chief partner, H. S. Davidson, is fitting up offices to be donated to the Red Cross for headquarters.

And, again, he says on page 25:

The Government itself, however, should have both financed and controlled the operations of the Red Cross, but this the "big financiers" opposed, and undoubtedly because of the desire to be independent in organizing the Red Cross for the advantage it hopes to get out of the organization in the reorganization of Europe.

According to Mr. Lindbergh, the Red Cross is an institution now under the control and direction of rapacious money sharks who are trying to use this heaven born and God-sent institution to plunder the helpless and the suffering and to filch more blood money from the toilers of the world when the war shall end.

Prepared as we have been by beholding these doctrines, we are not surprised that Mr. Lindbergh sticks his stiletto into the vitals of the liberty loan. On page 23 we read:

The first bond issue was called the "liberty loan bonds," a name that suits us all. Here again the finance speculators managed the sale.

But he really reaches the full expression of his views on the liberty loan on page 171, where he says:

The new liberty loan was offered in the same way and with the same idea, in the hope that the plain people would all get a little of the loan so that they would believe themselves to be interested in keeping up the system. The big interests would be willing to take every dollar of the liberty loan and several more such loans if they were sure the people would support them. By getting out in the very start a lot of the bonds in small amounts scattered amongst the plain people, they expect them all to fight for a support of the system, whereas it would be infinitely better for the people if they would pay as they go. But if they did that the big interests would be cut out of most of their speculation.

It seems incredible that any person allowed to be at large in the United States could entertain or express such a view as this. According to Mr. Lindbergh, the liberty loan is an institution devised by the money sharks for the purpose of getting a large number of common people to subscribe to the support of the Government in the hope if they invested their small savings in the Government they would contribute thereby to the support of the Government, thus making it easier for the money sharks to accomplish their foul purpose by devouring the people and their small wealth. It is stated here that the liberty loan caused opportunity for speculation to the money sharks. If this is not a direct blow against the heroic effort our Government is making to raise the funds to sustain this great war, then it is difficult to see how any words or conduct could be seditious. But Mr. Lindbergh is not content even with these expressions. On page 31 we read:

We were plunged into war with the monstrous Money Trust speculators saddled upon our backs; side by side with us they are enlisted in the fields of industry, in the military program, and elsewhere for the purpose of exploiting us in each.

It seems to be Mr. Lindbergh's thesis that the continuance of the war is in the interest of the money sharks. Thus he says on page 77:

But nothing will avail them in their adroit attempt to hide from the patriotic people the fact that at a time when the masses were being made poorer by war the old system immediately created a few billionaires and a new crop of millionaires.

And so, again, on page 133 he says:

War, we have demonstrated, is simply the result of following laws and practices that create uneconomic industry, diverting the human energies from the natural trade and commerce that should exist. It is the domination of the "privilege" that has been given to a few to make industrial slaves of the rest of us that has led us wrong.

But that passage in his book above all others dynamically charged with sedition and the one that perhaps most completely denies faith in his country and his countrymen is the following on page 37:

As things now are, the main thing aimed at by the wealth grabbers is to use us—to make of us mere machines to wear out in producing wealth for them. Our children are to be dragged into our useless places, and we dropped into mother earth—"ashes to ashes," "dust to dust," good-by.

If that is all we are for, then God bless the Kaiser, the late Czar, the kings, "big business," and all the "big boys" who caused the war. It will at least be interesting while it lasts. If we are made simply to wear out in their service, the harder and the more dangerous our occupation the sooner will our ashes be scattered to the earth and serve vegetable life better, to bud in beautiful foliage of the grasses, the trees, and the flowers.

This is the platform of the Non-Partisan League's candidate for governor. A vote for him must be viewed as an indorsement of that platform. Our country is engaged in a life-and-death struggle. This is the mightiest combat that ever called for the courage and wealth of nations. The sacred cause of humanity rests upon the strength of America's right arm. Every patriotic citizen is standing squarely for his country, exerting his influence and his effort to strengthen his country. No man whose influence is not of this kind is a patriot, and any person whose principles are those above set forth, whether he wills it or not, is an agent of the Kaiser. There are no two ways about it. There is no chance for a man to be half good and half bad. America demands full patriotism and full service from every citizen. No person who claims to be a patriotic citizen can afford to follow the leadership of men who are indicted for sedition, nor can they afford to vote for a man who asks to be elected on the platform Mr. Lindbergh has put forth. This is not a local matter. Mr. Townley claims to have forces operating in 11 different States, and he threatens to control those 11 States. Perhaps you noticed in the morning papers an item from Nebraska stating that the safety commission of that State had just demanded that the Non-partisan League cease its activities in that State at the present time, because its activities were those of treason. To-day he boasts of having 600 automobiles traveling through Minnesota alone securing members for his organization and campaigning for his candidate for governor. They have unlimited money at their command. Let no farmer be beguiled into political support of this program by reason of honeyed talk about an economic program. This Nation is at war. Every thought should be devoted to the war, every act to the successful prosecution of the war. United we will win; united we must be. Economic problems can well afford to be sidetracked until, working together, we have won the war. At the present time this organization, being directed, as it now is, exclusively by a small group of socialists, is a distinct menace to our Nation. Let every American citizen take notice and govern himself accordingly. [Applause.]

PENSIONS.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Speaker, immediately after the approval of the Journal yesterday, by unanimous consent the Smoot amendment to the pension bill was brought before the House and voted upon. At that hour the Senators and Members of the House from Iowa were having a conference with the Fuel Administrator, Dr. Garfield, with reference to the coal situation in Iowa. I was present at that conference. I am and have been heartily in favor of this amendment, as were the other members of the delegation. Had I been in the House I would have supported and voted for the Smoot amendment to the pension bill. [Applause.]

VOCATIONAL REHABILITATION.

On motion of Mr. BANKHEAD, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 4557) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes, with Mr. HELM in the chair.

Mr. BANKHEAD. Mr. Chairman, when we made the arrangement about going into the Committee of the Whole for the discussion of this bill no agreement was reached as to the limitation of time for general debate. It was thought between Judge TOWNER and myself and other members of the committee that it might be well enough, as a matter of policy, to let general debate run along at the pleasure of the committee. It has now become evident that there is a disposition to indulge in more general debate than the members of the committee had anticipated. It occurs to me that in the general debate that was indulged in on yesterday the members of the committee had at least a fair opportunity—those who were present and manifested an interest in the measure—to become acquainted with the general policy and features of this bill. I am going to make a request for unanimous consent that general debate upon the bill be now closed; and, pending the submission of that request, I desire to make this further statement: Those of you who are familiar with the parliamentary situation next week know that unless we are able to conclude this bill to-day—and if we conclude it to-day we will have to do so by 3 o'clock—it is very probable that we will not be able to take up the further consideration of this bill, possibly, until the end of next week. I regard this as one of the most pressing humanitarian propositions that has been submitted for the consideration of this Congress. The casualty lists on foreign battle fields indicate that scores and hundreds of our young soldiers over there are being maimed. They are already coming back to this country to our improvised hospitals in large numbers, and in order to make the necessary arrangements for putting into effect the machinery of the rehabilitation provided by this bill the utmost expedition on the part of Congress is required in the enactment of this bill into law.

In view of the great emergency, and in view of the fact that all gentlemen must recognize the imperative necessity of taking care of the wounded soldiers, I appeal to the members of the committee to grant the unanimous-consent request that general debate be now closed. We will be liberal in the discussion of the bill under the five-minute rule.

Mr. TOWNER. Mr. Chairman, reserving the right to object, of course, I do not feel that I am in very good condition to make an objection, considering the fact that this side has occupied a large part of the time already consumed. However, I have requests from several different Members which would amount to an hour and a half altogether. I suppose it will be proper to say to those gentlemen that there will be liberal debate allowed under the five-minute rule.

Mr. BANKHEAD. That is my purpose. As I understood, there are only one or two distinct features of the bill not clearly understood in which there may be some effort to amend.

Mr. MONDELL. The gentleman realizes that there is quite a difference of opinion in regard to at least two sections of the bill, and in order to have the views of the committee clearly expressed in regard to those sections it is necessary to provide liberal debate on those sections.

Mr. BANKHEAD. I apprehend that there will be no disposition to oppose that.

Mr. TOWNER. In so far as I am concerned, representing the minority, I do not feel that I would be justified in raising any objection to the request of the gentleman from Alabama after his statement that liberal debate will be allowed under the five-minute rule.

Mr. MEEKER. Mr. Chairman, reserving the right to object, practically the second section of this bill must be rewritten.

Mr. BANKHEAD. I do not agree with the gentleman on that. There might possibly be one amendment.

Mr. MEEKER. That one amendment practically changes the section. It must be changed. I do not think anybody would be satisfied to let it go through as it now stands.

Mr. BANKHEAD. I think we may be able to reach an agreement on that.

Mr. MEEKER. If the chairman is willing that there shall be such an understanding, I will not object, but if not I shall ask to be heard in general debate.

Mr. BANKHEAD. Such an understanding as what?

Mr. MEEKER. That sufficient time for debate shall be allowed under the five-minute rule on the amendments.

Mr. JAMES. Reserving the right to object, I understand from the gentleman that if this bill is not finished to-day it will go over until the last part of next week.

Mr. BANKHEAD. Unless we can get a waiver on the privileged matters that are set for the early part of next week.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that general debate on the bill under consideration be now closed. Is there objection?

Mr. STAFFORD. Reserving the right to object, I understand from the gentleman from Alabama that there will be no effort to close debate under the five-minute rule if there is legitimate discussion of the amendments.

Mr. BANKHEAD. Unless it is apparent that there is an intention to filibuster.

Mr. STAFFORD. The gentleman understands that there are members of the committee who want time in general debate. The gentleman from Missouri is slated to speak for 15 minutes. He wants to discuss the measure in good faith, and all the discussion we have had so far has been in good faith. Every one recognizes the need of the passage of the bill.

Mr. BANKHEAD. What assurance does the gentleman wish me to give?

Mr. STAFFORD. That there will be no curtailment of legitimate debate under the five-minute rule.

Mr. BANKHEAD. I have already given that assurance.

Mr. GARRETT of Texas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARRETT of Texas. To reserve the right to object. I can not see any reason in getting unanimous consent to close general debate and then giving unanimous consent for general debate to take place under the five-minute rule. The gentlemen have got the chairman into such a position that they can run on indefinitely under the five-minute rule, and he can not object to it. Members that are going to speak under the five-minute rule are those Members who have taken all the time under general debate, and I see no reason why those of us who are ready and willing to vote on the measure should have to sit here three or four hours to hear the same men speak over again.

Mr. MEEKER. Mr. Chairman, reserving the right to object, I want to say——

Mr. GARRETT of Texas. The gentleman has no right to reserve the right to object until I am through.

Mr. MEEKER. I beg the gentleman's pardon.

Mr. GARRETT of Texas. Now, I am through, and the gentleman can reserve his right to object.

Mr. MEEKER. Reserving the right to object, I am perfectly aware that some gentlemen vote on bills that they do not know what the bills contain, but others interested in the bills wish to know what they contain. Now, if we are not going to have ample time under the five-minute rule, I shall object.

Mr. BANKHEAD. I can not give any further assurance than I have given already.

Mr. MEEKER. I am willing to take the word of the chairman rather than the gentleman from Texas.

Mr. GARRETT of Texas. I do not want the gentleman to take my word for anything. As far as voting on measures without knowing what they contain, I do not belong in that class of Members of the House that the gentleman refers to. There are some, however, who do not vote on anything, except those questions that affect their particular districts.

Mr. POU. Mr. Chairman, the gentleman from Alabama [Mr. BANKHEAD] has specifically stated six different times that liberal debate would be allowed under the five-minute rule. What different assurance could he give under the rules of the House?

The CHAIRMAN. He might swear to it. [Laughter.]

Mr. CRAMTON. Mr. Chairman, reserving the right to object, I would like to ask the chairman a question. In the contingency that the bill should be completed to-day and a roll call should be necessary, does the gentleman expect to have one to-day?

Mr. BANKHEAD. I would not insist upon that to-day. I do not believe there will be a vote cast against this bill, and, so far as I am concerned, I shall not demand a record vote upon it.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama that general debate upon the pending bill be now closed?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known as the vocational rehabilitation act. That the word "board," as hereinafter used in this act, shall mean the "Federal Board for Vocational Education." That the word "bureau," as hereinafter used in this act, shall mean the "Bureau of War-Risk Insurance."

Mr. LONERGAN. Mr. Chairman, I move to strike out the last two words, for the purpose of asking the chairman of the committee a question or two. On examining the bill I fail to find any provision to the effect that those who serve and are honorably discharged from the service shall be given preference in the classified positions of the United States Government. Did the gentleman's committee give that subject consideration?

Mr. BANKHEAD. The committee did not give consideration to that subject in the preparation of the bill, but after the bill had passed the Senate, and before a meeting of the committee of the House, that question was submitted to the committee by a Member of the House on the proposition contained in a separate bill that he had introduced for that purpose. He asked whether it would be possible to secure a rule to put that on as an amendment to this bill, but the committee was of opinion that it would not be advisable under the circumstances at that stage of the proceedings to undertake to add any new features to the bill. I want to say, however, that my impression is, although I have not run down the statutes on the question, that there is an existing statute that covers that same question affecting all appointments under the civil-service regulations.

Mr. LONERGAN. Quoting from the thirty-fourth annual report of the United States Civil Service Commission, for the fiscal year ended June 30, 1917, I notice that section 1754 of the United States Revised Statutes provides that persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be referred for appointment to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of such offices. I assume that is existing law, and that that law will be operated in so far as discharged men from the military and naval service are concerned.

Mr. BANKHEAD. I was under the impression that there was a statute of that general nature. It seems to be unlimited in its terms, and it appears to me from a casual hearing of the statute, that it would apply unquestionably to those discharged from the military and naval service.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. LONERGAN. Yes.

Mr. TOWNER. Upon that proposition, there is a difference of opinion among Members as to whether or not the legislation is sufficient that now exists. The gentleman from Mississippi [Mr. HARRISON] has introduced a measure which is pending before the Committee on Civil Service Reform regarding that matter. As to whether or not it is necessary, it does not seem that the committee is satisfied as yet. However, I think I can assure the gentleman that there is a disposition on the part of the membership of the House upon both sides to see to it that legislation is enacted unless we come to the conclusion that it clearly is already in the statutes. A bill will be introduced to take care of that matter, if we conclude that it is necessary.

Mr. LONERGAN. I hope so, because I am very much in favor of it, and will offer an amendment to the pending bill, if I conclude that existing law does not cover the situation.

Mr. BANKHEAD. I agree with the gentleman in that proposition. So am I in favor of it. It is my opinion, however, that it is already covered by the statute which the gentleman has read.

The Clerk read as follows:

SEC. 2. That every person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under article 3 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, hereinafter referred to as "said act," and who, after his discharge, in the opinion of the board, is unable to carry on a gainful occupation, to resume his former occupation, or to enter upon some other occupation, or having resumed or entered upon such occupation is unable to continue the same successfully, shall be furnished by the said board, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the board shall prescribe and provide.

The board shall have power, and it shall be its duty, to furnish the persons included in this section suitable courses of vocational rehabilitation to be prescribed and provided by the board, and every person electing to follow such a course of vocational rehabilitation shall, while following the same, receive monthly compensation equal to the amount of his monthly pay for the last month of his active service, or equal to the amount to which he would be entitled under article 3 of said act, whichever amount is the greater. If such person was an enlisted man at the time of his discharge, for the period during which he is so afforded a course of rehabilitation, his family shall receive compulsory allotment and family allowance according to the terms of article 2 of said act in the same manner as if he were an enlisted man, and for the purpose of computing and paying compulsory allotment and family allowance his compensation shall be treated as his monthly pay: *Provided*, That if such person willfully fails or refuses to follow the prescribed course of vocational rehabilitation which he has elected to follow, in a manner satisfactory to the board, the said board in its discretion may certify to that effect to the bureau and the said bureau shall, during such period of failure or refusal, withhold any part or all of the monthly compensation due such person and not subject to compulsory allotment which the said board may have determined should be withheld: *Provided, however*, That no vocational teaching shall be carried on in any hospital until the medical authorities certify that the condition of the patient is such as to justify such teaching.

The military and naval family allowance appropriation provided for in section 18 of said act shall be available for the payment of the family allowances provided by this section; and the military and naval compensation appropriation provided for in section 19 of said act shall be available for the payment of the monthly compensation herein provided. No compensation under article 3 of said act shall be paid for the period during which any such person is furnished by said board a course of vocational rehabilitation except as is hereinbefore provided.

Mr. TOWNER. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Page 1, line 12, after the word "entitled," insert the following: "an act to amend an act entitled."

In line 14, strike out the words "September second, nine," and insert in lieu thereof the words "October sixth, nineteen hundred and seventeen"; and on page 2, line 1, strike out the words "teen hundred and fourteen, as amended."

Mr. TOWNER. Mr. Chairman, the object of that amendment simply is to make definite the reference. The bill which was passed and which is referred to in this paragraph as the paragraph stands is the original act which created the War-Risk Insurance Bureau. At that time, however, the bill only insured vessels of war. It was a very short act and there was no article 3 in the act at all. That act was amended in the Sixty-fourth Congress twice and by the Sixty-fifth Congress three different times and various repealing clauses have also been adopted. Now, as there is no article 3 to refer to it would be manifestly better for the sake of definiteness that it should refer to the particular act that we are desiring to amend, and that act is this act of October 6, 1917, which contains for the first time article 3. It is only for the purpose of making more definite the reference to that part of existing law which we desire to amend.

The question was taken, and the amendment was agreed to.

Mr. DALLINGER. Mr. Chairman, I would not take up the time of the committee and delay this bill one moment if it were not for the fact that there seems to be a great deal of misunderstanding—judging from what various colleagues have said to me—in regard to the purpose of the act, and particularly in regard to the meaning of sections 2 and 3. Inasmuch as section 2 has just been read by the Clerk, it is perhaps a good time to make a brief explanation. The underlying purpose of this bill is to rehabilitate wounded and crippled soldiers, and the bill does not apply to anyone who is not entitled to compensation for injuries received in the service under the war-risk insurance act. Now, there are two classes of wounded men dealt with by this act. The first and most important class are those who because of injuries received in the service are unable to resume their former occupations or to pursue any gainful occupation, or who, after having tried to resume their former occupations, are unable successfully to continue therein. This class is covered by section 2. The other class consists of those who are able to resume their former occupations, and section 3 simply permits these men who are earning their living to take the courses prescribed by the Federal Board for Vocational Education without any charge for tuition.

Section 2, which is the most important section in the bill, provides that those wounded and crippled soldiers who are unable to resume their former occupations, if they so desire—and Canadian and European experience shows that 80 or 90 per cent of such soldiers do so desire—may take the vocational courses prescribed by the Federal Board for Vocational Education. The section further provides that while they are taking these courses—that is, while they are being vocationally rehabilitated—they will be entitled to draw either the pay which they were getting for the last month of their active service in the Army or Navy or the compensation provided for by the war-risk insurance act, whichever is the greater; and, further, that during the time they are being so rehabilitated compulsory allotments and allowances to their families shall be paid as if they were still in service. If they choose the monthly pay, then of course the allotment and allowance is prescribed in the war-risk insurance act. If, on the other hand, they choose the compensation because it is larger, then that compensation is treated under section 2 of this act just as if it was the monthly pay in determining the family allotment and allowance. Now, while there is no compulsion in regard to taking the course in the first instance——

Mr. BARKLEY. Will the gentleman yield?

Mr. DALLINGER. Let me finish this and then I will yield to the gentleman. As I started to say, while there is no provision in the first instance to compel a man to be vocationally rehabilitated, if after he has voluntarily entered upon this course of training and is under the control of the Federal Board for Vocational Education, in order to have some form of discipline it is provided that if he is not making good, if he is not attending to his studies and doing what he is capable of doing, then the Federal board can certify that fact to the War-Risk Insurance Bureau, and that bureau purely, as a disciplinary measure, may take away from that man the whole or any part of what he himself is getting, but it is not permitted to take away from the family the compulsory allotment and allowance accompanying it. Now I will yield to the gentleman from Kentucky.

Mr. BARKLEY. I want to call the attention of the gentleman to a suggestion. Under article 3 of the war-risk insurance bill where a man is injured and is entitled to compensation, he is not compelled to allot any portion of that to members of his family. That is personal and that goes to him?

Mr. DALLINGER. Yes.

Mr. BARKLEY. But if he accepts this training and that compensation to which he would be entitled without regard to the vocational training is larger than his regular pay and he accepts that as his pay, then this law compels him to allot a certain portion of that compensation to members of his family by reason of the fact that he has taken the training. Why does the committee consider that they should compel him to allot a certain portion of it to his family by reason of taking the training any more than in section 3 of the war-risk insurance act, where he is entitled to compensation by reason of injury?

Mr. TOWNER. If the gentleman will permit, I will say under the war-risk insurance bill the disability pay which is paid to this man, and nobody except those who are disabled can secure it, is compulsory to the family.

Mr. BARKLEY. He receives it himself from the Government by reason of his injury?

Mr. TOWNER. Yes; but unless he makes a voluntary assignment himself his wife can compel payment to her of one-half of the amount which he receives.

Mr. BARKLEY. That is where he declines to use it in support of his family?

Mr. TOWNER. Yes.

Mr. BARKLEY. But in this case, although he may be willing to use all that is necessary and all that he and his wife may conclude is sufficient to support the family, if he accepts this vocational training, the law steps in and says how much of it he shall devote to the wife and children.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DALLINGER. Now, Mr. Chairman, what I have said about sections 2 and 3 I trust may clear up some misapprehension on the part of some Members of the House.

The importance of this proposed legislation in its general scope and purpose must be apparent to every Member of this House. In the first place, the rehabilitation provided for in this bill is due to the soldiers and sailors themselves. In former wars it was thought to be a sufficient provision for crippled soldiers and sailors when they came back from the war to grant them pensions and to allow them to become more or less objects of charity. If a man lost a limb or was suffering from some permanent injury so that he was unable to resume his former occupation, we thought that was his misfortune and that nothing could be done to make him a useful member of society. In this great war, however, in common with the other allied countries, we believe that we owe something further to the wounded soldier; that we owe it to him, so far as medical science and education can do it, to make him just as good a man as he was before in the way of earning his livelihood and becoming a useful and independent member of society. Not only that, but we owe it to the country, because this war is going to tax to the utmost not only the material resources of all the belligerent nations but it is going to tax to the utmost the man power of the Nation, as we are going to have a great many of these men incapacitated.

It has been estimated that the number will be 50,000, but I am afraid that before this war is over it may be 100,000 or even 200,000. If it should happen that 100,000 of these men come back unable to resume productive employment, that will mean, assuming that each man adds to the productive wealth of the country $2,000 a year, which is what the Agricultural Department estimates to be the case in agriculture—and, in my opinion, in manufacturing it is much larger—it would mean a value of $200,000,000 a year in the production of wealth that would be destroyed, unless these 100,000 men can be vocationally rehabilitated. Two hundred million dollars is 4 per cent on $5,000,000,000. In other words, if this act does what we expect that it will, it will mean in the next two or three years the conservation of possibly $5,000,000,000 of the capital wealth of the Nation. It is certainly worth doing, and it is something that ought to be done at once. These men are entitled to it for their own sake; they are entitled to it for the sake of the country for which they risked their lives, for which they suffered permanent injuries, and for whose prosperity and happiness they as well as we ourselves have so much at heart. [Applause.]

Mr. TILLMAN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TILLMAN: Page 2, line 9, after the word "provide," strike out the period and insert a colon and the following: "Nothing in this bill shall be construed to prohibit said board from providing for the education and training of a limited number of indigent, maimed, and helpless soldiers of the present war in the following professions, to wit, law, medicine, the teaching profession, and the ministry."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. TILLMAN. Mr. Chairman, I do not care to address myself at this time to the discussion of the point of order, but I want to talk about the merits of the amendment. I see no reason, Mr. Chairman, why there should be a discrimination against a young soldier who comes back from the front maimed and crippled and who may desire to be educated in one of the learned professions. I realize it would be a mistake to pay a large sum of money to educate a man in music or art or in a number of other things; but suppose the young soldier comes back with his eyes put out, and suppose that he had been in a theological seminary for six months when drafted and wants to continue his studies in the theological seminary; I certainly see no reason why a reasonable amount of money should not be expended in order to allow him to perfect himself in his studies in order to enter upon that profession. Or suppose a young soldier comes back with both of his arms off. He has had perhaps six months in a law school and is equipped by previous training to continue his studies. I think he should be allowed to continue. I see no reason why a soldier should be compelled to learn to set type or learn to perform in many duties of industrial and vocational labor, provided he is fitted for a profession and seeks to enter the same.

Now, this amendment is not offered for the purpose of helping the profession; it is offered for the purpose of helping the soldier. As a usual thing, those who enter medical and law schools, normal institutions, or theological seminaries are poor young men. They are unable to pay expenses and tuition. Frequently they work their way through. Suppose a young man comes from the University of Virginia, where he has been working for his board and other expenses, as often happens, taking the course in law. He is drafted. He has no money when he comes back. He has lost both of his arms, and yet there may be the talent in that young man for making a first-class lawyer.

Mr. CANNON. Will the gentleman yield?

Mr. TILLMAN. I will be glad to.

Mr. CANNON. Does not the gentleman think now that as to the people he has mentioned, who are blind or who have lost both arms, that the compensation they get would amply care for them and that they could do better really by taking that compensation and finding their own law schools and medical schools?

Mr. TILLMAN. I do not think so.

Now, the truth is that in most of the agricultural colleges a man can get a literary education or a scientific education with comparatively little cost, but he can not go to Virginia or Harvard or Yale or to law or medical schools without paying a large amount of money in the way of tuition and other expenses. A technical education like this is expensive. General education is not. No young man who comes back maimed and crippled should be denied the wish of his heart to enter a learned profession.

It should be left to the discretion of this board to determine whether or not some bright lawyer, some promising minister, some young man who would be an ornament to the teaching profession, or some soldier who might become a distinguished and able physician should be allowed the benefit of this fund as others are. To be sure, the learned professions are crowded. There are many preachers who misunderstood what the Lord said when they thought they heard Him call them to preach. There are a great many lawyers who ought to be digging zinc instead of practicing law. There are many doctors who could wield a butcher's cleaver with more effective grace than a surgeon's scalpel, and there are many teachers who ought to be students; and yet you will find many a bright young soldier coming back from France who has an ambition to become a lawyer, a doctor, a teacher, or a minister, but who will be denied that privilege if my amendment be not adopted. He may be the son of a widow; very likely poor. Certainly it would be a hardship on him to say, "You must learn to be a hewer of wood, although you fought the fiendish Hun like a hero and are blind, armless, or shot to pieces; you can get no money from your Government to prepare yourself for the profession that has been the dream of your young life." It is unfair, discriminatory, and gravely unjust.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. TILLMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more. This is a very important question.

The CHAIRMAN. Is there objection?

Mr. TOWNER. I would have no objection whatever if the matter were not subject to a point of order. If the Chair should decide that it is in order for consideration, I would be perfectly willing that there should be a further discussion of it; but it occurs to me that it is subject to a point of order, and if that is the case it would be idle to take up further time with it.

The CHAIRMAN. The point of order has been reserved.

Mr. TOWNER. I know it has been reserved for five minutes.

Mr. TILLMAN. I shall be ready to discuss the point of order when I get to it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILLMAN. Now, I say, Mr. Chairman——

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. I will, sir.

Mr. MORGAN. The gentleman's line of argument impresses me favorably in many respects, but this question occurs to me: The gentleman is talking about educating men to be preachers. Under our theory of government the church and state are separate. Would he not run into difficulties there, educating some young men to be Catholics and others as Protestants, or some Congregational ministers and some Methodists or Baptists? Would we not get into trouble along that line, using public funds to educate preachers?

Mr. TILLMAN. There might be difficulty there. To avoid that objection, all that part of the amendment touching upon the education of ministry can be eliminated. But the old idea was that public funds should not be used for any kind of higher education. When Mr. Morrill first introduced his land-grant college bill it was vetoed by President Buchanan in 1858 on the ground that it was undesirable and of doubtful constitutionality. Yet in 1862 the same bill was reintroduced and passed, and Mr. Lincoln, who was a broader statesman, signed the bill, and it is one of the most gracious acts that has ever been put upon the

statute books. I was out in the great Valhalla of the dead this morning, and I observed that the statues for Vermont are those of Ethan Allen and a person named Collamer. I wondered who Collamer was. I found out that he was a Postmaster General at one time. I regret very much that Justin S. Morrill's statue is not there in place of that of the man last mentioned. I would prefer to see his statue grace some splendid circle here in Washington rather than the bronze figures of some of the men on horseback with fewer accomplishments to their credit. It ought to be on the public grounds of every State capital in this Nation, because by reason of his land-grant college act millions of Americans have had or will have an opportunity to get an education that they could not have procured but for the legislation that he fathered.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. ROSE. Would not the same objection as that raised by the gentleman from Oklahoma [Mr. MORGAN] in regard to the ministry be raised to the subject of medicine? There are just as many schools of medicine as there are of theology.

Mr. TILLMAN. No; let the soldier select his school. There would be no objection to that, certainly.

Mr. ROSE. Would it not be required that there should be a board made up of all kinds of avocations who would decide as to these matters?

Mr. TILLMAN. Let the soldier elect what kind of a doctor he will be—homeopath, allopath, osteopath, regular, or irregular.

Mr. ROSE. I am interested in the question whether he would follow the Presbyterian or the Baptist or the Methodist or the Catholic.

Mr. TILLMAN. I admit the strength of the objection made by the gentleman from Oklahoma [Mr. MORGAN] respecting the teaching of denominational theology, under the provisions of this bill, although I can see no objection to a man going to a theological institution that is not denominational. The soldier himself should have an option of selecting the particular school he would like to go to.

Now, Jefferson was broader in that respect than a great many other men who went before him. Jefferson's idea was, in establishing the University of Virginia, that religious denominations should even have the right to build, if they saw fit, on the campus of the University of Virginia, their churches and schools and teach their religious views as well as teach theology in general. But certainly no valid objection can be urged against permitting this board to have authority to select a limited number of ambitious young men who are indigent—guarded by the word "indigent"—unable to furnish themselves with funds with which to finish their course in medicine, in law, or in normal work.

Now, Mr. Chairman, it would be a great mistake to make this discrimination. The experiment should be tried. I understand that in England and in other countries that have been using this method of rehabilitating their soldiers they perhaps have not given them, so far, the advantage of technical training in the professions, but America is broader and richer than the older countries, and less inclined to discriminate.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Arkansas [Mr. TILLMAN] is not germane to the provisions of this bill. The bill covers solely one subject of training. It is indicated not only in the title but it is reflected throughout the various sections of the bill, and that is vocational education of our wounded and injured soldiers. The gentleman's amendment seeks to extend the scope of the bill to a different subject entirely. Instead of providing merely vocational education, which has a well-defined meaning, it seeks to extend professional educational training to certain classes of our soldier boys.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I will.

Mr. WALSH. Does the gentleman contend that a profession is not a vocation?

Mr. STAFFORD. Oh, Mr. Chairman, a profession is a vocation. It may be an avocation. "Vocation" is used in apposition to "avocation." Avocation is the pursuit of a calling on occasions, not as a continuous occupation. Vocation is generic; it includes a special calling of any kind continuously followed for a livelihood, and includes a profession. But vocational education is not professional education, and vocational education has received a well-defined meaning in this House.

Mr. WALSH. Will the gentleman yield further?

Mr. STAFFORD. Not at present. When we passed the law of February 23, 1917—

To provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure—

It was never contended for one minute that that act would authorize the expenditure of money by the States for professional education of any character whatsoever. While the dictionary may not give a definition of the term "vocational education," nevertheless in the educational world it has a well-defined meaning. The Committee on Education of this House is a recognized authority on matters of terminology pertaining to education, and representatives of that committee stated on the floor of the House yesterday that "vocational education" refers to that character of education that is opposite to professional training and that it relates to training in the arts and industries. There would be no purpose in the amendment of the gentleman from Arkansas if it did not seek to widen the scope of the bill. I maintain that this bill is limited to one subject, that of vocational education, and you can not broaden it by including in it a distinct and separate character of training, namely, training for the professions.

Mr. WALSH. Will the gentleman yield for two questions?

Mr. STAFFORD. I yield to the gentleman.

Mr. WALSH. In the first place, does the gentleman contend that adding the letters "al" to the word "vocation" limits the scope of that term?

Mr. STAFFORD. "Vocational education," in the educational world and in the bills reported from the Committee on Education, has a well-defined meaning. That meaning was illustrated here yesterday by members of the Committee on Education. We know what it refers to. It refers to the educational training of these men for manual pursuits and not for professional pursuits. It is a term that has recently come into use in opposition to professional training, and therefore vocational education is not professional education. It is a well recognized and well defined class of training, in opposition to professional training.

You would not say that persons taking up work in the professional schools of the country were engaged in vocational education. When I interrupted the gentleman from Ohio [Mr. FESS] yesterday to ask him whether this would not provide for a national university, he said, "Why, in connection with our universities there are no schools provided for training in the manual trades," and rarely are there. It is true that there are engineering schools, but engineering is a profession; but there are no schools for training in carpentry, for the teaching of the blind to make brooms, for the teaching of injured persons to work in woodwork. That is manual as distinguished from mental.

Mr. WALSH. Will the gentleman yield for another question?

Mr. STAFFORD. I yield if the gentleman has a further question to propound.

Mr. WALSH. When I rose I asked the gentleman to yield for two questions. Now, under the gentleman's restrictions upon this term "vocational," if one of these 700,000 soldiers now in our Army who is unable to read and write, according to newspaper reports of statements made by a certain Member of this distinguished body, they could not take that soldier and teach him how to read and write, but they would have to teach him how to make harness or something like that. The gentleman says "vocational" includes manual pursuits. I notice in the list given yesterday by the gentleman from Ohio [Mr. FESS] he includes singing. That is certainly not manual. Now, what I want to ask the gentleman is, would not his definition of the term "vocational" preclude this board from teaching any of the wounded soldiers who come back here how to read or write?

Mr. STAFFORD. I hardly think so. If it would be a means toward developing their education in a line that would make them better artisans, that would be a part of their vocational education.

Mr. TILLMAN. Mr. Chairman, I have no doubt that this amendment is germane, and the only question, as I understand it, is on the proposition as to whether or not it is germane to the bill under discussion. I read from the House Manual, at the bottom of page 343:

The test in determining what is germane is this, whether or not the proposition is on a subject different from that under consideration.

That is the test that must be applied to determine this question as to whether or not this amendment is germane. I call the attention of the Chair to the language on page 2 of the proposed act. Leaving out the first line and after the word "act" the language says:

Who after his discharge, in the opinion of the board, is unable to carry on a gainful occupation, to resume his former occupation, or to enter upon some other occupation.

Now the term "occupation" is a very broad term. It applies to medicine and to law. Now, the public conception was very clearly stated yesterday by the gentleman from Iowa [Mr. TOWNER], who is a good lawyer, as to what is meant by vocational education. He gave the popular definition. There is a distinction between the popular and the judicially determined question of what vocational education is. The popular idea of vocational education, I know, is that which applies to agriculture and the industries; but this matter has been decided by a court of competent jurisdiction and a respectable court. I have sent for Words and Phrases, which is an acknowledged authority, quoted by the Supreme Court of the United States and other eminent courts. They say there that it has been judicially determined, and they quote approvingly that "vocational education applies to the professions the same as it does to agriculture and industrial arts." I will get this authority before I conclude and submit it to the chairman. It was read yesterday by the gentleman from Louisiana [Mr. WILSON].

Mr. WALSH. Of course the gentleman is aware, as I think the gentleman from Wisconsin is also aware, of the fact that this is not a measure providing for vocational education but vocational rehabilitation. If the gentleman's contention is correct, in order for anybody to come under the benefits of this bill they must, when they enter the military service, have been engaged in some pursuit which would not be professional. Of course that could not be the intent of the measure as framed by the committee. In other words, they did not intend to discriminate against men in the service when passing this measure for the benefit of those who are artisans to engage in manual pursuits before they went in. It is a rehabilitation bill.

Mr. TILLMAN. The language is broad. If the party after his discharge "is unable to carry on a gainful occupation." Is not law a gainful occupation? Is not medicine a gainful occupation? The Chair is bound by the language of the bill in passing on this question, and I am reading from the bill. I am inclined to believe that under the terms of the bill the board would have the authority to so use this money, but I want to clear the matter up so that there will be no question, so it will not be left to construction, so the board would have the authority if it saw fit to send a limited number of young soldiers to college in order to prepare them for a gainful professional occupation.

Mr. BURNETT. Will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. BURNETT. The gentleman was not present, perhaps, yesterday when Judge WILSON, of Louisiana, referred to an adjudicated case?

Mr. TILLMAN. Yes; I was, and I have referred to it.

Mr. BURNETT. That vocational referred to professions as well as mechanical occupations?

Mr. TILLMAN. Yes; I have sent for the volume of Words and Phrases. I copied what it says, and here is the definition of the terms "occupation" and "vocational education":

> The word "occupation" is a generic term, and is that to which one's time and attention are habitually devoted. Vocational calling, trade, business, and a vocation is an employment, occupation, calling, trade, including professions as well as mechanical occupation.

That cites an adjudicated case; it is from Words and Phrases, a responsible authority, quoting from a respectable court. That is the law of the land. The dictionary sustains my position also, and I submit that these authorities are more convincing than the opinion of the gentleman from Iowa [Mr. TOWNER].

Mr. RANDALL. Will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. RANDALL. I would like to give the gentleman an illustration and inquire whether he thinks the man I have in view is a professional man or a man engaged in a vocation. Take the editor of a country newspaper who writes the editorials and manipulates the Washington hand press. Is he a professional man engaged in a vocation?

Mr. TILLMAN. It is not necessary to determine that. Of course, there is a borderland between the two terms which is vague and uncertain. It would be mere speculation to go into that, and I do not care to take the time to do it. But I know that the practice of law and the practice of medicine are gainful occupations. I know the term "gainful occupation" is used in the text. Certainly the amendment is germane.

Mr. WALSH. Mr. Chairman, I desire to direct the attention of the Chair to some of the observations made by the gentleman from Wisconsin [Mr. STAFFORD] in seeking to argue that this amendment is not germane. While the administration of this act is in the hands of the Federal Board of Vocational Education, the purpose of this act is the rehabilitation of men in the military and naval service of the United States during this great crisis. If the gentleman from Wisconsin's contention is correct, the only persons who could derive benefit from this measure would be those who when they entered the service were artisans or engaged in manual pursuits. If that is not the correct interpretation, then the only rehabilitation that could be offered any man in the service would be along the lines of perfecting them in manual pursuits.

The arguments made here by gentlemen most interested and apparently most familiar with the purposes of the act and the language of the act and of its application elsewhere is directly contrary to that. They give a list of the occupations that have been trained for in other countries. The gentleman from Ohio [Mr. FESS] yesterday stated that our varied and complicated industrial life would run the list of vocations being trained for in Canada and Great Britain close up to the 400 mark. In that list in Canada we find medicine, surgery, milk inspection, music, naval architecture, pharmacy, telegraphy, singing, public-school teachers, veterinary surgeons, wireless telegraphy, and civil engineering.

It is apparent, Mr. Chairman, in the rehabilitation that is carried on in other countries these subjects are considered as within the vocational rehabilitation. It is apparent that the gentleman from Ohio is of the belief that in applying this very law we will run the list of vocations to which this rehabilitation will apply close up to 400.

To say that a man who is a blacksmith can be vocationally rehabilitated, where a man who might be a dentist could not be, seems to me to be placing a too narrow interpretation upon the word "vocational," because one is included within the other. You can not get away from it by saying that because a man's vocation is also included within a profession, he can not be vocationally rehabilitated.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. STAFFORD. Is the gentleman aware of the phraseology of the Canadian law, which authorizes professional training as well as vocational training?

Mr. WALSH. I was not aware of that; but I notice, if that be the fact, that nevertheless the professions are included within the list of vocations as given by the gentleman from Ohio [Mr. FESS].

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

Mr. WALSH. Yes.

Mr. CARAWAY. "Vocation" includes all kinds of employment, and a profession merely includes one class of people that falls under the general term.

Mr. WALSH. That is my understanding, that the term "vocation" includes them all, and I submit that it is unfair to discriminate against one's vocation simply because it may be known as a profession. It is none the less a vocation.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. McKENZIE. The gentleman from Massachusetts does not contend for a moment that there is not a distinction between vocational education or training and professional education or training?

Mr. WALSH. Oh, no.

Mr. McKENZIE. If that were true, then all of our time heretofore spent in passing laws to provide for vocational training of men has been wasted.

Mr. WALSH. We have not passed any law for vocational training, but we have passed a law for vocational education.

Mr. McKENZIE. Is it not true that if a dentist, who falls within one of the professions, goes into the Army and becomes blinded by the loss of both of his eyes, under this law he could be rehabilitated and trained in some way so that he could follow some useful occupation other than the profession in which he was engaged at the time he enlisted?

Mr. WALSH. Yes.

Mr. McKENZIE. Is not that the purpose of it?

Mr. WALSH. But suppose the dentist was not blinded and that he simply lost a foot.

Mr. McKENZIE. I would say to the gentleman from Massachusetts that if the dentist simply lost a foot, he would not need to be cared for in this class at all, because it would not interfere with the practice of his profession.

Mr. WALSH. I do not agree with the gentleman.

Mr. CARAWAY. Suppose the dentist loses his hand and he can not follow his occupation as a dentist, would you deny him the right to be educated along some other line?

Mr. STAFFORD. This bill provides for that case.

Mr. McKENZIE. That is the very point that I am trying to bring out, that the purpose of the bill is to give a man some other training.

Mr. CARAWAY. Is it not the purpose of the bill to give him the training that he could be most useful in following?

Mr. McKENZIE. I do not think so.

Mr. WALSH. Mr. Chairman, replying to the question of the gentleman from Illinois, I have no doubt that if the dentist was blind—and it ought to be so at least—that even under the provisions of this bill he might be vocationally rehabilitated so that he could carry on the practice of his profession, even though blinded, but the point that I am seeking to make is that the term "vocational" simply because you add the letters "al" to the word "vocation" does not restrict it, and simply because it includes within it certain provisions that you can not exclude them and set them up and say that if you want to take care of them you have got to pass a measure for the professional rehabilitation of these men, that the purposes of the act are such as to hold open for all the men in our military service the benefits of the law, whether they have a profession or a trade or whether they are expert in certain lines, in case through the fortunes of war they lose an arm or a leg or their efficiency has been destroyed.

Mr. TILLMAN. Mr. Chairman, in order not to complicate this amendment and to strengthen it, I ask unanimous consent to strike out all that part of the amendment which pertains to ministerial education.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to modify his amendment by striking out all that pertains to ministerial education. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 2, line 9, after the word "provide," strike out the period, insert a colon and the following: "Nothing in this bill shall be construed as prohibiting said board from providing for the education and training of a limited number of indigent maimed and helpless soldiers of the present war in the following professions, to wit, law, medicine, and the teaching profession."

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. DOWELL. The word "bill" should be stricken out and the word "act" should be inserted, I think, to perfect the amendment.

Mr. TILLMAN. I accept the amendment and ask that it be so further modified.

The CHAIRMAN. Without objection, it will be so further modified.

There was no objection.

Mr. TEMPLE. Mr. Chairman, I notice the amendment uses the word "indigent." The bill does not apply to indigent soldiers.

Mr. TILLMAN. I know, and this strengthens the amendment. The board would not be authorized then to send any man to an expensive institution which gives a technical training, and pay large sums of money unless he was unable to get the money elsewhere, and I think the word "indigent" should remain.

Mr. MONDELL. Mr. Chairman, I take it for granted that the Chair will sustain the point of order, and I only rise lest some reader of the RECORD in the future may think the gentleman from Massachusetts was talking seriously rather than in a purely facetious vein. Of course, it is very clear to anyone who has read this bill that it relates to vocational rehabilitation and training, and the word "vocational" as used in this legislation has a clear, well-defined, and well-understood meaning. Vocational education, vocational training, rather, was discussed at the time the board was created which is to have charge of this work. It has been discussed many times, and no one up to this good hour has ever suggested that vocational training was intended to include general education or training in the professions. I am of the opinion that it might be well some time, possibly might have been well in connection with this bill, to provide for the professional training and education of a limited number of those men. I am kindly disposed to that thought, but the question before us is as to whether or no the amendment proposed is in order. Clearly it is not. We set about the task of providing for the vocational rehabilitation of soldiers. Now, I am one of those who have thought the time may come when the public may properly engage in the vocational rehabilitation of those injured in the industries, but an amendment proposing to do that would clearly not be in order on this bill, because it is necessary to follow the line and legislate on the subject matter that the committee had in mind when it took the bill up and on which it has clearly and definitely legislated.

Mr. NOLAN. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. NOLAN. The gentleman suggested he would be in favor of a limited number. Does not the gentleman think the language of the amendment rather limits its scope, because it provides that only indigent soldiers and sailors can get the benefit of this amendment?

Mr. MONDELL. Oh, yes; I think there are objections that could be made to the form of the amendment itself, but I am not speaking of the form of the amendment; I am speaking of its substance and clearly that sort of an amendment providing for professional training, without regard to how proper or wise it might be at some time to have that sort of thing, clearly is not in order on a bill proposing to do a certain definite, specific, well-understood thing, the facetious remarks of the gentleman from Massachusetts, because I do not think they could have been seriously intended, to the contrary notwithstanding.

Mr. TOWNER. Mr. Chairman, I think there is no escaping the logic of this situation. If under the terms of this bill professional training is included, then this amendment has no place. If it is not included under the terms of the bill, then it introduces a new element and is therefore subject to objection.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. CARTER of Oklahoma. The amendment proposed by the gentleman from Arkansas provides for the training of indigent lawyers, doctors, and so forth, and in that way it would differ from the bill.

Mr. TOWNER. Oh, yes; certainly. For that reason it seems to me, Mr. Chairman, that there is no escaping the proposition that this point of order must be sustained; that clearly the point of order must be sustained under the present form of the amendment. It is manifest to the Chair that the terms of this bill apply to soldiers and to sailors. It would be subject to a point of order for anybody to insert the word "indigent" before "soldiers and sailors" under the terms of this bill. This bill is a general bill; therefore logically the same rule would apply in this case to the amendment offered by the gentleman from Arkansas. In other words, we have before us now a new proposition, that we shall consider a different class of people and that we shall consider this class of people upon an entirely different basis. It occurs to me that ought to end the question if there is any question in the mind of the Chair. I want to say this much further regarding the definition of the phrase "vocational education." "Vocational education," "vocational training," "vocational rehabilitation" have a very well-defined meaning in the United States. There can be no question about that. Of course, when we speak about a man's vocation it may include the practice of the law or the practice of medicine. Of course, when we speak about a man's education it may include the practice of law or the practice of medicine, but when we speak about vocational education in this country it has a decided legal and well-settled significance, and that must be something separate and apart and antagonistic to the idea of professional education. No one would claim that the use of language as has been well adopted in the legislatures of the States, in the Legislature of the United States, in the references of the courts—no one would claim that vocational education would include professional education, and yet that is what is done here. We are not discussing the advisability of it; we are simply discussing the flat proposition, whether or not this amendment is germane.

The CHAIRMAN. The Chair, of course, recognizes the merits of the contention on both sides of the proposition and is unable to draw a clear, clean-cut distinction between the term "occupation," "vocation," and "avocation." They are terms, generally speaking, used interchangeably. The only guide that the Chair has in reaching a conclusion on this proposition is the context of the bill. It occurs to the Chair that the purpose of the bill is for the rehabilitation of those who are engaged in industrial occupations, and the Chair therefore sustains the point of order. It occurs to the Chair that if the contention of the proponents of the amendment are correct and are well taken they are not prejudiced by the ruling of the Chair, and for that reason the Chair sustains the point of order.

Mr. CARAWAY. Mr. Chairman, I move to strike out the word "vocational," on page 2, in lines 7 and 8, where it appears before the word "rehabilitation" in those two lines, and then the result will be the same.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, lines 7 and 8, strike out the words "vocational" where they occur in both lines.

Mr. CARAWAY. Mr. Chairman, the amendment proposed directs the board to provide for the rehabilitation and reeducation of soldiers and sailors without reference to occupation. If the word "vocation" is stricken out, the board has the power to provide for the reeducation and rehabilitation of all classes of soldiers and sailors who may have incurred their disability in

the line of duty. It seems to me a great Nation such as this certainly displays very little judgment and humanity when, to save a few dollars, it says to young men who have surrendered their opportunity to prepare themselves for a profession or calling, who have given up their ambitions to go as soldiers or sailors to defend the liberties of the people, and have been so unfortunate either by reason of wounds or disease incurred in line of duty that they are no longer able to prepare themselves for the profession or calling or occupation they had intended to follow, that "notwithstanding you surrendered your opportunity, you laid aside your ambition, and as a young man offered your life that liberty might live and that we might be secure in our rights as transmitted to us by our fathers, we deny you now the opportunity to fit yourself for that profession or calling you had intended to make your life work."

I am sure no man can wish to permit those who have stayed at home and have piled up mountains of wealth to escape taxation to the extent that our wounded soldiers and sailors may be denied this opportunity, or believes the people themselves begrudge this expense. If so, he woefully misjudges the American people. [Applause.]

Some of the ablest men professionally that this country has had, since I can remember, were men who as soldiers followed the fortunes of their respective sections of this country in the late Civil War. One of the greatest lawyers New York State has had, as a barefoot boy from my State, rode with that wizard of the saddle, Gen. Nathan Bedford Forrest, and came home afoot, without a penny's worth of property, educated himself, and became a great lawyer. Dr. Wise, who possibly was the leader of surgery in this country, was also a soldier boy. Others, many others—lawyers, doctors, preachers, editors—suffered from lack of opportunity during that war who afterwards succeeded, but were greatly handicapped.

As to these young men who now offer their lives and are so fortunate as to escape even maimed and incapacitated to earn money, unable to acquire the education necessary to fit them for their chosen profession, are we going to deny them again the opportunity? Will we offer them the opportunity only to become plumbers or blacksmiths or farmers, but reserve to the slacker the professions? Is a young man to be denied an opportunity to choose his profession simply because he was more patriotic than some other and would not stay home to take advantage of his opportunity for education, but offered himself for his country, and comes home unable to prepare for a calling or profession unless this Government steps in and educates and rehabilitates him? Are we going to refuse to make a little sacrifice, we who stayed at home while he offered himself a complete sacrifice; deny him an opportunity merely to save dollars?

Strike out these words, and you create a board with power to pass upon the application of every young man who, as a soldier or sailor, has come back to us disabled, to determine whether he is able under its provisions to acquire an education and to be rehabilitated, and to follow that calling which he himself feels that he could be most useful and most happy in following. Not to do so, you close to him the door of hope.

I sincerely trust no one will vote to deny him this small recompense for the great sacrifice he has made. The gentleman from Wyoming [Mr. MONDELL] but a minute ago expressed his sympathy for the purposes to be reached by the amendment of the gentleman from Arkansas [Mr. TILLMAN], but said that it could not be done under the provisions of this bill because of the rules. He will concede that if we strike out the word "vocational" we can reach that objection. He now can not say that he is unwilling to support the amendment because it has no standing under parliamentary law. The question is simply whether you are willing to help these boys who are so nobly helping their country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Arkansas have one minute more. Is there objection? [After a pause:] The Chair hears none.

Mr. HASTINGS. I made that request for the purpose of suggesting to the gentleman that the word "vocational" is also found in line 14, page 2; in line 2, page 3; and in line 21, page 3. I think perhaps he would want to include them in his amendment.

Mr. CARAWAY. I thank the gentleman. These are in the section that we are considering?

Mr. HASTINGS. In the same section.

Mr. CARAWAY. I ask unanimous consent that wherever the word "vocational" appears it shall be considered as included in the amendment.

Mr. HASTINGS. On line 12, on page 2; on line 14 on page 2; line 2, on page 3; and line 21, page 3; all in section 2.

Mr. CARAWAY. In the same section? You can not go beyond the section.

Mr. HASTINGS. They are all in the same section.

Mr. CARAWAY. I ask unanimous consent that the amendment offered shall be modified so as to include the word "vocational" wherever it appears in the section.

The CHAIRMAN. The gentleman from Arkansas modifies his amendment, and the Clerk will report the amendment as modified.

The Clerk read as follows:

Mr. CARAWAY moves to amend the bill by striking out the word "vocational" wherever it appears in section 2.

Mr. STAFFORD. Will the Clerk designate where those words are?

Mr. MONDELL. Mr. Chairman, reserving the right to object, I simply rose for the purpose of objecting to the unanimous consent.

The CHAIRMAN. The Chair understands the gentleman has the right to modify his amendment.

Mr. STAFFORD. Only by unanimous consent.

Mr. CARAWAY. I asked unanimous consent, and the Chair was putting that when the gentleman from Wyoming interrupted the proceedings.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to modify his amendment. Without objection, the clerk will report the modification desired.

The Clerk read as follows:

Mr. CARAWAY moves to modify his amendment by striking out the word "vocational" in lines 7, 8, 12, and 14, on page 2, and in lines 2 and 22, on page 3.

Mr. STAFFORD. And also in line 10, on page 3.

The CLERK read as follows:

Also in line 10 of page 3.

Mr. BANKHEAD. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Arkansas.

My friend from Arkansas [Mr. CARAWAY] has made a very sympathetic and rather ingenious appeal on the proposition that he advocated and set out in his amendment. But I want to call the attention of the committee—and this brings it properly up for consideration—to one element that has entered into all of the negotiations and discussions that have been going on for the last four or five months, which I indicated in my opening address yesterday, between those officials of our Government who are deeply and intensely interested in the carrying out of this scheme. When the question of the rehabilitation of wounded soldiers was first discussed—a discussion inaugurated by the Council of National Defense—one of the first inquiries, of course, was what governmental agency was best equipped by virtue of its organization and by virtue of the functions which have been lodged in it by law to carry out the real purposes and aims of the bill that was to be proposed.

At first the Surgeon General's office was suggested. Then it was discovered that they were without authority of law to undertake the vocational rehabilitation of wounded soldiers. Other agencies were discussed and considered to determine which one of the Government agencies now in existence was best equipped by virtue of its authority of law, by virtue of its experience, by virtue of its organization and personnel, to undertake to carry out most effectively the purposes which were contemplated in this bill, and it was finally decided by all parties in interest that the Federal Board for Vocational Education, by reason of its exercising those powers and functions and having that experience, was the only board the Government had in existence to carry out the real purposes and aims of this legislation.

Now, the purpose of this bill, as conceived by its sponsors in the first instance, those who have been giving great thought and consideration to this vital problem, was that it should not apply to those who might seek to finish their education along professional lines——

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

Mr. BANKHEAD. In a moment. It should not apply to the medical man, the lawyer, the man who wanted to take some technical course in education that would probably require three or four years to complete to any degree of efficiency or graduation. But the purpose of it was that it should be confined in its largest analysis to the activities provided in the original bill establishing the Board of Vocational Education, to wit, as set out in the bill, agricultural subjects, teachers of trades, home economics and industrial subjects, and allied arts and crafts.

Mr. CARAWAY. I wanted to ask the gentleman this question: Are you in sympathy with the idea of confining it to these questions?

Mr. BANKHEAD. I think, under the purposes and spirit of this bill as it has been framed and as it will be put into operation——

Mr. CARAWAY. That is not the question. Is the gentleman in sympathy with that construction?

Mr. BANKHEAD. I want to say to my friend from Arkansas that I do not think it would be feasible and practical for the Government, under the present conditions with which we are confronted to undertake, by any agency which we now have established in this Government and the functions which we can put into practical and immediate operation, the education of a young man for three or four years' course in medicine, or law, or technical engineering, or anything of that sort.

Mr. CARAWAY. Does the gentleman think that all these gainful occupations of that kind ought to be left for the sons of the rich, while the poor young men who go to the war and come back disabled shall only be taught to be diggers of ditches and things of that kind?

Mr. BANKHEAD. Oh, no. I think there is an unfair implication conveyed in the gentleman's question, that I am particularly interested in taking care of the rich. The purposes and objects of this bill show that it is intended to take care of the poor—the men who have formerly been engaged in the skilled arts and crafts of this country. Certainly I would not deprive the son of a rich man of an opportunity who wanted to pursue a professional avocation, or the son of a poor man, either.

Mr. CARAWAY. Would the gentleman be in favor of a law that required that the man who started out as a blacksmith should continue to be a blacksmith all his life?

Mr. BANKHEAD. Certainly not.

Mr. CARAWAY. Why, then, would not the gentleman allow the son of a blacksmith to enjoy the opportunity of acquiring some professional knowledge?

Mr. BANKHEAD. A man is not confined to his former occupation. If the son of a blacksmith——

Mr. CARAWAY. I understood the gentleman to say that if he had worked with his hands before, he should go back to that calling when he returned.

Mr. BANKHEAD. No; I did not say that.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DILL. Mr. Chairman, I want to support the amendment.

Mr. BANKHEAD. I ask unanimous consent, Mr. Chairman, to proceed for three minutes longer.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. BANKHEAD. I do not desire my friend from Arkansas or any member of this committee to rest under any misapprehension as to my position on this question, or as to the purpose and authority contained in the bill that we are considering, because it is not the purpose of the bill, as the gentleman will ascertain if he will read it, to confine a former blacksmith, after his rehabilitation, to blacksmith work. But, on the contrary, it is one of the primary objects of this bill to take a man who may have been in an occupation of that sort and by means of the machinery provided by this board, to educate him in some other line in which he might be more efficient and in which he might make a larger income.

Mr. CARAWAY. But it is the purpose of the bill to confine a man to some occupation where he will use his hands?

Mr. BANKHEAD. Not at all.

Mr. CARAWAY. Then, why do you confine it to vocational training?

Mr. BANKHEAD. The gentleman will not allow me to answer his question before he interjects another into the debate.

Mr. TILLMAN. You would not want, then, to make a lawyer or a doctor out of a man, whether he is poor or not?

Mr. BANKHEAD. I am not opposed to that on principle. I feel, as a matter of fact, that they should be given every stimulus and encouragement that the circumstances of the case will permit, but I say that under the conditions with which we are confronted in the preparation of this bill, and for the purpose of putting it into immediate and effective operation, there are no governmental agencies now in existence, and none will be provided by this amendment by the mere striking out of the word "vocational," by which that happy result could be accomplished.

Mr. TILLMAN. Then the gentleman is not in favor of providing any instrumentality by which a blacksmith's son can become a lawyer?

Mr. BANKHEAD. I do not propose to answer that question categorically in the negative.

Mr. TILLMAN. By this bill?

Mr. BANKHEAD. No; I do not think that is the natural interpretation of the term "vocational education." If the gentleman's construction of "vocational education" is correct, then it applies.

Mr. TILLMAN. The Chair has ruled that I am wrong on that. Then, I understand the gentleman is not in favor of applying this bill to educating a man in any of the learned professions, no matter how poor or worthy or deserving he may be.

Mr. BANKHEAD. That was not the purpose of the bill as it was framed, or as it is proposed to put it into operation by the governmental agencies which have instituted this matter and propose to put it into effect.

Mr. TILLMAN. And you are not willing to allow that?

Mr. BANKHEAD. I do not think that would be practicable under the bill.

Mr. CARAWAY. Will my friend yield to me?

Mr. BANKHEAD. I would like to conclude my statement. The gentleman seems to be impetuous about asking questions.

Mr. CARAWAY. If the gentleman does not want to answer questions, I do not care to ask them.

Mr. BANKHEAD. I hope my friend will not be sensitive about that remark. I do not want him to take it in that way.

Mr. CARAWAY. I am not sensitive about it. I just do not want to interrupt the gentleman.

Mr. BANKHEAD. I was attempting to make, if possible, a coherent statement of the objections upon the part of the committee to the adoption of the amendment offered by the gentleman. If we strike out "vocational" as he wants to do, it strikes at the very heart and purpose of the whole scheme of this bill as it is framed. For instance, the title of the bill itself, the very heart and head of it, so to speak, is:

An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

In view of all these facts, in view of the plan that has been agreed upon and of the purposes which we are seeking to put into effect, I hope the amendment will not be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DILL. Mr. Chairman, I rise to support the amendment of the gentleman from Arkansas [Mr. CARAWAY]. In the first place, this amendment will leave this board free to rehabilitate these soldiers in any way that they may see fit. I think they ought to have that freedom.

When I first went into the hospital at Ruehampton, England, last winter, the first thing that Col. MacLeod, who had charge of that hospital, did was to take us into the room where the records were kept. He showed us that when these maimed and wounded soldiers were brought in there only 40 per cent of them were able to tell what they wanted to do, what they wanted to learn, what they wanted to become. He said the records showed that about 30 per cent were able to choose some particular kind of work that they wanted to learn in this school, and that the other 30 per cent who came there simply drifted and finally went out without having obtained any real value from their stay there. When asked why the other 30 per cent were unable to select some kind of training, he said they could be divided into two classes: First, the class who did not want to do vocational work, and second, those who were so shiftless that they did not want to do anything at all.

If the House will indulge me for a moment, I would like to discuss certain features of the work in these hospitals or training schools. The most pathetic thing to be seen in the rehabilitation of these men is to be seen in the schools where they rehabilitate the shell-shocked men. I shall never forget the sight I witnessed the day I went into the gymnasium of the great military orthopedic hospital at Shepherd's Bush, in charge of Dr. Hill. Dr. Hill was then a major, who had been in the army and had a very perfectly organized hospital. When we went into the gymnasium of this hospital there was a man trying to walk along a strip of carpet about 4 inches wide and 20 feet long. He was moving his feet from 1 to 2 inches at a time. When he reached the end of the carpet, the doctor told him to turn around. Without raising his eyes from the floor, he moved his feet very slowly and gradually turned around. The doctor said, "Now, see if you can't move your feet just a little farther at each step," and he tried to walk back in that laborious manner. They had been working with that man for nearly three weeks. To all appearances the man was not wounded in any way. He had not been struck by any fragment of shell or bullet. His nerves had simply been broken, and his brain no longer connected with his muscles. We were informed that in many cases these men who were rehabilitated in these hospitals

were unable to do the things they had done before, and had to do entirely new things. They have to be treated sometimes by electric machinery and their nerves awakened. For this work they use women who have been specially trained in this treatment.

For these reasons it seems to me that this board ought not to be confined in their rehabilitation methods merely to vocational trades, but that they ought to be allowed every possible leeway to train these men to do anything that they can be trained to do, in order that they may again become useful citizens. While visiting these training hospitals we were informed again and again that two-thirds of the success of the rehabilitation of these men was psychological—that the first thing you had to do with a man who was brought into the hospital to train him was to get him to think that he could do something useful. We were shown men who had no legs who had been taught to walk. One man, particularly, by the name of William Houston especially attracted our attention. The colonel showed him to us as an example of what could be done. He brought him out and said to him, "Houston, here is a crowd of American Congressmen. I want you to walk down through this shop and see if they can tell which of your legs is wooden."

They were making wooden legs in that shop. He walked down and back. He bent his legs so naturally that some of us thought his right leg was wooden and some thought the left leg was wooden, and I think one Member said he did not think either leg was wooden but that the man simply had a stiff leg. The colonel said, "Now show them"; and he pulled up his trousers legs and showed us—they were both wooden. One leg was off above the knee and the other was off below the knee. He lost them in the battle at Hill 60. When he came there he was so discouraged because of his helplessness that he absolutely refused to try to learn to walk. He said, "Colonel, I can not do this. It is absolutely useless to try. I never can learn to walk. I have not either leg." He was so despondent that for 10 days they kept a guard over him for fear he might kill himself. Yet when we were there he was making a sum that in American money would amount to $26 a week. He rode a bicycle every morning two miles to his place of work, and was an expert maker of wooden legs. That is only one illustration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DILL. I would like two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DILL. The most striking thing about this work is the ability of these men to concentrate all of their power in the learning of these trades. They keep a man in the training school 30 days, and in that time they teach him a trade. It is almost inconceivable. Col. MacLeod told us that when Mr. Barnes, the labor member of the British ministry, came there, and he showed him the machine-made tools that were made by a man after 30 days' training, Mr. Barnes said he did not think it possible for a man that was not a machinist to do it. The man had been a bricklayer. They teach them leather work, they teach them automobile work, and electrical work. There seems to be something about the condition of the men—the fact that they have been wounded and lost some parts of their body—which enables them to concentrate all their powers in the learning of a trade.

This hospital had been in operation two years, and during that time 6,000 men had been trained and sent out to make a living for themselves and their families. In the light of the great possibilities to rehabilitate these boys, after they have given themselves in this war, I think the bill should be amended so the board can teach them in any way they may desire. [Applause.]

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I am heartily in favor of this bill, but I do think that its scope should be widened. I believe that there ought to be a provision in the bill providing for the education and training of some of these men along professional lines. I think that a young man returned from this war with his arm shot off, or with the loss of a leg, or otherwise crippled, who feels that he is called to preach, ought to be aided by the Government in that work. I believe that this Government ought to have a board before which this young man could go and present his claim, or make application for entrance into a school so as to fit him for the ministry.

Why, Mr. Chairman, men will come out of this war after they have gone up against and conquered this brutal, barbarous army of Germany, fighting for the noblest principles that have ever warmed the hearts of man, fighting for Christian civilization, fighting for all that is dear in life—some of them will make such preachers as the world has never seen or heard before. I want the young men who have been through this war for liberty and humanity, and who feel that they are called to preach the gospel, to have the Government aid them in this high and holy work.

If there should come from among them a young man who feels that he wants to be a lawyer or a doctor or a chemist or a school-teacher, why not open to him the field that will fit him for that work? This bill ought not to be confined to a particular class or to a certain line of work. It ought to be open to our boys in every field of honest endeavor, because these men are entitled to the highest consideration and training.

Mr. KING. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. KING. I am in hearty accord with the gentleman, but take the case of William Houston, mentioned by the gentleman from Washington, what would be his status if he had received part of the legal education and desired to be trained by the Government? Could he get the training under this bill?

Mr. HEFLIN. I do not think that he could unless the bill is amended as suggested by the gentleman from Arkansas. I want to say this in conclusion, this is a good bill and ought to be passed. I do think, however, that it ought to have in it the provision that I have mentioned, because, gentlemen, there is nothing too good that we can do along this line for these brave men, and when they return let them seek service in the various fields. Let us make this provision, and when a man is wounded and he goes back to the hospital and reads of this action by Congress he will say, "My Government is going to see to it that I am properly cared for, not only see that I do not suffer physically, and that I will have something to eat and something to wear, but it is going to help me to equip myself for a profession if I desire it," and this I think, gentlemen, this Congress ought to do. [Applause.]

Mr. MONDELL. Mr. Chairman, we all agree with the gentleman who has just taken his seat, that there is nothing too good for the boys that will return maimed and disabled from the front, but we all realize that there are limitations to the things that can for the present be practically and well done. That was in the minds of the men who wisely drafted this legislation. They did not attempt to do so much as to risk making a complete failure of their entire scheme. They attempted to rehabilitate along certain lines—practical, useful, helpful lines. They propose the machinery through which that kind of rehabilitation can be accomplished, and they did not endanger their whole plan with the possibility of a complete breakdown by endeavoring to cover the whole field of human effort and activity.

The very eloquent address of the gentleman from Arkansas [Mr. CARAWAY] might convince us all if his premises were sound; but they are not. His premise was that we are denying all opportunity save to those who may come under the provisions of the bill.

Do we deny opportunities to prepare for and enter the professions because we make no special provision for professional education under this bill? Not at all. Opportunities are boundless in this land of ours. These are not to be the only opportunities for these returned soldiers. If they were, in Heaven's name, helpful and useful as they are, how inadequate they would be. The young man whose education before he entered the service had sufficiently advanced along professional lines or along general lines as to enable him within a reasonable time to acquire a profession could acquire it in any section of this land of ours without the aid of the Federal Government.

Mr. HASTINGS. Could not everyone else do the same thing?

Mr. MONDELL. No.

Mr. HASTINGS. Why not?

Mr. MONDELL. Because men who come back handicapped for the trades, but who must make a livelihood, if at all, with the use of their hands and feet, would be absolutely helpless unless they were given the rehabilitation and training here proposed.

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

Mr. MONDELL. Yes.

Mr. CARAWAY. Is the gentleman opposed to the Government helping people acquire a professional education?

Mr. MONDELL. Mr. Chairman, I said a moment ago that not only was I not opposed to that in toto, but that I was inclined to the belief that the plan we propose in this bill of vocational rehabilitation we might eventually properly extend to the rehabilitation of those injured in the industries. But this is not the time to attempt to cover all of the fields of human endeavor and all of the possible fields of Federal help. This is the time to do something practical and useful by following on the lines that have been marked out by the men who have made a study of this work abroad, who have there performed very useful work along certain lines, and who are suggesting

that we take that work up for the benefit of our returning soldiers. It would be very easy, indeed, by striking out the words proposed to be stricken out by the amendment of the gentleman from Arkansas [Mr. CARAWAY], to make this bill practically inoperative.

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

Mr. MONDELL. I can not yield in the time allotted me. So far as its effect on the efforts of those who planned this legislation is concerned, we might just about as well strike out the enacting clause.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ROSE. Mr. Chairman, I am not at all convinced that the wording of the bill as it is now presented to us for consideration will bring about the condition that some gentlemen seem to fear. The bill provides for a Federal Board for Vocational Education, and its purpose is to fit those who by reason of injury are unable to carry on a gainful occupation to resume the several occupations they formerly had, or place them in some occupation by which they can gain a livelihood. The board referred to will be clothed with great power and will be composed of men who have made a study of vocational matters. Any man brought under the control of the board and who is found unable to continue in the occupation followed previous to the war will find that it is within the power of the board to select an occupation for him, and one which will likely prove remunerative. It is argued that the board is limited in its scope, and that by reason thereof the real purpose of the bill will not be reached. I can not agree with those who adopt such views, for its seems to me that the very language of the second section clears up all of the difficulties to which reference has been made. I favor all legislation of the kind provided for in this bill, and since it does not prohibit the teaching or training of boys who desire to enter any of the professions—theology, law, or medicine—we can safely intrust all such matters to the board provided for in the bill. So far as I am able to judge, there is no serious opposition to the passage of the bill, as it is in line with other measures calculated to benefit those who have offered their lives in defense of our country, all of which has been favorably considered. There appears to be a wide difference of opinion among some of the members of the committee to whom the bill was referred as to the real meaning and purpose of certain parts of the measure, but I anticipate the adoption of amendments which will clarify the situation and make all of its provisions satisfactory and workable. We owe something of this nature to the soldiers of the present war, and I have no doubt that, under the terms of the present bill, those who are placed under the care of the Federal Board for Vocational Education will receive such training as will fit them to enter some gainful occupation.

Mr. RAYBURN. Mr. Chairman, I have read this bill two or three times with a good deal of care, and I want to say for the committee that reported it that I believe it is the best first draft of a bill that I ever saw, in so far as the mechanical part of it is concerned and the provisions of the bill and what it is supposed to do. When we passed the war-risk insurance act in 1917 we provided in one section for training along this line. I trust that this House will not, as it has been on former occasions, be swept off its feet because of sentiment. We, of course, think kindly of and all love dearly all of the men who go forth to fight our battles for us, and we can not do too much for them; but we must stop somewhere. Some men might say that in giving men insurance you ought to give them a $5,000 paid-up life insurance policy, others would say $10,000, others $15,000, and some would say that there should be no limit, and that no premium should be charged, because the man had made the supreme sacrifice of offering his life for his country, and that therefore his country can not do too much for him. I believe the provisions of that bill are the fairest and most liberal ever passed. There are some things, however, that his country can not do for him. I think that it would be the greatest mistake this House could possibly make to adopt the pending amendment. My idea about this bill is that if you adopt the amendment pending and strike out the words that are sought to be stricken out of the bill you would go in the very teeth of the genius of this legislation and the idea it is intended to carry out. You might just as well say that you have taken these young men away from their chosen vocations, that you have taken them out of school and kept them in the Army of the United States for three or four years, and that, therefore, when they come back, whether they have been wounded or not, whether they have been shocked, you ought to give each and every one of them a finished education, no matter what his former position was. When we have offered the benefits of this bill to him he will be satisfied and grateful to this Government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAYBURN. That is the way I look upon this. My opinion of this legislation and the legislation in other countries upon this subject has been that it is to rehabilitate—to prepare a man mechanically, as near as we can, to what he was before—and not go into all kinds of professions, not try to teach a man to be a doctor or a lawyer or a preacher, something that will take three or four or more years out of his life, and probably will not be according to the idea we are trying to put into this legislation. It is rehabilitation and reeducation, not to start out and teach professions of one kind and the other—to make him independent and self-sustaining, if possible. I think if Members of this House will read and study this bill carefully they will find that they can not do better than to follow the recommendations of this committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, I move that the committee do now rise.

Mr. LONERGAN. Mr. Chairman, if the gentleman will withhold that motion for a moment, I desire to ask unanimous consent that I may have inserted in the RECORD an amendment which I propose to offer later on to the pending bill.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to print in the RECORD an amendment which he proposes to offer later on. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, is it an amendment to the pending section?

Mr. LONERGAN. No; it is not, but I would like to have it inserted in the RECORD.

Mr. MONDELL. I shall have to object.

Mr. LONERGAN. I wish the gentleman would not.

The CHAIRMAN. The gentleman from Wyoming objects.

Mr. BANKHEAD. Mr. Chairman, I renew my motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HELM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4557 and had come to no resolution thereon.

ADJOURNMENT.

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p. m.) the House adjourned until Monday, June 10, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior, transmitting original papers relating to the pension of Henry Pickle, now of Easthampton, Hampshire County, Mass. (H. Doc. No. 1153), was taken from the Speaker's table, referred to the Committee on Invalid Pensions, and letter only 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. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 12402) to exclude and expel from the United States aliens who are members of the anarchistic and similar classes, reported the same without amendment, accompanied by a report (No. 645), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (S. 3475) to prescribe the requisite form of proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 646), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8802) granting a pension to Sylvia Ferington, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. ZIHLMAN: A bill (H. R. 12427) to amend section 4414, Revised Statutes of the United States, to classify and to provide salaries for clerks in the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARAWAY: A bill (H. R. 12428) for the relief of the claimants of certain unsurveyed lands in Mississippi County, Ark.; to the Committee on the Public Lands.

By Mr. HUDDLESTON: A bill (H. R. 12429) to authorize the health officer of the District of Columbia to permit the disinterment of the bodies of Eliza Hill Bowles, and Bernice Worthen Bowles, and Bessie Vivian Bowles; to the Committee on the District of Columbia.

By Mr. McLEMORE: Concurrent resolution (H. Con. Res. 46) for the appointment of Arthur MacDonald as statistician of Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. AYRES: A bill (H. R. 12430) granting an increase of pension to Thomas Anderson; to the Committee on Pensions.

By Mr. DENTON: A bill (H. R. 12431) granting a pension to Matilda J. Woolsey; to the Committee on Invalid Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 12432) for the refund of duties paid on materials destroyed by fire; to the Committee on Claims.

By Mr. FIELDS: A bill (H. R. 12433) granting an increase of pension to James F. Scott; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 12434) granting a pension to Amelia Erdman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12435) granting an increase of pension to Joseph Freeman; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 12436) for the relief of Samuel Friedman; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 12437) granting a pension to Mrs. Sarah Cox; 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. CARTER of Oklahoma: Memorial of the Oklahoma City Chamber of Commerce indorsing a resolution of the Chamber of Commerce of the United States of America relative to the coordination of all the means of transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Pennsylvania: Petition praying for the repeal of the "zone postal law," signed by the following members of the Altrurian Circle: Mrs. McCord B. Moorhead, Mrs. L. H. Parker, Mrs. W. E. Marshall, M. Alice Griffin, Mrs. J. Y. Moorhead, Mrs. H. J. Wheeler, Mrs. Blanch A. Ricart, Mrs. J. B. Harrison, Mrs. F. W. Haskell, Mrs. C. E. Leet, Mrs. W. T. S. Lindsay, Mrs. Elmer Eades, and Mrs. J. M. Moorhead; to the Committee on Ways and Means.

Also, petition from citizens of the city of Corry, Pa., in mass meeting, and signed by Mrs. F. C. Fields, Mrs. Tozer, and Mrs. W. L. Durham, praying for the adoption of a resolution to amend the Federal Constitution to prevent polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the Wisconsin State Council of Defense, protesting against that portion of the war-revenue act which increases the postal rates on periodicals and urging its repeal; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the State of New York, protesting against Senate bill 4426, guaranteeing bank deposits; to the Committee on Banking and Currency.

Also, memorial of the Vernon County (Wis.) Council of Defense, relative to granting the free use of the mails to councils of defense; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of Bratton C. Hardin, editor and owner of the Express, of Rochester, Tex., favoring the enforcement of the zone-postage rates of the war-revenue act; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Resolution adopted at a public meeting held in the city of Jamestown, N. Y., favoring the adoption of an amendment to the Constitution which will prohibit the practice of polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Chautauqua County and a resolution of the Woman's Christian Temperance Union of Niobe, N. Y., favoring the enactment of war-prohibition legislation; to the Committee on the Judiciary.

By Mr. RAKER: Resolution adopted by the California Congress of Mothers, indorsing House bill 5407; to the Committee on Military Affairs.

Also, petition of Miss Emma Masten and others, of Fairplay, Cal., protesting against the zone system and asking for its repeal; to the Committee on Ways and Means.

By Mr. TEMPLE: Resolution adopted at a public meeting held in Claysville, Pa., June 2, 1918, favoring the adoption of an antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WALDOW: Petition of James B. Stafford, deputy United States food administrator for Erie County, N. Y., favoring the coinage of a half-cent piece; to the Committee on Coinage, Weights, and Measures.

SENATE.

MONDAY, *June 10, 1918.*

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

Almighty God, we remember at the beginning of this session of the Senate that the things which are worth while are spiritual; that the fate of government, the measure of the power of an army, the probabilities of success arise out of spiritual things. We pray Thee to breathe upon us this day and put us in harmony with the great vital forces that Thou art using in the world to establish peace and righteousness among men. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SHEPPARD and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. GALLINGER. 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	Johnson, S. Dak.	Page	Smoot
Baird	Jones, Wash.	Phelan	Sterling
Beckham	Kendrick	Pomerene	Sutherland
Borah	Kenyon	Ransdell	Swanson
Brandagee	King	Reed	Thomas
Chamberlain	Knox	Robinson	Thompson
Culberson	McCumber	Saulsbury	Tillman
Cummins	McKellar	Shafroth	Trammell
Curtis	McLean	Sheppard	Underwood
Dillingham	McNary	Sherman	Vardaman
France	Myers	Simmons	Warren
Frelinghuysen	Nelson	Smith, Ariz.	Watson
Gallinger	New	Smith, Ga.	Weeks
Gronna	Norris	Smith, Md.	
Guion	Nugent	Smith, Mich.	
Hale	Overman	Smith, S. C.	

Mr. SUTHERLAND. My colleague [Mr. GOFF] is absent on account of illness.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. ROBINSON. I desire to announce that the Senator from Mississippi [Mr. WILLIAMS] is detained by illness in his family. I wish also to announce that my colleague [Mr. KIRBY] is detained on official business.

Mr. TRAMMELL. My colleague, the senior Senator from Florida [Mr. FLETCHER] is detained by illness.

Mr. McKELLAR. My colleague, the senior Senator from Tennessee [Mr. SHIELDS], is absent on official business. I ask that this announcement may stand for the day.

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

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a telegram in the nature of a memorial from the Women's Clubs of Laredo, Tex., and a telegram in the nature of a memorial from sundry citizens of