

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS SECOND SESSION.

SENATE.

SATURDAY, June 29, 1918.

(Legislative day of Thursday, June 27, 1918.)

The Senate met at 11 o'clock a. m.

Mr. CHAMBERLAIN. 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:

Calder	Hollis	Nugent	Sterling
Chamberlain	Johnson, Cal.	Overman	Thomas
Colt	Johnson, S. Dak.	Penrose	Thompson
Cummins	Jones, Wash.	Pittman	Trammell
Curtis	Kellogg	Poin Dexter	Underwood
Dillingham	Kenyon	Pomerene	Vardaman
Fernald	King	Shafrath	Wadsworth
France	Lodge	Sheppard	Walsh
Frelinghuysen	McCumber	Sherman	Warren
Gallinger	McKellar	Shields	Watson
Gore	McNary	Simmons	Willey
Gronna	Martin	Smith, Ariz.	Williams
Hardwick	Myers	Smith, Md.	
Henderson	New	Smith, S. C.	
Hitchcock	Norris	Smoot	

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from Ohio [Mr. HARDING]. I will let this announcement stand for the day.

Mr. JONES of Washington. I wish to state that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family. I will allow this announcement to stand for the day.

Mr. JOHNSON of South Dakota. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] is detained by illness.

Mr. MCKELLAR. The senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. KING. I wish to announce that the Senator from Arkansas [Mr. KIRBY], the Senator from Illinois [Mr. LEWIS], the Senator from California [Mr. PHELAN], the Senator from Arizona [Mr. ASHURST], and the Senator from Kentucky [Mr. BECKHAM] are detained on official business.

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

SUNDRY CIVIL APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN. The chairman of the Committee on Military Affairs kindly yields to me for a moment to present a conference report on House bill 12441, the sundry civil appropriation bill, which I present and ask may be adopted.

The report was read and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12441) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, 8, 10, 11, 12, 13, 18, 20, 28, 29, 34, 35, 39, 40, 41, 45, 50, 53, 54, 59, 60, 69, 70, 71, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 7, 9, 17, 19, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 36, 43, 44, 46, 47, 48, 49, 51, 52, 55, 56, 57, 58, 61, 66, 67, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the sum "\$300,000," in line 9, on page 96 of the bill, amended to read as follows: "Provided, That any license issued under the act of October 6, 1917, may be canceled by the Director of the Bureau of Mines if the person to whom such license was issued shall, after notice and an opportunity to be heard, be found to have violated any of the provisions of the act: *Provided further*, That platinum, iridium and palladium and compounds thereof are hereby made subject to the terms, conditions, and limitations of said act of October 6, 1917, and the Director of the Bureau of Mines is hereby authorized, under rules and regulations approved by the Secretary of the Interior, to limit the sale, possession, and the use of said material"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Restore the language stricken out by said amendment, amended to read as follows: "Four-fifths of the two preceding sums shall be paid out of the Treasury of the United States and the other one-fifth out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,995,285"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For an investigation to be made by the Director of the Reclamation Service of the reclamation by drainage of lands outside existing reclamation projects and of the reclamation and preparation for cultivation of cut-over timberlands in any of the States of the United States, including personal services in the District of Columbia and elsewhere, purchase, maintenance, repair, hire, and operation of motor-propelled or horse-drawn passenger vehicles, and for all other expenses, there is appropriated, out of any money in the Treasury not otherwise appropriated, \$100,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum "\$5,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Protection of the Capitol during the period of the war: For an additional uniformed police force during the period of the war for the protection of the Capitol Building and Grounds, the Senate and House Office Buildings, and the Capitol power plant, and for emergencies, and each and every item incident thereto, \$30,000, one-half to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives: *Provided*, That the appointment to the positions herein provided shall be made by the Sergeants at Arms of the two Houses and the Superintendent of the Capitol Building and Grounds, and shall be made solely on account of efficiency and special qualifications."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said

amendment strike out the words "until expended" and insert in lieu thereof the following: "during the fiscal year 1919"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "purchase, exchange, care, and maintenance of a motor-propelled vehicle"; and the Senate agree to the same.

THOMAS S. MARTIN,
LEE S. OVERMAN,
OSCAR W. UNDERWOOD,
FRANCIS E. WARREN,
JACOB H. GALLINGER,

Managers on the part of the Senate.

SWAGAR SHERLEY,
JAMES F. BYRNES,
F. W. MONDELL,

Managers on the part of the House.

DATA RELATIVE TO PROFITEERING AND THE REVENUE (S. DOC. NO. 248).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Trade Commission, transmitting, pursuant to a resolution of the Senate of the 10th instant, the report of the Federal Trade Commission relative to profiteering, which will be printed, and also printed in the RECORD.

The communication is as follows:

FEDERAL TRADE COMMISSION,
Washington, June 29, 1918.

The PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: By direction of the commission I am transmitting herewith, pursuant to Senate resolution No. 255, dated June 10, 1918, Sixty-fifth Congress, second session (Senator BORAH), report of the Federal Trade Commission relative to profiteering.

Very respectfully, yours,

WILLIAM B. COLVER, *Chairman.*

REPORT OF FEDERAL TRADE COMMISSION REGARDING PROFITEERING.

FEDERAL TRADE COMMISSION,
Washington, June 29, 1918.

To the PRESIDENT OF THE UNITED STATES SENATE:

SIR: The Federal Trade Commission submits the following report in response to the direction under Senate resolution 255 that it furnish the Senate with any and all facts, figures, data, or information now in possession of the Federal Trade Commission relative to profiteering which would in any way enable Congress to deal with the matter either through the present proposed resolution or through enactment of more effective criminal statutes.

Information upon the present range of profits in various industries in the Federal Trade Commission arises from three activities:

First. Cost finding by the commission for the War Industries Board, the Food Administration, the Fuel Administration, and other executive departments which have called upon the commission for this work.

Second. Industrial surveys undertaken by the commission at the direction of the President or upon its own initiative.

Third. Enforcement of the law against unfair methods of competition. Under the first activity the commission has had recent view of many industries handling basic materials, including steel, copper, zinc, nickel, sulphur, lumber, coal, and petroleum and its products.

Under the second activity the commission has recently dealt with meats, leather, flour, and canned goods.

Under the third activity the commission has daily contact with the tendencies of trade as they are revealed through the numerous complaints filed with it for the application of remedies which are statutorily invested in the commission.

The outstanding revelation which accompanies the work of cost finding is the heavy profit made by the low-cost concern under a governmental fixed price for the whole country.

The outstanding fact in the industrial surveys which the commission has recently made is the heavy profit made by the meat packers and by those allied with them, and by the flour millers.

The outstanding feature on the score of profit revealed in the regular work of the commission under the statute creating it and the Clayton Act is the trade tendency to increase and to maintain prices against the forces of competition.

The various items of industry herein are treated separately below.

The commission has reason to know that profiteering exists. Much of it is due to advantages taken of the necessities of the times, as evidenced in the war pressure for heavy production. Some of it is attributable to inordinate greed and bare-faced fraud.

In summarizing the information at hand, certain features appear which it is well to note.

In the case of basic metals, as in steel, when the Government announced a fixed price, it was made so high that it would insure and stimulate production. This has resulted in giving a wide range of profits. Under the device of cost plus a margin of profit, these profits are necessarily great in the case of the low-cost mills. Thus, while the market was prevented from running away, as it would have done, undoubtedly, if it had not been regulated by a fixed price, the stronger factors in the industry are further strengthened in their position and enriched by profits which are without precedent.

Again, in the case of flour milling, it is apparent that while a Government-fixed price for wheat and an allowance of maximum margin of profit over cost on flour have had the virtue of stabilization, nevertheless the profits resulting are heavy. Before the Government interfered, flour sold in 1917 with an average profit as high as 52 cents a barrel. After the fixation of the price of wheat and the determination of a maximum profit of 25 cents per barrel of flour, the very high average profit per barrel dropped toward the maximum. Where this decline in price did not bring the price down to the maximum—that is, where

the millers continued to exceed the Government maximum, as they did in many instances—many of the millers were actuated by the hope that they would be allowed to include income and excess-profits taxes in their costs and pass these taxes on to the consumer. However, if there had been a fairly general compliance with the maximum of 25 cents, the profits of the least efficient mills would have been considerable and those of the most efficient mills proportionally heavier. To the extent that the maximum price was exceeded, the profits were larger and, in general, were in fact very great.

The situation in coal gives still another angle of view to the same problem. Maximum prices were fixed by territorial divisions. Many of the coal producers have not taken the maximum; but, due to the fact that in a given field there is a very wide range in the cost of the coal produced in that field, it follows that certain low-cost producers have made very large margins under the system of governmental fixed prices for the field. Many high-cost producers have made small margins. The bulk of the production, of course, enjoys the large margin. Information on the return on the investment now being collated will reveal the exact amount of profit. Percentages of profit worked upon investment will obviously be very large in the case of low-cost companies.

The experience with steel, flour, and coal shows that a high stimulating fixed price, while stabilizing an ascending market, produces an economic situation which is fraught with hardship to the consuming public and with ultimate peril to the high-cost companies through increasing the power of their low-cost competitors.

In this connection a survey of the petroleum field shows that the market, when under the control of dominating factors, such as Standard Oil, can be one of huge profits without the device of the high fixed price. No price for the public has been fixed upon petroleum and its products by the Government. Unlike the situation in steel, flour, and coal, there has been as yet no Government interference with the law of supply and demand, except in the instances of Government purchases. Under that law large profits may eventuate through the bidding up of prices by anxious buyers. And, moreover, even in the absence of this element, prices may be forced up by spreading false and misleading information concerning the condition of supply and demand. Reports, for instance, have been circulated that the supply of gasoline was endangered for the purpose of maintaining the high price of that product and the heavy profits from it. At different stages of the oil industry different products of petroleum have yielded the heavy profits. Kerosene was once the chief profit producer. Gasoline followed and superseded it as the chief producer of profits. Enormous profits are now being made in fuel oil, with the advantage to the refiner that the high price of that product meets no popular challenge. Gasoline is maintained at its present high price and produces heavy profits for the low-cost refiners.

Similarly the power of dominant factors in a given industry in maintaining high prices and harvesting unprecedented profits is shown in a survey of the meat-packing situation. Five meat packers—Armour, Swift, Morris, Wilson, and Cudahy and their subsidiary and affiliated companies—have monopolistic control of the meat industry and are reaching for like domination in other products. Their manipulations of the market embrace every device that is useful to them, without regard to law. Their reward, expressed in terms of profit, reveals that four of these concerns have pocketed in 1915, 1916, 1917, \$140,000,000. Comparisons between their present profits and those of the prewar period are given below. However delicate a definition is framed for "profiteering," these packers have preyed upon the people unconscionably. They are soon to come under further governmental regulation, approved by Executive order.

In cases where the Government fixes a definite margin of profit above costs, as in the case of flour, there is a considerable incentive to a fictitious enhancement of costs through account juggling. This has added to the volume of unusual profits. Increase of cost showing on the producers' books can be accomplished in various ways. The item of depreciation can be padded. Officers' salaries can be increased. Interest on investment can be included in cost. New construction can be recorded as repairs. Fictitious valuations on raw material can be added and inventories can be manipulated.

The Federal Trade Commission has been vigilant and untiring in its exclusion of these practices. An instance of this practice was afforded by the Ismert-Hincke Milling Co., of Kansas City, Mo. This company padded its costs by heavily increasing all its officers' salaries and by manipulating the inventory value of flour bags on hand. As evidence of the length to which padding can be carried it may be added that this company even included in its costs the gift of an automobile, which it charged to advertising expense. This case was heard by the commission for the Food Administration. The commission recommended revocation of license, and the recommendation was followed.

Payment of extraordinary salaries and in some instances bonuses to executives of corporations have been found by the commission during its investigations. An illuminating example of high remuneration charged to the expense account is that given by the American Metal Co. (Ltd.), of New York, the chief dealings of which are in zinc. Appended are the salaries and tantems (French: an interest, commission, or proportional amount) of some of the chief officials:

B. Hochschild, chairman of board of directors.....	\$179,663.36
C. M. Loeb, president.....	364,326.73
Otto Sussman, vice president.....	221,596.04
J. Loeb, vice president.....	147,930.69
Sol Roos, manager St. Louis office.....	148,530.69
M. Schott, manager Denver office.....	136,553.12

The complete list of salaries and bonuses to officers and employees of this company is given later in this report.

In addition to the information above given, the Federal Trade Commission occupies an advantageous position where it is possible to view certain tendencies in trade which bear upon the problem of profiteering. Under the law the commission has power to prevent unfair methods of competition, and it is daily in receipt of complaints, which it investigates, and, if it has reason to believe that an unfair method has been used, arraigns the party complained against for a hearing of the issue. It has developed that, outside legitimate increases in price due to higher costs and other economic elements, certain members of trade have preyed with shameless avarice upon the consumers. Two classes of cases handled by the commission will be cited.

Concerns bottling or canning vegetables which made contracts for future deliveries during the year 1917, in some instances, meeting a condition of inadequate crops and seduced by rising prices, withheld portions of their contract deliveries and sold spot on the market at the higher price. There were varying degrees in this practice. Some of the instances were flagrant and in those cases the commission recommended

the revocation of license of the offender to the Food Administration, and these recommendations were acted upon. A great number of complaints of failure to deliver futures were made wherein action was not taken, as the evidence showed that the canner was unable to secure supplies by reason of crop failures. The Food Administration has endeavored to meet this situation the present year by a delivery limitation on the amount named in the contracts for future delivery.

Another trade practice has developed in which the consignee refuses goods after shipment, because the market has fallen, and vice versa the consignor refuses to ship on a rising market. These instances, which in the knowledge of the commission have not been numerous, have been handled by the commission in connection with the Food Administration and its power of revocation of license.

Still another trade practice which has increased the price of supplies to the consumer has been that of commercial bribery, upon which subject this body recently addressed the Congress, suggesting remedial legislation.

Again, the trade tendency of manufacturers maintaining the resale price of wares has contributed to holding high the general price level and in instances has increased profits without question. The action of the courts and the Federal Trade Commission in prohibition of this policy is becoming generally known to the trades and will, in our opinion, work a correction by opening up some of the closed channels of competition.

In submitting the subjoined memoranda on the industries under consideration, the commission expresses the opinion that general trade, as the commission has opportunity to view it, is in a high state of prosperity. With some exceptions that condition has continued for several years past. Many of the industries are making unusual profits, some are showing outrageous ones. In an hour of national service and self-sacrifice, profiteering may be defined not only as the taking of an exorbitant profit but should include a refusal to share in bearing the burdens of war in the form of a reduction in profits when the profits have been large in prewar times.

STEEL.

In 1917 the steel companies made abnormal profits in the period prior to the Government price-fixing policy, and a number have continued to make unusually heavy profits since that policy was inaugurated. In finding costs in this industry for the War Industries Board the commission divided the steel makers into four groups: (1) The fully integrated mills; (2) the mills which start with the manufacture of pig iron; (3) the mills that start with steel furnaces; and (4) the mills that make rolled products from purchased semifinished steel. The United States Steel Corporation is included in class 1. Its profits expressed in terms of the total amount invested in the business show net earnings as follows:

	Per cent.
1912	4.7
1913	5.7
1914	2.8
1915	5.2
1916	15.6
1917	24.9

The figures as to the net income of the Steel Corporation, as shown by the company for the years 1912, 1913, 1914, 1915, 1916, and 1917, before deducting Federal income and excess-profits tax in 1917, follow:

1912	\$77,075,217
1913	105,320,691
1914	46,520,407
1915	97,967,962
1916	294,026,564
1917	478,204,343

The Federal income and excess-profits taxes of the Steel Corporation for 1917 were \$233,465,435, which leaves from net income \$244,738,908, of which about one-tenth was applicable to interest on bonds of the corporation and the rest available for dividends and surplus.

From information in possession of the commission, mills in class 2 appear to have made heavy profits in 1917. Recently mills in class 3 made objection that the Government prices were too low for them. A special examination of their profits by the Federal Trade Commission showed that in almost every case these objecting mills were enjoying unusual returns. The following table of percentage of return on investment in 10 mills in class 3 will show the profits in 1917:

	Per cent.
Alan Wood, Iron & Steel Co.	52.63
Allegheny Steel Co.	78.92
American Tube & Stamping Co.	40.03
Central Iron & Steel Co.	71.35
Eastern Steel Co.	30.24
Forged Steel Wheel Co.	105.40
Follansbee Bros. Co.	112.48
Nagle Steel Co.	319.67
West Penn Steel Co.	159.01
West Leeburg Steel Co.	109.05

Mills in class 4, which buy the semifinished steel and convert it into the more highly developed steel products, have enjoyed substantial profits.

COPPER.

Very large earnings have been made in the copper industry on the whole, although it should be noted that they have been due in part to an unusually heavy demand for this metal which is used almost exclusively for war purposes, directly and indirectly. The commission's figures show that 21 companies, including a large proportion of high-cost companies, made profits in 1917 which ranged from 1 per cent to 107 per cent on their investments. The average profit was 24.4 per cent. Probably over 70 per cent of the production is marketed at profits over 20 per cent on investment. These same companies show an average profit of only 11.7 per cent in 1913, which may be considered to be a normal year. Thus the average profit in the industry has more than doubled. The range of profits in 1913 was from 1 to 56 per cent.

The profits used in these computations do not include Federal income or excess-profits taxes, and therefore represent sums actually retained by the companies for addition to surplus or dividends.

There does not appear, on the whole, to have been any concerted action in this industry in putting prices up in the first instance. The war scramble among the allies shot the prices of copper and other metals to almost unheard of levels. But there are certain strong interests among the producers and marketers which predominate in certain stages of production, and these appear to have taken steps to

maintain prices at unnecessarily high levels. In the first place, the smelters, and notably the American Smelting & Refining Co., have continued to hold in force certain deductions for risk of carrying copper bought from mines, which risks have ceased to exist. These deductions were put in force during the early period of the war, before price was fixed by agreement with the War Industries Board. Their present maintenance amounts to profiteering at the expense of the miners, especially the small producers. On the other hand, some of the larger and richer mines have contracts entered into before the war running for periods as long as 20 years, which are extremely advantageous to them and which are now causing some refineries to operate at a loss.

ZINC.

Most of the evidence in the commission's possession indicates no unusual profits in the zinc industry, with the exception of the operations of the New Jersey Zinc Co.

Based on percentage on the capital-stock issue of \$35,000,000, the following net earnings and dividends are shown for the New Jersey Zinc Co., according to published statistics: Profits, 1916, 72.5 per cent; dividends, 76 per cent; 1917, profits, 56 per cent; dividends, 46 per cent. The Federal Trade Commission's figures as to these same net earnings and dividends are available only for 1916, and indicate profits of 95.9 per cent, with dividends of 76 per cent.

These large earnings do not indicate excessive profits on metallic zinc. The company's profits on common spelter are very low, and on grade A spelter, while high, are due to the fact that it possesses a natural monopoly of a certain high-grade ore, the product of which can not sell for less than the zinc produced by competitors. In fact, the whole explanation of the New Jersey Zinc Co.'s large profits lies in its possession of an ore body of unusual richness and purity.

NICKEL.

The dominating factor in the nickel industry is the International Nickel Co., which produces practically the entire output of that metal in this country. The profits of the International Nickel Co. in 1916 were \$13,557,000 and the dividends were \$10,575,000, which sums amounted to 40 per cent and 31 per cent, respectively, based upon the investment, as computed by the commission. Taking the total capitalization and surplus of the company as a basis, the net earnings would be 20 per cent and the dividends 15.6 per cent. In 1917 the profits, on the commission's basis, were 30 per cent and the dividends 24 per cent, and on the basis claimed by the company the profits were 15 per cent and the dividends 12 per cent.

This company has a natural monopoly based on the ownership of the Canadian mines from which the nickel ore is derived. It has, however, maintained prices on a prewar basis. Consequently, while prices are high and the profits very large, the increase in profits has been due to the increased war output rather than to advances in price. Therefore it does not seem that any profiteering can be charged, unless in a negative sense, i. e., the company might have been satisfied with smaller profits in war times. This is especially worthy of consideration, inasmuch as practically the entire output of the company is taken for war uses.

SULPHUR.

Two companies produce all the sulphur in this country—the Freeport Sulphur Co. and the Union Sulphur Co.

The cost of the Freeport Co. in 1917 was \$6.15 per ton; in 1918 it is estimated that increases will bring the cost up to not over \$9.50 per ton. In the first half of 1917 the Union Co.'s costs were \$5.73 per ton. The average realization of the Union Co. in the first half of 1917 was \$18.11 per ton, making a margin of \$12.38 per ton. The manufacturers of sulphuric acid are paying in the neighborhood of \$25 per ton, and some as high as \$35 per ton, making margins of over \$15 per ton for sulphur companies. The Freeport Co.'s balance sheets show an operating profit for the 11 months ending October 31, 1917 of \$4,301,310, or 236 per cent on investment. On November 30, 1916, the company's balance sheet shows dividends declared of \$925,000; on July 31, 1917, \$1,850,000; and October 31, 1917, \$2,600,000. Its surplus increased from \$1,254,000 in November, 1916, to \$2,543,000 in October, 1917.

These companies may be said to have a natural monopoly of sulphur. Since they have placed their operations upon an established basis they have always made large earnings. They have taken advantage of the existing situation to raise their prices.

LUMBER.

Information in the commission's possession does not indicate any excessive profits in the lumber industry on the west coast, although it is understood that producers of aeroplane spruce in that region have in the past taken advantage of allied Governments. Information in the commission's possession does indicate unusually and unnecessarily large profits on the part of the southern pine producers. Forty-eight southern pine companies, producing 2,615,000,000 feet of lumber in 1917, made an average profit on the net investment of 17 per cent. This is unusually large for the industry, as is indicated by the fact that the average profit in 1916 was only 5.2 per cent. In 1917, 47 per cent of the footage of the companies covered was produced at a profit of over 20 per cent. The range of profits was from a small loss to over 121 per cent on the net investment.

The margin of profit per thousand board-feet in 1917 was nearly double that in previous years, the figure being \$4.83 as compared with \$2.11 in 1916. A fair margin per thousand feet in the past has been recognized as being \$3.

These figures for 1917 are the more notable, for the reason that the profits shown do not include any payments of Federal income and excess-profits taxes, but are the sums actually available for additions to surplus or dividends. Information secured from the companies concerning their dividends and income taxes supports the preceding statements.

COAL.

Generally speaking the bituminous coal operators in 1917 had very much larger margins than in previous years. While in 1916 the margins (what operators actually received for coal sold over f. o. b. mine cost) may be regarded in some cases as lower than normal, yet the margins of 1917 were often two or three times the normal return. In the figures for 1916 and 1917 mentioned below return on investment must be covered in margins shown. The increase of margins is illustrated by an examination of the returns for 1916 and 1917 of 23 typical bituminous coal companies in the central Pennsylvania field. The average margin of these companies in 1916 was 20 cents per ton, and in 1917 was 90 cents. The highest margin for any company of the 23 in 1917 was \$1.85. The corresponding margin for this company in 1916 was 41 cents. Similarly the lowest margin for any of these

companies in 1917 was 27 cents, the corresponding margin for the same company in 1916 being 13 cents.

Maximum coal prices f. o. b. mines were authoritatively fixed August 21-23, 1917, by Executive order, and subsequently modified by the Fuel Administration. Contracts made before that time were not invalidated. In some fields as high as 90 per cent of possible production was sold under contract prices. While some contracts were below legal maximum price, probably much the greater part of the coal sold under contract went at prices substantially in excess of legal maximum prices fixed for current sales.

April realizations contain relatively little coal sold on contracts made prior to August 21, since most such contracts expired April 1, 1918. Sample reports for April operations, covering 12,619,274 tons actually mined in West Virginia, Pennsylvania, Ohio, Indiana, Illinois, and Kentucky, show an average margin between claimed f. o. b. mine cost and actual realization from sales of about 54 cents, as against a prewar margin of an average of 10 to 15 cents.

In anthracite the average receipts per ton, including all sizes, during the year 1914 (13 companies producing 79 per cent of the total tonnage in 1916) were \$2.86 per ton. The average receipts per ton of anthracite, including all sizes, allowing for later obligatory summer discounts on prepared sizes, during the period January-March, 1918 (six companies producing 50 per cent of the tonnage in 1916), were \$4.26 per ton. The average labor cost increase per ton since 1914 was \$0.76; and if this is deducted from the 1918 average receipts per ton, an increase of \$0.64 per ton, or 22 per cent, in average receipts is indicated, without allowance for increased cost of supplies and general expense.

In connection with the distribution of coal it may be pointed out that prior to the official regulation of jobbers' and of retailers' margins in August, 1917, there was evidence that many of the margins were unduly high when compared to the prewar margins. Details can be found in the report of the Federal Trade Commission on anthracite and bituminous coal, June 20, 1917. Since the regulations were established most of the jobbers' transactions have been carried on within the fixed margin, and whenever violations have been detected the jobbers have been forced to refund the overcharges. It should be understood that jobbers' and retailers' margins do not represent net profits alone, but also include all expenses incurred by them from the time coal is purchased until it is sold.

PETROLEUM AND ITS PRODUCTS.

The data secured by the Federal Trade Commission for 106 refining companies for the first quarter of 1918, supplemented in certain cases by returns for the second six months of 1917, indicate that the average profit in the oil industry is about 21 per cent on the investment. This is a considerable increase over the rate of profits indicated for prewar years, as the commission's gasoline report indicates an average profit for the years 1913, 1914, and 1915 of 15 per cent on the investment. In 1917 over 50 per cent of the estimated production was produced by companies having a profit of over 20 per cent on the investment. Rates of profit ranged from losses up to 122 per cent.

The profits of the eastern refiners have been relatively larger than those on the Pacific coast. The situation in the East is due to the fact that while gasoline prices have been but slightly advanced, the prices of other products have been increased greatly, especially the price of fuel oil. The public knows little about prices except the price of gasoline and to a less extent kerosene. Formerly refineries operated for the sake of the gasoline almost exclusively, and fuel oil was commonly sold at a loss, but now fuel oil is a very profitable product.

The following table will show the per cent of net earnings on investment for a series of years. The earnings for 1918 are estimated on the basis of the second six months of 1917 or the first quarter of 1918.

	1913 ¹	1914 ¹	1915 ¹	First quarter, 1918.	1918 ² (estimated).
Atlantic Refining Co.....	16.4	-3.7	21.7	215.0	30.0+
Standard of Indiana.....	36.5	14.5	36.0	21.7	43.3+
Standard of New Jersey.....	9.7	7.8	20.6	9.1	18.2+
Standard of New York.....	21.2	8.1	16.0	6.6	13.3
Standard of Ohio.....	23.4	13.8	23.9	14.3	28.6+
Standard of Kansas.....	91.6	1.0	17.9	25.6	51.3+
Magnolia Petroleum Co.....	19.2	16.5	14.2	4.4	17.6
Standard of California.....	16.8	12.5	10.6	6.5	25.9+
Continental Refining Co.....	1.6	-7.8	3.3	1.2	4.7+
Empire Oil Works.....	4.4	-3.1	5.6	7.3	29.2+
Penn American Refining Co.....	35.3	13.3	12.3	15.8	63.1+
Cosden & Co.....		30.6	-50.7	5.9	23.5
Muskogee Refining Co.....	8.7	6.9	18.8	6.2	24.8+
National Refining Co.....	24.9	8.0	20.4	2.3	9.2
The Texas Co.....	17.1	13.3	12.7	13.3	26.7

¹ See pp. 108-109 of Report on the Price of Gasoline in 1915.

² Estimates based on figures for last six months of 1917 or first quarter of 1918.

³ Six months period, July-December, 1917.

⁴ Last six months of 1917.

MEAT PACKING.

An exposition of the excess profits of four of the big meat packers—Armour, Swift, Morris, Cudahy, omitting Wilson as not comparable—is given in the fact that their aggregate average prewar profit—1912, 1913, 1914—was \$19,000,000; that in 1915 they earned \$17,000,000 excess profits over the prewar period; in 1916, \$36,000,000 more profit than in the prewar period; and in 1917, \$68,000,000 more profit than in the prewar period. In the three war years from 1915 to 1917 their total profits have reached the astounding figure of \$140,000,000, of which \$121,000,000 represents excess over their prewar profits.

These great increases in profits are not due solely to increased volume of business. The sales of these companies in this period increased 150 per cent, much of this increase being due to higher prices rather than to increased volume by weight, but the return of profit increased 400 per cent, or two and one-half times as much as the sales.

The profit taken by Morris & Co. for the fiscal year ended November 1, 1917, is equal to a rate of 18.6 per cent on the net worth of the company, capital and surplus, and 263.7 per cent on the \$3,000,000 of capital stock outstanding. In the case of the other four companies the earned rate on common capital stock is much lower—from 27 per cent to 47 per cent—but the reason for this is that these companies

have from time to time declared stock dividends and in other ways capitalized their growing surpluses. Thus Armour in 1916 raised its capital stock from \$20,000,000 to \$100,000,000 without receiving a dollar more of cash. If Swift, Wilson, Cudahy, and Armour had followed the practice of Morris in not capitalizing their surpluses—accumulated from excessive profits—they, too, would now show an enormous rate of profit on their original capital.

Rates of profit earned by these five companies in war years compared with the prewar average, based on net worth—capital and surplus—and on common stock, are as follows:

Actual profit on net worth.	Armour.	Swift.	Morris.	Wilson.	Cudahy.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Prewar average, 1912-1914.....	6.2	8.3	6.8	(1)	7.3
War average, 1915-1917.....	14.6	21.0	13.5	(1)	14.1
Year 1917.....	216.8	26.7	18.6	23.8	18.7
Rate on common stock, 1917....	27.1	47.2	263.7	42.5	47.0

¹ Figures not available.

² Foreign business not included would undoubtedly raise percentages.

The independent packers, as measured by results compiled for 65 of the largest of them, earned during 1914, 1915, and 1916 a rate of profit as high or slightly higher than that earned by the big packers in those years. The profits of these independent companies for 1917 are not as yet available.

LEATHER AND LEATHER GOODS.

During the year 1917 a large proportion of the tanners in the United States made unusual profits. As the commission reported in January last, reports of a number of the larger companies show that net profits in 1916 were in several instances two, three, four, or even five times as large as in 1915, and the 1915 net profits in turn showed increases of from 30 per cent to more than 100 per cent over those of 1914. One striking instance is a company whose net profits were reported as follows:

1914.....	\$644,890.90
1915.....	945,051.37
1916.....	3,576,544.27

The tanners took advantage of the enormous demand for leather and took very high prices. During 1917 the prices of hides, particularly packer hides, were advanced very rapidly, notwithstanding that during the period of advance great supplies of hides were withheld from the public.

Many shoe manufacturers in 1917 made larger profits than usual. Wholesale shoe dealers secured wider margins of profit in 1917 than they had been accustomed to receive. The margins of retail shoe dealers widened greatly during 1917, especially upon fancy shoes. This was true to a less extent on staple shoes. It appears that the retailer has profited more in proportion than the wholesaler.

As an indication of earnings of the big packers in the selling branch of their leather business the following is quoted from a letter of January 17, 1917, by the Eastern Leather Co., an Armour selling subsidiary, to Mr. F. W. Croll, of Armour & Co.:

"We are inclosing our check on the National City Bank, New York City, payable to Mr. J. Ogden Armour, for \$915,787, same being a dividend of 53 per cent on the 17,279 shares of common stock standing in his name. In addition to this, and in accordance with our conversation when in Chicago, we have set aside as a surplus \$250,000, which represents 10 per cent on the common stock.

"We are also inclosing a check on the National City Bank for \$202,145.62, payable to Mr. Armour, this being the balance due on 6,020 shares of common stock held for employees."

Here is a memorandum of May 15, 1917, from J. D. Murphy to Mr. H. W. Boyd, president of the Armour Leather Co.:

MAY 15, 1917.

Mr. H. W. BOYD:

Herewith comparative statement of results in the leather business for the three months ending April 28, showing earnings of \$1,964,945.18. This does not include Woodstock, as we have not finished enough of our own leather up there to make a loss-and-gain result of any value as indicating the possibilities of the plant.

As per Mr. Armour's instructions, given through Mr. Stull, we are charging-off in reduction of the above the following reserves:

Earnings as above.....	\$1,964,945.18
Reserve for income tax, 3 months ending Apr. 29, 1917.....	\$36,915.61
Reserve for estimated excess-profit tax, 6 months ending Apr. 28, 1917.....	423,620.84
	460,536.45
Net earnings.....	1,504,408.73

J. D. MURPHY.

Here is another letter, in which Mr. H. W. Boyd writes Mr. Armour comparing the results for the Armour Leather Co. with the Central Leather Co.'s statement:

OCTOBER 31, 1917.

DEAR MR. ARMOUR: In reference to the Central Leather Co.'s statement, would say that it does not compare favorably with ours. You will notice that after deducting interest and dividends they only have \$40,000 to add to the surplus. We made \$600,000, and they are doing four times the amount of business and only made \$1,500,000, and, as stated above, after deducting interest on the bonds and paying dividends, they only had \$40,000 left to add to their surplus.

I think, considering their lumber business, which is wonderful—the manager of the Pennsylvania Lumber Co. told me that they never expected to realize the profits they were making on hemlock lumber and that they were doing an enormous business—that our statement is a great deal better than theirs.

Yours, truly,

H. W. BOYD.

The way in which Swift & Co. proceeds when a Government limitation of profits is expected is shown by the following letter, in which Louis F. Swift writes to his brother, Ed. F. Swift, stating that he has learned that the Government expects to establish profit control in the leather industry and suggesting the advisability of transferring their properties in certain companies. Edward F. replies:

"I approve, if done quietly and promptly."

ED. F. SWIFT.

The letter, with marginal direction, is as follows:

CHICAGO, November 26, 1917.

Government control—Leather companies.

Mr. EDWARD F. SWIFT,
Second Floor:

We have had a virtual statement from Mr. Cotton that the Government expects to establish profit control in the leather industry. With this notice, I think we should at least consider the advisability of reappraising the properties of the following companies: A. C. Lawrence Leather Co., National Calfskin Co., Winchester Tannery Co., St. Paul Tannery Co., Ashland Leather Co., St. Joseph Tanning Co. (in which we have only 50 per cent ownership).

If it is agreeable to you, will arrange with Mr. Moon to go into the matter and submit figures.

Awaiting your reply,

LOUIS F. SWIFT.

I approve, if done quietly and promptly.

E. F. S.

FLOUR.

The flour millers have had unusual profits for considerably more than a year. Information collected and verified by the commission shows for the four years ending June 30, 1916, a profit of 13½ cents on each barrel of flour and 12 per cent on the capital investment. These figures came from accounts covering nearly 40,000,000 barrels output annually. This is somewhat less than 40 per cent of the annual output of the whole country, but a very much larger part of the flour sold in the regular commercial market.

In other words, these figures apply to mills that in large part supply the demand for flour in interstate commerce and for export. The years covered, 1913, 1914, 1915, and 1916, should probably be accepted as fairly representative in spite of the fact that the war demand in 1915 and 1916 would lead one to expect them to show an abnormally high profit.

In the year ending June 30, 1917, these same mills made an average of 52 cents on each barrel of flour sold and nearly 38 per cent on their investment—profits that are indefensible, considering that an average of the profit of one mill for six months of the year shows as high as \$2 per barrel.

The commission has tabulated returns covering the sale of something over 4,000,000 barrels of flour made and sold under the Food Administration's regulations from September, 1917, to March, 1918, inclusive. In face of the regulation of 25 cents per barrel maximum, the average profit per barrel on this flour was about 45 cents, or over three times the normal profit per barrel referred to above. The return on investment was apparently between 25 and 30 per cent. However, with prices maintained at the same level, cost would probably have increased and profit would have been somewhat reduced in April, May, and June, 1918, because of the smaller output in those months. The average net profit of jobbers reporting to the commission was about 15 cents per barrel for 1913 and 1914 but increased to nearly 50 cents in the first half of 1917. These profits include all the pay received by the proprietors of the business for their services. It is clear that if the profit above such pay was reasonably high in 1913 and 1914, it was exorbitant in the first half of 1917. The Food Administration has succeeded in reducing the profit of these concerns, but for the year 1917 it was still over twice as high as in the earlier years.

CANNED MILK.

About three-quarters of the total canned milk (evaporated and condensed) is produced by 10 companies. Nearly one-half of the total pack is produced by three companies—Borden's Condensed Milk Co., Helvetia Milk Condensing Co., and Carnation Milk Products Co. These three companies occupy a strong position in the trade. The price statistics between 1907 and 1917 show that practically every rise and every decline was inaugurated by either Borden or Helvetia, and the small manufacturers followed. In 1916 and 1917 the war demand caused prices to ascend so rapidly that the problem of declines was obviated until the beginning of 1918.

In 1917, according to the statement of the company, Helvetia made over 20 per cent on cost and over 65 per cent on investment. The Borden Co. made approximately 18 per cent on cost. The Borden Co.'s costs are relatively high.

The Helvetia Co., in a letter to the commission, under date of March 19, 1918, says:

"We desire to say, however, in connection with the total earnings of the company and the margin of profit shown during the year, that it was our judgment at all times during the year that we were making a larger profit on our goods than we were entitled to make."

"We desire to say in explanation of the year's profit—but not in defense of it—that the profit which the company made during the year was regulated by conditions entirely beyond the control of the directors and officers of the company."

"During a large part of the year the demand on the market was so strong that it was with great difficulty that the price was kept from going much higher than any point reached during 1917. * * * Most of the price advances during the year were made by us in self-protection and in an effort to keep orders from piling up on us beyond our capacity to fill. We were compelled on one or two occasions to withdraw prices and refuse to take orders except at prices to be determined at the date of shipment, which, in a rising market, would naturally be higher—this plan being adopted on account of the necessity for protecting ourselves against the unusual and abnormal buying."

"In extension, this letter goes on to say that in estimating costs for the purpose of announcing its prices, the company had overestimated its increase in cost. During 1917 the cost of producing evaporated milk (talls) was, in some months, but a little more than \$4, and even in the high-cost months not much more than \$4.50. These figures represent the costs of most of the manufacturers. The price of evaporated (talls) prevailing in the market during most of the year ranged from about \$5 to \$5.50. The unprecedented increase in the canned-milk business, due to the war demand, enabled the milk manufacturers—with such margins between costs and prices—to make unusual profits."

SALMON CANNERS.

Approximately 90 per cent of the salmon packed in 1917 was produced at a cost under \$7.25 per case. To this should be added selling expense. This item, as reported by 24 companies, packing practically 50 per cent of the year's production, was 28 cents per case. However, the 28 cents does not include brokerage and cash discounts in all cases, and it is estimated that 50 cents per case would be a fairer allowance. This would bring the representative high cost up to \$7.75.

The weighted average of the 1917 opening prices for different grades of salmon was \$8.29 per full case, but more salmon was sold above than below this price during the year. This indicates a margin for a high-cost canner of 54 cents per case, and larger margins on the bulk of the production.

The average investment per case in 1917 was \$4.32. It follows that the marginal percentage earned upon a reasonable investment by the high-cost canners was approximately 12½ per cent. Several canners having costs in the vicinity of \$7.25, which might be taken as concrete illustrations, made profits as follows:

	Profit.
Alaska Salmon Co. (cost, \$7.12).....	per cent..... 19
Everett Packing Co. (cost, \$7.43).....	do..... 5
San Juan Packing Co. (cost, \$7.02).....	do..... 24
Cascade Packing Co. (cost, \$7.13).....	do..... 62
Ocean Food Packing Co. (cost, \$7.58).....	do..... 14
Salina Packing Co. (cost, \$7.71).....	do..... 31

The foregoing statements are based upon the representative high-cost company, one whose cost would cover 90 per cent of the total pack. The following figures concern the average.

In 1917 the average net profit on investment of 90 companies, packing 7,426,678 full cases (87 per cent of the total year's pack) was \$2.28 per case, or 52.8 per cent on the net investment in the salmon-canning business proper. This average of 52.8 per cent does not reveal the fact that some of the low-cost companies, included in the average, made over 200 per cent. It is significant that some of these low-cost companies are those allied with the big meat packers.

SALARIES AND BONUSES.

Below are given the payments in salaries and commission which were made in 1917 for services rendered by the American Metal Co. (Ltd.), New York. These payments are reported as being made exclusively for services in their capacity as described below and charged in all cases to expense account:

Officers and managers—Salaries and commission.

Name of payee.	Address.	Position.	Total payment.
B. Hochschild.....	61 Broadway, New York, N. Y.	Chairman of board of directors.	\$179,663.33
C. M. Loeb.....	do.....	President.	364,328.73
Otto Sussman.....	do.....	Vice president; chief mining department.	221,596.01
J. Loeb.....	do.....	Vice president; chief sales department.	147,930.69
T. Sternfeld.....	126 West Seventy-fourth St., New York, N. Y.	Director (and treasurer to June 30, 1917).	86,312.90
Henry Bruere.....	61 Broadway, New York, N. Y.	Vice President.....	82,810.23
Julian B. Beaty.....	do.....	Director and treasurer since Jun 30, 1917.	77,710.23
H. K. Hochschild.....	do.....	Vice president; chief South American department.	51,810.23
H. V. Putzel.....	do.....	Director and chief of zinc ore department.	52,710.23
M. Roos.....	do.....	Cashier and custodian of securities.	79,065.35
S. Adler.....	do.....	Chief auditor and accountant.	79,065.35
H. Bernstorff.....	do.....	Chief ore department.....	52,410.23
Sol Roos.....	1625 Boatmens Bank Building, St. Louis, Mo.	Manager St. Louis office.....	148,530.69
M. Schott.....	825 A. C. Foster Building, Denver, Colo.	Manager Denver office.....	136,533.12
Wm. Simon.....	1625 Boatmens Bank Building, St. Louis, Mo.	Assistant manager St. Louis office.	38,155.11

Managers and employees—Salaries and bonus.

Name of payee.	Address.	Position.	Total payment.
W. E. Brady.....	61 Broadway, N. Y.	Manager of transportation department (now American Metal Transportation Co.).	\$11,800.00
W. H. Brady.....	do.....	Assistant cashier.....	9,300.00
H. M. Burkey.....	do.....	Metallurgical department.....	5,200.00
M. Fauquembergue.....	do.....	Chief clerk sales department.	9,300.00
John Fornfinne.....	do.....	Assistant traffic manager.....	7,400.00
Gustav Leers.....	do.....	Traffic manager.....	9,150.00
B. F. Phillipson.....	do.....	Assistant manager ore department.	9,800.00
E. T. Villareal.....	do.....	Manager foreign metals department.	12,205.00
Hans Schild.....	do.....	Bookkeeper.....	6,190.00
Wm. Weidowke.....	do.....	Clerk zinc ore department.....	5,850.00
John MacLetchie.....	do.....	Auditor for subsidiary corporations.	12,800.00
B. N. Zimmer.....	2287 Henry Oliver Building, Pittsburgh, Pa.	Manager Pittsburgh office and Langloth Works.	10,800.00
H. L. Brown.....	825 A. C. Foster Building, Denver, Colo.	Mining engineer, Denver office.	6,350.00
F. D. Weeks.....	Canandaigua, N. Y.	Chief managing engineer (resigned).	23,500.00
C. E. Kayser.....	406 First National Bank Building, Bartlesville, Okla.	Manager gas operations.....	7,000.00

The foregoing is as complete a reply to the Senate's question as the commission has been able to prepare during the time at its disposal. It must be stated that the instances cited are by no means a complete catalogue.

All of which is in support of the statement of the President when, in his address to a joint session of Congress on May 27, 1918, he said: "The profiteering that can not be got at by the restraints of conscience and love of country can be got at by taxation. There is such profiteering now, and the information with regard to it is available and indisputable."

THE FEDERAL TRADE COMMISSION,
WILLIAM B. COLVER,
Chairman.
JOHN FRANKLIN FORT,
Vice Chairman.
VICTOR MURDOCK.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate Nos. 1, 61, and 63 to the bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sisson, Mr. McANDREWS, and Mr. DAVIS managers at the further conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 12580) to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS.

Mr. THOMPSON presented a petition of the Rotary Club of Arkansas City, Kans., and a petition of the Chamber of Commerce of Arkansas City, Kans., praying for a centralized Federal authority to determine and administer the highway policy of the Nation, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEE ON FINANCE.

Mr. SIMMONS, from the Committee on Finance, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 4739) to fix the annual salary of the collector of customs for the district of North Carolina (Rept. No. 533); and

A bill (H. R. 12580) to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign governments, and for other purposes (Rept. No. 534).

BILLS INTRODUCED.

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

By Mr. CALDER:

A bill (S. 4774) to amend section 335 of the Penal Code; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 4775) granting an increase of pension to Clifford T. Cheek (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 4776) to amend the war-risk insurance act so as to extend its provisions to all war work and work imperiling life and death; to the Committee on Finance.

By Mr. SUTHERLAND:

A bill (S. 4777) granting an increase of pension to Emma L. Porter; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 4778) granting an increase of pension to Lemuel Lunger; to the Committee on Pensions.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendments of the Senate numbered 1, 61, and 63 to the bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments still in disagreement, and agree to the further 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. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 12580. An act to authorize an additional issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend additional credit to foreign Governments, and for other purposes, was read twice by its title and referred to the Committee on Finance.

PROTECTION OF MIGRATORY BIRDS—CONFERENCE REPORT.

Mr. SMITH of Arizona submitted the following report:

The committee of conference on the disagreeing votes of the two houses on the amendments of the House to the bill (S. 1533) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 5, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this act"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 12. Nothing in this act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply."

And the House agree to the same.

M. A. SMITH,
JOHN K. SHIELDS,
H. C. LODGE,

Managers on the part of the Senate.

H. D. FLOOD,
CHAS. M. STEDMAN,
HENRY ALLEN COOPER,

Managers on the part of the House.

The report was agreed to.

ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12281) making appropriations for the support of the Army for the fiscal year ending June 30, 1919.

Mr. CHAMBERLAIN. Mr. President, I desire to offer another amendment to the bill as a committee amendment. It is known as Senate joint resolution 136. It has been on the calendar for a good while and action has been postponed awaiting the ratification of the treaties between Great Britain and Canada and the United States. I offer it as an amendment to this bill.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the proper place in the bill the following:

That the President may by proclamation set a day or days and place or places for the registration for military service of male aliens within designated ages residing within the United States who are citizens or subjects of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement in accordance with the terms of which its citizens or subjects within designated ages, residing within the United States, become under certain conditions liable to be drafted into the military service of the United States; that upon proclamation by the President stating the time and place of such registration it shall be the duty of any such alien, unless exempted from registration by the terms of the President's proclamation, to present himself for and submit to registration under the provisions of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto, and he shall thereupon be registered in the same manner as those previously registered under the terms of said act; and every such alien shall be deemed to have notice of the requirements of said act and this joint resolution upon the publication by the President of any such proclamation, and any such alien who shall willfully fail or refuse to present himself for registration or to submit thereto shall be subject to all the provisions and liable to all the penalties provided in said act or any amendment thereto.

SEC. 2. That any such alien, when registered, shall be and remain liable to military service in the forces of the United States and subject to draft under the provisions of said convention or agreement and of said act and all amendments thereto, and subject to such regulations as the President may have prescribed or may prescribe under the terms thereof, unless during the period specified in the convention or agreement concluded with the country whereof he is a citizen or subject and designated in the President's proclamation, he shall have enlisted or enrolled in the military forces of his own country or returned to his own country for the purpose of enlisting or enrolling in its military forces, or unless the country whereof he is a citizen or subject, through its diplomatic representatives, in accordance with the terms of the convention or agreement concluded between the United States and such foreign country, shall issue to such alien a certificate of exemption from military service.

SEC. 3. That any such alien, after the expiration of the time fixed by the President's proclamation within which he may enlist or enroll in the military forces of his own country, return to his own country for the purpose of military service, or be exempted through the diplomatic representative of the country whereof he is a citizen or subject, shall be and remain subject in all respects to the terms, provisions, liabilities, and penalties of said act and all amendments thereto, except as modified by the terms of the convention or agreement concluded between the United States and the country whereof such alien is a citizen or subject, and shall be subject to such regulations as the President may have prescribed or may prescribe under the terms of said act.

Mr. HARDWICK. Mr. President, I am in favor of the amendment proposed by the Senator from Oregon. Indeed, the adoption of legislation of this character is indispensable if we are to carry out the provisions of the treaties on this subject which we have recently ratified with Great Britain and with Canada. Yet I think it is my duty to point out to the Senate and to the Senator from Oregon, the chairman of the committee, in charge of this bill, what may be a necessary field for some further legislation of this character.

As far back as February 28, 1918, the House of Representatives enacted and sent to this body what is known as House bill 5667, generally called the alien slacker bill. The bill provided in substance that where either the citizens or subjects of a foreign power at war with Germany or our allies should claim exemption from military service when military service was sought from them in this country, we should, in substance—I do not undertake to quote the exact language or the exact provisions—deport those people for that reason from this country.

This bill passed the House of Representatives by a very large vote—three hundred and some odd to 15 or 16—showing a practical unanimity of sentiment in this country, so far we are able to judge it by the votes in either House of Congress on this question. It was referred to the Committee on Immigration, properly so, because it dealt with the immigration question, and sought to remedy the situation by the application of a remedy which comes within the jurisdiction of that committee.

I made repeated efforts at first to get the bill considered by the committee, but was unable to do so; first, because it was difficult to secure a quorum at the time when the bill came over, and next, because the chairman of the Foreign Relations Committee of the Senate and the State Department, if my memory is accurate, both objected to the consideration of this measure by the Senate pending the negotiation of these treaties. For that reason the Committee on Immigration has taken no action with respect to this matter, deeming it wiser to take a more direct method of securing the military service of these people who certainly ought to render it, either to this country or to their own countries, rather than that of deporting them, and thus giving them an opportunity to go somewhere else, where they might still further evade such service.

There are three of the larger countries at war with Germany who have a considerable number of citizens or subjects in this country who might be subject to this law. So far as England and Canada are concerned, the situation is relieved by the treaty which the Senate ratified just a day or so ago. That treaty will be carried into effect by the legislation now proposed by the Senator from Oregon [Mr. CHAMBERLAIN]. But so far as France and Italy are concerned, a complete hiatus is left, with nothing done, unless the Senate shall adopt some plan of dealing with that question. First-paper men or declarants who are citizens of France or subjects of the Kingdom of Great Britain of course can be held to service, but aliens from those countries residing in this country who have not declared their intention to become citizens of it and who are subjects or citizens of either one of the other countries can not be held.

I have been informed that negotiations on this subject are pending with the Governments of both France and Italy, and possibly with Roumania and with Greece, and I do not know with what other governments, but certainly with the first two I have mentioned.

I think—and it has always been my judgment—that this question ought not to be dealt with from the standpoint of merely running these people out of this country, if it is possible

to deal with it from the more beneficial standpoint of securing military service from people who are due to render it, and I have been inclined to believe that the legislation suggested by the Senator from Oregon ought to have some provision in it, if it is possible under existing treaties, covering the situation in respect to France and Italy as well as that of England and Canada. I know that the provision is made by the Senator's amendment in general language, that whenever these Governments or these countries do enter into treaty engagements with this Government on the subject, then those engagements shall be carried out, but I know months, more than a year indeed, has passed, and still we have no treaties. Unless we have a treaty I think the question ought to be dealt with, and dealt with effectually. I am willing, if I must do it, that the Committee on Immigration shall go just as far as its power and jurisdiction extend in dealing with this subject in the same manner that the House of Representatives has already dealt with it; but I think it is infinitely preferable, if it can be done, that it be worked out from the other standpoint. If that can be done, and if the Senator from Oregon wants to do it, I am perfectly willing to have this bill withdrawn from the Committee on Immigration and referred to his committee.

Mr. CHAMBERLAIN. Mr. President—

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

Mr. CHAMBERLAIN. In reply to the Senator, let me suggest to him that the amendment which was adopted on yesterday, which is known as the Hitchcock amendment, is not so drastic as is the bill which passed the House of Representatives, but it does take care of the situation, I think, and I am advised by the Senator from Massachusetts [Mr. LODGE] that he has a further amendment to offer which will still further protect the situation.

Mr. HARDWICK. Let me say, in reply to the Senator from Oregon, that it does not; and I will tell the Senator why it does not. I say that, of course, with the utmost deference to the Senator's opinion, if he shall still adhere to it after I state why I do not think it does take care of the situation. It is true it cancels temporarily, and it may be for the length of the war, any right that may have accrued to an applicant under his declaration of intention in his first papers, and yet he can stay here and not occupy the position of the first-paper man or of the declarant, and can avoid all service unless something further is done. That is the reason.

Mr. CHAMBERLAIN. I remember that after a good deal of consideration I introduced in the Senate at one time a bill very much like the House bill, and at the same time the Senator from North Dakota introduced a resolution leaving the matter to be negotiated as a treaty proposition. The bill that I had prepared was so drastic in its terms that it led, I think, in connection with the resolution introduced by the Senator from North Dakota, to the formulation of Senate resolution 136 by both the Department of State and the War Department.

Mr. HARDWICK. That is the one the Senator has just offered as an amendment?

Mr. CHAMBERLAIN. Yes. Considered in connection with the treaties with those countries, it may be that the House bill, to which the Senator has referred, is too drastic in its provisions and would violate some of the terms of the treaties we have with other countries with reference to immigration. For instance, the only countries I know of where there is a limitation upon immigration are China and Japan. We have a favored-nation clause with many of the countries of the world which allows their people to come here. Whether we can practically violate those treaty agreements or not and say we must get out of them and not admit others to our country is a serious question, in my mind; and yet I think the Hitchcock amendment, taken in connection with the draft law, fully protects those people.

Mr. LODGE. Mr. President—

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

Mr. LODGE. If the Senator from Georgia will allow me, I desire to say that we have three classes of aliens to deal with—alien enemies, whom, of course, we can not take into the Army; neutral aliens, who are covered by the Hitchcock amendment, though not so thoroughly as I should like to see them covered, and I propose to offer an amendment to that amendment when we get into the Senate; and, lastly, friendly aliens.

Mr. HARDWICK. If the Senator will allow me, I wish to suggest to him that he neglected to state that the Hitchcock amendment does not apply to those people at all.

Mr. LODGE. It does not. It applies only to neutral aliens, because we expect to cover all of the friendly aliens by treaty. We have covered the British and the Canadians.

Now, I think I can say to the Senator from Georgia—though the chairman of the committee can say it with more authority,

for he is better informed than am I—that the treaties with France and Italy, and I am not sure but I believe also Greece, have been held up by the British and the Canadian treaties. We could not deal with those until the British and Canadian treaties were out of the way.

Mr. HARDWICK. Will the Senator tell me whether those treaties have yet been negotiated?

Mr. LODGE. The French treaty, I understand, is complete.

Mr. HARDWICK. And the others are in process of completion?

Mr. LODGE. I do not know. There is one point of difference about the Italian treaty which, it seems to me, could be easily arranged. I have no right to say what it is, for I do not know; but I understand that the Italian Government wish to claim for their men who have gone from here to fight in the Italian Army the right to freely return without interference from our immigration laws. I do not say that is the question, but I think that is the question. It seems to me there is no objection to granting that privilege; but those treaties will follow very rapidly, and I do not think we ought to take any steps by law at this time affecting friendly aliens. I think we shall reach that by treaty in the proper way, in the way we have reached it with the British and Canadians, and reach it very soon, because it is the British and Canadian treaties that have delayed the others.

Mr. HARDWICK. Mr. President, I wish to say a word more, and I shall be very brief, because I desire, as much as any other Senator can, the Senate to get through with this bill expeditiously. I thought it was incumbent upon me, as the Committee on Immigration has not acted on this matter and may not do so if it is the sense of the Senate that all legislation on this question shall await the treaties, to suggest that the bill be withdrawn from the Senate Committee on Immigration and referred either to the Committee on Military Affairs or to the Committee on Foreign Relations, if it is to be handled from either standpoint. On the other hand, if I felt it was the sense of the Senate, without waiting for these treaties or regardless of them—and I rather think that the House of Representatives is right, and that we have the power, if it were good policy to exercise it, because there is nothing in the treaties that would require us to let people who are not citizens, except temporarily, stay in this country that we did not want to stay—if the Senate does not want to deal with it from that standpoint, then I think that the measure ought to be referred to the Committee on Military Affairs, and I shall ask the Senate to give it that direction at a later period. I feel, however, that something ought to be done, and unless some Senator—the Senator from Nebraska [Mr. HITCHCOCK] or some other Senator—can give us some assurance that Italy and France are about to conclude similar treaties with us, or can give us some hope that they may conclude similar treaties with us along the line of those already concluded with Great Britain and Canada, I feel that something ought to be done to require of the citizens and subjects of France and Italy in this country exactly the same measure of duty we have now required by treaty and by law of the citizens and subjects of Great Britain and of Canada.

Mr. HITCHCOCK. Mr. President, I sympathize entirely with what the Senator from Georgia says. I feel justified in saying that the treaties referred to in all probability will be laid before the Senate at an early date. There are some stumbling blocks in the way, but I believe they will be overcome. I wish to call the attention of the Senator to the fact that neither Italy nor Great Britain nor any other belligerent country has asked to have excused from military duties those of its nationals in this country who have taken out their first papers.

Mr. HARDWICK. I knew that; but, of course, you do not reach the people who have not taken out their first papers.

Mr. HITCHCOCK. No; but I feel justified in saying that it is desired to reach those people.

Mr. HARDWICK. I want to be relieved, so far as I can properly be relieved, of further responsibility for this matter. Is it the Senator's idea that this legislation ought to be acted upon entirely as a military matter?

Mr. HITCHCOCK. No; my judgment is that the bill should remain with the Committee on Immigration, and it may be that a little later on there will be occasion to bring it out; and, if the occasion arises, I think it ought to be brought out.

Mr. HARDWICK. Of course, if we get the treaties with the other countries, then the proposed law which the Senator from Oregon has offered will apply, will it not?

Mr. HITCHCOCK. It will.

Mr. HARDWICK. And then we can require military service of these aliens?

Mr. HITCHCOCK. Absolutely.

Mr. HARDWICK. Therefore, there will never be any reason to pass the House bill if the treaties should be entered into?

Mr. HITCHCOCK. No; but if the treaties should fail, then we could take up that bill.

Mr. HARDWICK. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. I offer the amendment which I send to the desk. I will state in reference to the amendment that it passed the Senate at one time in its entirety and was referred to the Committee on Military Affairs of the House, but was not acted upon there. However, we discussed it a few days ago with the chairman of the Committee on Military Affairs of the House and with the ranking Republican member of that committee, and they practically assented to having the amendment go into this bill as an important piece of Army legislation. There is not a provision in it that has not been recommended by the War Department. While it would have been more proper to have introduced it as a separate measure, it is so important and it seems so impossible to get it through the House in that form, that it is suggested as an amendment by the committee at this time.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Add a new chapter to the bill, after Chapter XVI, as follows:

That sections 10, 13, 22, 24, 28, 31, 42, 51, 55, 69, 111, and 125 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and the same hereby are, amended as hereinafter indicated in section 1 of this chapter:

Section 10, by striking out the word "farrier" wherever it occurs in said section and substituting therefor the words "stable sergeant"; changing the period at the end of the second paragraph of said section to a colon and adding the following: "And provided further That any person who at the time of the approval of this act shall be and has been an officer of the Medical Reserve Corps, or contract surgeon, on active duty for 12 years subsequent to 1898 shall be eligible for appointment as first lieutenant in the Medical Corps, subject to examination: And provided further, That any officer so eligible who fails to pass the physical examination by reason of disability incurred in line of duty shall be retired with the pay and allowances of a first lieutenant of the Medical Corps"; and by striking out the eighth proviso of the third paragraph of said section.

Section 22 by striking out the period at the end thereof, substituting therefor a colon, and adding thereto the following: "Provided, That one of the enlisted men at each main recruiting station who has been detached for duty at such station under the provisions of the act of Congress approved February 2, 1901, may, in the discretion of the Secretary of War, have the rank, pay, and allowances of a first sergeant of Infantry."

Section 24 by amending all that part of the second paragraph thereof down to the third proviso in said paragraph to read as follows:

"Vacancies in the grade of second lieutenant, however arising, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law of enlisted men, including officers of Philippine Scouts, between the ages of 21 and 34 years, whose fitness for promotion shall have been determined by competitive examination; and of members, including officers, of the Organized Militia, the National Guard, or Naval Militia, between the ages of 21 and 34 years who have had at least 90 days' actual Federal military service during the calendar year 1916, or subsequent thereto, and whose fitness for promotion shall have been determined by examination; (3) of commissioned officers of the National Guard, between the ages of 21 and 27 years, not otherwise provided for herein; (4) of members of the Officers' Reserve Corps, between the ages of 21 and 27 years; (5) of such honor graduates, between the ages of 21 and 27 years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life, between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: 'Provided That the President is hereby authorized to waive the maximum age limit prescribed by law for appointment as second lieutenant in the Regular Army in the case of any candidate for such appointment who has successfully completed or who may hereafter successfully complete the required examination for such appointment before arriving at the prescribed maximum age limit; but no appointment of any such candidate shall be made to any vacancy which did not exist upon the date he successfully completed the required examination for appointment; and persons appointed under the provisions of this proviso shall be appointed with the rank and date of rank with which they would have been appointed if their appointment had not been prevented by reason of the maximum age limit prescribed by law'; and by amending the last proviso of said section by substituting the word 'colonel' for the word 'major' therein."

Section 28 to read as follows:

"Sec. 38. Pay of certain enlisted men: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, \$75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, \$65; sergeant, first class, Medical Department, \$50; ordnance sergeant, Ordnance Department; quartermaster sergeant, Quartermaster Corps; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and separate battalion of any arm or branch; and assistant engineer, Coast Artillery Corps, \$45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, and sergeant bugler, Infantry, Cavalry, Artillery, and Corps

of Engineers, \$40; stable sergeant, Medical Department; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant, Medical Department, \$36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department and Ordnance Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; motor sergeant of any arm or branch; and musician, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, \$30; chief mechanic, Infantry and Cavalry; chauffeur, first class, of any arm or branch; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal bugler, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, \$24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; bugler, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; mechanic, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; chauffeur of any arm or branch; and wagoner, Infantry, Field Artillery, and Corps of Engineers, \$21; assistant chauffeur of any arm or branch; bugler, Infantry, Cavalry, Artillery, and Corps of Engineers; and private, first class, Infantry, Cavalry, Artillery, Medical Department, and Ordnance Department, \$18; private, Medical Department and Ordnance Department, \$15.

"Enlisted men who are now qualified, or who may hereafter qualify, as expert military telegraphers, shall receive \$5 a month; as first-class military telegraphers, \$3 a month; as military telegraphers, \$2 a month; all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named.

"So much of the act approved July 24, 1917, as authorizes the grade of chauffeur, first class, with pay and allowances of a sergeant, first class, in the Signal Corps, and the grade of chauffeur, with the pay and allowances of a sergeant in the Signal Corps, is hereby repealed, but nothing herein contained shall operate to reduce the pay or allowances of any soldier appointed to either of those grades prior to the date of the approval of this act, or to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army."

Section 31, by striking out the words "travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training," occurring in lines 9, 10, and 11, and substituting therefor the following: "From the date of their departure to place where ordered pay and allowances at the rate of their respective grades in the Regular Army, transportation, and reimbursement of cost of subsistence at such rate as may be fixed by the Secretary of War during travel from home to place where ordered and return to home, and subsistence in kind during period not in transit and while in service."

Section 42, by striking out the period at the end thereof, substituting therefor a colon, and adding the following: "Provided further, That upon the recommendation of the professor of military science and tactics of any such institution, the authorities thereof may discharge a member of the Reserve Officers' Training Corps from such corps and from the necessity of completing the course of military training as a prerequisite to graduation."

Section 51, by striking out the words "prior to the date of this act," in line 3 thereof, and substituting therefor the words "prior to July 1, 1919."

Section 55, by amending the fifth paragraph thereof to read as follows:

"Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, and from the date of their departure to place where ordered, transportation and reimbursement of cost of subsistence at such rate as may be fixed by the Secretary of War during travel from home to place where ordered and return home and subsistence in kind during period not in transit and while in service: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay: *Provided further*, That when any enlisted man of the Enlisted Reserve Corps shall be ordered to active service for purposes of instruction or training he may be paid at any time after the date such order shall become effective for the period from the date of leaving home to date of return thereto as determined in advance, both dates inclusive, and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same."

Section 69, by striking out the period at the end thereof, substituting therefor a colon, and adding thereafter the following: "*Provided further*, That in the Territory of Hawaii the National Guard may include citizens of the Philippine Islands."

Section 111, by inserting after the comma following the word "thereof," in the seventeenth line of said section, the following: "or, in grades above the rank of captain, from officers of the Regular Army."

Section 125, by striking out the period at the end thereof, substituting therefor a colon, and adding thereafter the following: "*Provided*, That hereafter, upon the discharge or furlough to the reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use; and within four months after such termination of his active service he shall return all uniform clothing, which he was so permitted to retain for wear to his home, by mail, under a franked label which shall be furnished him for the purpose, and in conformity with the instructions given him; the failure of such termination of his active service; and in case he shall fail to return the same within such period, and in accordance with such instructions, he shall be deemed guilty of a misdemeanor, and, upon conviction, suffer the punishment prescribed by this section: *Provided further*, That, upon the release from Federal service of an enlisted man of the National Guard called as such into the service of the United States, all uniform outer clothing then in his possession shall be taken up and accounted for as property issued to the National Guard of the State to which the enlisted man belongs, in the manner prescribed by section 67 of this act: *And provided further*, That when an enlisted man is discharged otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of War, a suit of citizens' outer clothing to cost not exceeding \$15 may be issued to such enlisted man: *And provided further*, That officers and members of the National Home for Disabled Volunteer Soldiers may, regardless of the preceding provisions of this act, wear such uniform as the Secretary of War may authorize."

SEC. 3. That hereafter the number of privates, first class, in each arm of the line of the Army shall be, as nearly as practicable, 33 1/3 per cent of the total number of privates, first class, and privates in such arm.

SEC. 4. That the service of graduates of the Military Academy may be utilized during the months of June, July, August, and September of the year in which they graduate as instructors at the citizens' training camps, and their graduation leave may be taken at the termination of their services as instructors at these camps.

SEC. 5. That hereafter, under such regulations as the Secretary of War may prescribe, authorized mounts of officers who die in the service may be transported at public expense from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors, or such mount may be disposed of as directed by such representatives or executors.

SEC. 6. That hereafter, under such regulations as the Secretary of War may prescribe, transportation at public expense may be provided for the baggage of civilian employees who die in the service from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors.

SEC. 7. That hereafter mileage to officers of the Corps of Engineers, Signal Corps (including the Bureau of Military Aeronautics and the Bureau of Aircraft Production), Ordnance Department, and Quartermaster Corps, traveling on duty in connection with work under the appropriations pertaining to their respective departments, shall be paid from the appropriations for the work in connection with which the travel is performed.

SEC. 8. That the Secretary of the Treasury is hereby authorized in time of war, upon request to the Secretary of War, to extend the period during which money accounts covering expenditures from appropriations for the Army may be transmitted to the Auditor for the War Department after their receipt in the War Department from 60 to 90 days.

SEC. 9. That in the interest of the national defense, and for the better protection of life and property on said waters, the Secretary of War is hereby authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving ground at Sandy Hook, N. J., or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improvement; and the said Secretary shall have like power to regulate the transportation of explosives upon any of said waters: *Provided*, That the authority hereby conferred shall be so exercised as not unreasonably to interfere with or restrict the food fishing industry, and the regulations prescribed in pursuance hereof shall provide for the use of such waters by food fishermen operating under permits granted by the War Department.

To enforce the regulations prescribed pursuant to this section, the Secretary of War may detail any public vessel in the service of the War Department, or, upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department.

The regulations made by the Secretary of War pursuant to this section shall be posted in conspicuous and appropriate places, designated by him, for the information of the public; and every person who and every corporation which shall willfully violate any regulation made by the said Secretary pursuant to this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

Offenses against the provisions of this section, or any regulation made pursuant thereto, committed in any Territory or other place subject to the jurisdiction of the United States where there is no court having general jurisdiction of crimes against the United States, shall be cognizable in any court of such place or Territory having original jurisdiction of criminal cases in the place or Territory in which the offense has been committed, with the same right of appeal in all cases as is given in other criminal cases where imprisonment not exceeding six months forms a part of the penalty, and jurisdiction is hereby conferred upon such courts and such courts shall exercise the same for such purposes; and in case any such offense be committed beyond the territorial jurisdiction of any court having jurisdiction thereof, the offense shall be deemed and held to have been committed within the jurisdiction in which the offender may be found or into which he is first brought, and shall be tried by the court having jurisdiction thereof.

SEC. 10. That, in case of actual or threatened hostilities, any proceeds received from the operation of a public utility in connection with engineer operations in the field overseas shall be available for the purpose of such utility until the close of the fiscal year following that in which the proceeds are received, and a detailed report of such proceeds and application thereof shall be rendered to Congress on forms conforming as far as practicable to those used by American companies in reports to the Interstate Commerce Commission: *Provided*, That the provision of the act of March 23, 1910, making moneys arising from the disposition of serviceable quartermaster material available for the purposes of the appropriation throughout the fiscal year following that in which the disposition was effected, is hereby extended to apply to material supplied to the Army by the Engineer Department.

SEC. 11. That when any retired officer of the Army is, in the discretion of the President, employed on active duty and assigned to duty in an arm, corps, department, or organization, he shall, for all purposes except promotion, be considered an officer of such arm, corps, department, or organization while so serving, and shall be an extra number therein.

SEC. 12. That hereafter separate battalions, squadrons, or like units of any arm, corps, or department shall consist of such numbers and grades of commissioned officers and enlisted men as the President may prescribe.

SEC. 13. That there are hereby created in the Army the grades of corporal bugler and bugler, first class; and hereafter for each battalion and squadron headquarters of units in which the grade of bugler is now authorized there shall be one corporal bugler, and for each company, battery, troop, or organization in which the grade of bugler is now authorized there shall be one bugler, first class.

SEC. 14. That there are hereby created in the Army the grades of motor sergeant, chauffeur first class, chauffeur, and assistant chauffeur in each arm or branch thereof, and appointments made therein shall be in such numbers and for such organizations as the President may in orders from time to time direct and designate; and there are also

hereby created the grades of battalion supply sergeant, separate battalion of any arm or branch; chief mechanic, Infantry and Cavalry; and mechanic, Corps of Engineers.

SEC. 15. That during the present war the President be, and he hereby is, authorized to enlist for service in the offices of the War Department or under its control or on detached service under its jurisdiction men outside the draft ages, and for the same purpose to draft men within such ages who have been disqualified by minor physical defects for active service in the Army; to establish regulations under which such enlistments may be made, and to fix the pay and allowances of men so enlisted or drafted, which said pay and allowances shall not exceed those of enlisted men of the Regular Army.

SEC. 16. That the President is authorized to appoint and, by and with the advice and consent of the Senate, to commission to the grade of captain in the Quartermaster Corps, United States Army, John Q. A. Brett, who was appointed to the grade of first lieutenant in the Quartermaster Corps pursuant to the act of August 29, 1916, and who had over 31 years' service as pay clerk, United States Army.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. CHAMBERLAIN. In that connection I ask to have printed in the RECORD the specific reasons why each piece of this legislation is asked, and then any Member of the Senate can refer to it and ascertain the reasons upon which the legislation is based.

The VICE PRESIDENT. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

SECTION 10, NATIONAL-DEFENSE ACT.

The object of the amendment herein proposed is to place the enlisted personnel of ambulance companies and field hospitals on a parity with those of other organizations having animal-drawn transportation. The farrier's pay is \$21; the stable sergeant's pay is \$36. As a consequence there is a constant tendency on the part of the men concerned to seek transfer to other branches of the service at a higher rate of pay. The stable sergeant will perform practically the same work as that performed by a farrier. It is, of course, understood that a farrier performs, in a limited way at least, the duties of a veterinary. The duties of the farrier in this respect will be performed by the stable sergeant.

The purpose of the amendment with respect to officers of the Medical Reserve Corps is as follows: There are in the Medical Corps of the Army at the present time 25 officers of the Medical Reserve Corps who have served from 13 years and 3 months to 28 years and 4 months as contract surgeons and first lieutenants of the Medical Reserve Corps. They are above the statutory age limit to enter the regular service and are without hope for the future. It is, therefore, deemed appropriate that these 25 officers be given an opportunity to enter the Medical Corps as first lieutenants and take their chances for promotion in the future. It is proposed to give them a limited opportunity for retirement, service as contract surgeons being considered. It is proposed striking out the eighth proviso of the third paragraph of section 10, because this has already been done in fact, and this proviso is, therefore, unnecessary.

SECTION 22, NATIONAL-DEFENSE ACT.

This amendment is requested in order to provide pay for certain enlisted men to make their pay commensurate with the duties actually performed. At each of the recruiting stations of the Army one sergeant belonging to the detachment is detailed as acting first sergeant and post quartermaster sergeant for the detachment. It is evident that the pay of these deserving men should be made to correspond to the importance of the duties performed by them.

SECTION 24, NATIONAL-DEFENSE ACT.

It is proposed to amend the second paragraph of section 24 of the national-defense act down to the third proviso. There are two reasons for this amendment: (1) By the Army appropriation act approved May 12, 1917, two amendments were made to this section. The first of these amendments purported to set forth six different classifications from which cadets might be appointed to the United States Military Academy. As appearing in the statutes, however, two of these classifications are missing. It is the purpose of the first part of the present proposed amendment to correct that error. (2) The original section provided for the filling of vacancies "created or caused by the increases due to this act." As all such increases have now been filled, the section has been correspondingly changed in the present proposed amendment so as to cover "all vacancies however arising." Because of this fact, also, the first and the second provisos of the original section can no longer have force or effect. Therefore, in making the redraft, these two provisos have been omitted. While making these changes it seemed advisable to bring into the section the second amendment made in the Army appropriation act approved May 12, 1917. This has accordingly been done with slight changes in the way of a more specific statement, but without changing the effect of the former amendment.

SECTION 28, NATIONAL-DEFENSE ACT.

The national-defense act is the act which provides for permanent organization in time of peace. The act of May 18, 1917, gives the President the power to expand the military force during the present emergency. The military force has been so expanded by direction of the President, and in the expanded force certain grades have been created. The grades having been created, it is manifest that corresponding pay should be established by law. Section 28 of the national-defense act makes provision for appropriate pay for each grade created by the national defense act. In short, section 28 provides pay. If new grades are created, it is manifest that pay pertaining to those grades should be established by law. Section 28 of the national-defense act is the appropriate place in which to make such provision.

SECTION 31, NATIONAL-DEFENSE ACT.

Section 31 provides for the Regular Army Reserve. Among its provisions is one to the effect that when this reserve, or any part thereof, is summoned for field training the reservist shall receive "travel allowances and pay at the rate of their respective grades in the Regular Army during such periods of training." It is manifest that under this provision full reimbursement for expenses is not made to the reservist. The proposed amendment strikes out the words quoted above and in lieu thereof inserts provisions which will give full reimbursement for all expenses incurred by the reservist during such period of training.

SECTION 42, NATIONAL-DEFENSE ACT.

Section 42 authorizes the President to establish units of the Reserve Officers' Training Corps at educational institutions where the authorities agree to establish and maintain a two years' elective or compulsory course of military training, which course, when entered upon by any student, must be completed by him as a prerequisite to graduation. There is no way in which the student may be relieved of the necessity of completing the military training as a prerequisite to graduation even though from a physical standpoint it should become impossible for him to undergo the training. The proposed amendment is to take care of cases where the professor of military science and tactics is convinced that the student ought not to be obliged to complete his course in military training.

SECTION 51, NATIONAL-DEFENSE ACT.

Section 51 makes eligible for appointment to the Officers' Reserve Corps, and as a temporary additional second lieutenant, any physically fit male citizens between the ages of 21 and 27 years who shall have graduated prior to July 3, 1916, from certain classes of educational institutions. The object of the present amendment is to extend the time within which this privilege may be availed of from June 3, 1916, to July 1, 1919. The law, if thus changed, should give some stimulus to the military courses in the educational institutions mentioned, and should produce additional material available for Army service.

SECTION 55, NATIONAL-DEFENSE ACT.

Section 55 provides for an Enlisted Reserve Corps. While it also provides for ordering members of the reserve into training, it fails to adequately provide for their pay, transportation, and subsistence from the time they leave their homes until they return thereto. The proposed amendment is to correct this deficiency.

SECTION 69, NATIONAL-DEFENSE ACT.

The proposed amendment provides merely that in the Territory of Hawaii citizens of the Philippine Islands shall be eligible to enlistment in the National Guard.

SECTION 111, NATIONAL-DEFENSE ACT.

Under the provisions of this section commissioned officers of National Guard organizations drafted into the service of the United States are to be appointed from among the members of said organization. The proposed amendment is designed to authorize the President to fill offices in said organization above the grade of captain by appointment of officers of the Regular Army.

SECTION 125, NATIONAL-DEFENSE ACT.

Section 125 provides for the protection of the uniform of the United States Army. The Army Regulations heretofore attempted to guard against the wearing of the uniform by men discharged from the service whether honorably or dishonorably. The proposed amendment is intended to give these regulations the force of law by incorporating them in said section 125. In addition, it purposes to provide for furnishing a dishonorably discharged soldier with a suit of citizen's outer clothing not exceeding \$15 in cost. This is necessary because an enlisted man is not allowed to have citizen's clothes with him at his stations and so, upon discharge, would have nothing to wear unless this provision be made. The proposed amendment further permits members of the National Home for Disabled Volunteer Soldiers to wear such uniforms as the Secretary of War may authorize.

SECTION 2 OF PENDING BILL.

The organizations of the line of the Army, as now organized under the authority granted by the act of May 18, 1917, to expand the military force of the United States during the present emergency are made up so that the number of privates, first class, in each branch of the line of the Army bears the ratio of 33 1/3 per cent to the total number of privates first class and privates in such arm. It is believed that this ratio should exist in the permanent organization, and this amendment is therefore proposed. For example, in the present national-defense act the law provides for 19 privates, first class, and 56 privates in an Infantry company in the permanent peace organization. It is now proposed to make 25 private first class and 50 privates, an increase of 6 privates first class; increase in pay \$3 per man per month; total increase of pay, therefore, for an Infantry company \$18 per month.

SECTION 3 OF PENDING BILL.

Section 3 is designed to permit the utilization of graduates of the Military Academy as instructors at citizens' training camps immediately after their graduation.

SECTION 4 OF PENDING BILL.

Section 4 is designed to permit the transportation at public expense of the authorized mounts of officers who die in the service to such places within the limits of the United States as may be the homes of their families, or as may be designated by their legal representatives, or to permit the disposal of said mounts in the manner directed by such representatives.

SECTION 5 OF PENDING BILL.

Section 5 is designed to permit the transportation at public expense of the baggage of civilian employees who die in the service from their last duty station to such places within the limits of the United States as may be the homes of their families or as may be designated by their legal representatives.

SECTION 6 OF PENDING BILL.

Section 6 is designed to require the payment of mileage to officers of the Corps of Engineers, Signal Corps (including the three branches into which it has been divided by Executive order), Ordnance Department, and Quartermaster Corps from the appropriations pertaining to the respective departments in connection with which the travel is performed. This provision has already been made with reference to the Signal Corps, and the present section is designed to apply the principle uniformly to the various bureaus named, it being thought that such mileage should properly come from the appropriations named rather than from the general appropriation for transportation of the Army.

SECTION 7 OF THE PENDING BILL.

Section 7 provides that the Secretary of the Treasury is authorized, in time of war, upon request to the Secretary of War, to extend the period during which money accounts covering expenditures from appropriations for the Army may be transmitted to the Auditor for the War Department after their receipt in the War Department from 60 to 90 days. The large increase of business in time of war makes such extension necessary.

SECTION 8 OF PENDING BILL.

Section 8 provides for protection to life and property upon the navigable waters of the United States from dangers incident to Coast Artillery target practice or the proving operations of the Ordnance Department through authorizing the Secretary of War to prescribe needed regulations with respect to the use and navigation of such waters.

SECTION 9 OF PENDING BILL.

The engineering department constructs and operates railway lines in the field of operations in France. Cost of both construction and operation comes out of the appropriations made for such purpose. The income received from the operation of these utilities ought, therefore, it is thought, to be available for the further use of the engineering department for the purposes for which the original appropriation was made. Section 9 is intended to accomplish this result. It contains a provision that such proceeds shall be available until the close of the fiscal year following that in which the proceeds are received. This clause is inserted because of the fact that proceeds received during the months of May and June would not be available for the purposes of the utility if the section provided only that they should be available until the close of the fiscal year in which they were received. The proviso making the provisions of the act of March 23, 1910, making moneys arising from the disposition of serviceable quartermaster material available for the purposes of the appropriation throughout the fiscal year following that in which the disposition was effected, is merely applying to the Engineer Corps a method of administration heretofore approved by Congress when it passed said act of March 23, 1910.

SECTION 10 OF PENDING BILL.

Section 10 provides that when a retired officer of the Army is, in the discretion of the President, employed on active duty and assigned to duty in an arm, corps, department, or organization, he shall, for all purposes except promotion, be considered an officer of such arm, corps, department, or organization while so serving and shall be an extra member therein. This provision is necessary at the present time for the reason that the services of a great number of retired Army officers are being availed of. When an officer is retired from active service he is no longer an officer of the arm or branch from which he is retired but is simply an Army officer. In many cases the statutes expressly require that certain duties may be performed only by an officer of a certain arm, corps, or department. Manifestly, therefore, such duties may not be performed by a retired officer employed on active duty. For example, an inspection required by statute of soldiers' homes can be performed only by an officer of the Inspector General's Department, and this is a service that can well be rendered by a retired officer; but unless Congress enacts a law of the kind here proposed a retired officer can not perform such service. A like situation arises in matters for the condemnation of properties. The act of June 15, 1917, makes provision of this kind with respect to retired Engineer officers. This was found to be necessary in order that retired officers of the Engineer Corps might be detailed on the commission of the District of Columbia or on the Mississippi River Commission. In the existing war situation it is thought that a general act, such as is now proposed, should be passed in order to give freedom in the use of retired officers.

SECTION 11 OF PENDING BILL.

This section is proposed for the reason that the exigencies of war have indicated the necessity for creating organizations heretofore unknown. Future military developments may indicate the importance of creating, in time of peace, organizations not theretofore recognized in our service. Such being the case, it is believed that there should be written in the law provision authorizing the President to prescribe the necessary personnel for such organization.

SECTION 12 OF PENDING BILL.

This provision of law is suggested because of the fact that, in the national defense act, due undoubtedly to oversight on the part of the lawmaking body, buglers receive the pay of privates. The injustice of this oversight became at once apparent to organization commanders when they realized that the organization buglers received \$3 less pay per month than privates, first class. Frequently buglers are excellent men, and because of the fact that they are efficient buglers, they are often held in that grade and not promoted to noncommissioned officers, because of difficulty in replacing them as buglers. This provision of law provides slightly increased pay for most deserving men whose duties are oftentimes more hazardous than those of the average private; this arises from the fact that they are often out as messengers and signal men, and hence are required, on occasion, to expose themselves to a greater degree than is the case with men on the line. This section also makes provision for assignment of buglers with proper grade, which shall exist in time of peace as well as in time of war.

SECTION 13 OF PENDING BILL.

This section seeks to create certain grades in motorized organizations; also to create the grade of battalion supply sergeants of separate battalions of any arm or branch; this because of the fact that there is no provision of law for the permanent detail of such supply sergeants nor for the pay which is considered appropriate for an enlisted man actually performing the duties of battalion supply sergeant of a separate battalion. It is proposed further to create the grade of chief mechanic of Infantry and Cavalry in order to place a man of suitable rank in charge of the regimental wagons. This man has under him four mechanics; they have charge of some eighty-odd wagons in the regiment. This is an important noncommissioned office. In case a wagon is broken, there is one of two things to be done; either the wagon master or driver must do the work, usually an unsatisfactory job, or take it to a quartermaster repair shop; frequently it is not possible to find one in the vicinity. It is, therefore, considered important that there be a noncommissioned officer under whose charge this work may be properly placed. In motorized organizations, heretofore, the personnel had been made up principally of noncommissioned officers. It was at once apparent that such organization was faulty, because of the fact that, in any organization, there is work that must be done which is not compatible with the office of sergeant or corporal. In the motorized organizations organized under the President's power to expand—the act of May 18, 1917—as now shown in the "Tables of Organization," the grades indicated therein are motor sergeant, chauffeur first class, chauffeur, and assistant chauffeur. It is considered important and desirable that these same grades be adapted for the permanent peace organization. As indicated above, these grades have been established during the present emergency. It is further noted that pay for these grades, as indicated in section 28 of the national defense act, as amended herein, is provided for in this act. These

grades having been created under the act of May 18, 1917, and pay provided as indicated herein, it is believed wise to permanently create these grades by law and such is the purpose of this section.

SECTION 14 OF PENDING BILL.

Section 14 would authorize the President to enlist for service in the offices of the War Department, or under its control, or on detached service under its jurisdiction, men outside of the draft ages, and men within the draft ages who have been disqualified by minor physical defects for active service in the Army. It further provides that their pay and allowances "shall be fixed by the President in any amounts not to exceed those of the enlisted men in the Regular Army." The purpose of this section is manifest—to procure more man power in the War Department and its detached services without encroaching upon the class of men that is available for active service in the Army.

SECTION 15 OF PENDING BILL.

Section 15 is designed to provide for placing on the retired list, with the grade of captain, John Q. A. Brett, who was appointed to the grade of first lieutenant in the Quartermaster Corps pursuant to the act of August 29, 1916, after more than 31 years' service as pay clerk in the United States Army. (Note: This provision was inserted in the original omnibus bill by the Senate committee. Whereas I am personally advised that Col. Brett is a most efficient officer and has served the Government long and faithfully, I am advised that the various members of the Senate Military Committee are fully informed as to the merits of this proposed legislation.)

Mr. CHAMBERLAIN. I offer an amendment, to come in on page 120, line 22.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 120, line 22, which reads:

That any act inconsistent with the provisions of this act are hereby repealed.

It is proposed to strike out the word "act" and insert in lieu thereof the words "acts or parts of acts."

The VICE PRESIDENT. The committee amendment has already been agreed to. It will be necessary, therefore, to reconsider that action. Without objection, the vote whereby the amendment of the committee was agreed to is reconsidered. The question now is on the amendment offered by the Senator from Oregon to the amendment originally reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. I offer another amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the paragraph or section regarding quartermaster's clerks, it is proposed to insert:

The rights and privileges of war-risk insurance and of making allotments of pay shall be extended to all women serving by official designation with the Army as telephone and telegraph operators.

Mr. NEW. Mr. President, that is an amendment which I offered in committee and which was adopted by the committee. I think it ought to be perfected by adding words to make it apply only to those who are serving with the Expeditionary Forces in France. By inadvertence it does not clearly set that forth.

Mr. CHAMBERLAIN. I have no objection to such an amendment.

Mr. NEW. I suggest that the words "with the American Army overseas," or the words "with the American over-sea forces" be inserted.

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

The SECRETARY. After the word "Army" it is proposed to insert the words "and serving with the American over-sea forces."

Mr. NEW. That will do.

The SECRETARY. So that it will read:

The rights and privileges of war-risk insurance and of making allotments of pay shall be extended to all women serving by official designation with the Army in the American over-sea forces as telephone and telegraph operators.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McKELLAR. Has the chairman of the committee any other amendments he desires to present?

Mr. CHAMBERLAIN. Yes.

Mr. McKELLAR. Very well.

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

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, between lines 9 and 10, it is proposed to insert a new paragraph, as follows:

That during the present emergency Army field clerks shall have the same allowances and benefits as heretofore allowed by law to pay clerks, Quartermaster Corps, not including retirement: *Provided, however,* That the minimum or entrance pay, exclusive of said allowances, of said Army field clerks shall be \$1,200 per annum: *Provided further,* That Army field clerks shall receive the same increase of pay for service beyond the continental limits of the United States as is now allowed by law to commissioned officers of the Army.

Mr. KING. Mr. President, I should like to ask the Senator what is meant by the last proviso; and before the Senator answers the question I should like to ask him why it was deemed necessary to offer this amendment? I am making this inquiry

because I know that many young men earnestly sought this service, some of whom thought that by so doing they might escape the draft. There were others who, because of physical disabilities, had been rejected, or anticipated that they might be rejected, were anxious to enter this department of the service. It occurs to me that those who wanted to escape fighting by becoming clerks would receive, under this amendment, rewards and compensations to which they are not entitled. The drafted boy fighting for his country gets \$30 per month. These field clerks, many of whom should be fighting and who have tried to escape military service, are receiving more than they ever earned before.

The proposition now is to increase their emoluments. Why not draft them, and then, if they are needed as clerks, detail them for service as such? At any rate, they clamored for the positions knowing the compensation provided, and we should be careful in granting all their demands for increased compensation and additional gratuities.

Mr. FRELINGHUYSEN. Mr. President, this amendment moved by the Military Affairs Committee was in furtherance of a bill which has passed the Senate and is in the Military Affairs Committee of the House at the present time. I understand they have approved the bill and are going to report it favorably. The Army field clerks were anxious to have a designation or increased rank of some character, and a bill was introduced by the Senator from Minnesota [Mr. NELSON] providing for a designation and also increased pay and allowances and commutation of quarters.

As chairman of the subcommittee I forwarded that bill to the War Department. The bill came back with a recommendation that the allowance of \$200 additional in their pay be granted, and additional allowances and benefits, but they refused to allow any designation or any increased rank. The bill passed the Senate in that way. Now, this amendment provides for the increased pay of the Army field clerks and allowances, but not the commutation of quarters. The original bill provided for benefits which would naturally carry retirement. That is cut out in this amendment. It does not provide for retirement. It simply gives them an increased pay of \$200 while in foreign service, similar to that now paid to quartermaster's clerks. Many of these men are married men with families in this country. They are compelled to buy uniforms that cost them at least \$300; they are compelled to pay for their own subsistence over there; and it would seem as if they should have the same pay as Quartermaster Corps clerks. Therefore, the amendment was introduced in the Military Affairs Committee and approved by that committee.

Mr. KING. Mr. President, the Senator spoke of allowances. This provision, then, does not carry allowances other than the compensation to which the Senator has just referred?

Mr. FRELINGHUYSEN. It does not, except subsistence. It carries subsistence, but not commutation of quarters.

Mr. KING. By the word "subsistence," the Senator means that they will be rationed by the Government?

Mr. FRELINGHUYSEN. Yes.

Mr. KING. Well, Mr. President, with the approval given this proposition I shall not further oppose it, although I am not converted to the justice or fairness of the proposed legislation. This is only another evidence of the powerlessness of Congress to resist the demands for additional rewards and benefits and compensations. I repeat, there was the keenest rivalry for positions as field clerk. I was told by officials in the War Department that there were thousands of applications; indeed, far more than the service required. Men were not called or forced into the service. They eagerly sought it; some for selfish reasons, some to escape the draft, others because they were offered more than they were receiving in their usual pursuits.

Mr. FRELINGHUYSEN. It is approved in a communication from the Secretary of War and The Adjutant General.

Mr. KING. I want to emphasize, however, what I said a moment ago. I think this legislation is unwise and unfair. To my own knowledge a large number of young men sought these positions, some of them to escape the draft and some of them because they did not receive the same compensation at home that they were promised at that time by the Government; and having not only voluntarily entered the service but solicited it, it seems to me it is unfair now to give them this additional compensation.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator. I hardly think that is a fair position to take with reference to these young men. Many of them have families in this country, and the increase of pay is not any more than is paid to men who are stationed right here in the departments—and young women, too, so far as that is concerned—and yet these young fellows go abroad. They have to keep up their establish-

ments there practically as a commissioned officer does; and it is a mistaken idea the Senator has that these young fellows are not exposed to danger. They are. They are with the Army in the field, and, if need be, in the trenches. It does not seem to me unfair to allow them this additional compensation.

Mr. KING. If the Senator will yield, does not the Senator know that a great number of the young men who have entered this branch of the service—if it may be called a branch of the service—did so for the purpose of escaping the draft?

Mr. CHAMBERLAIN. No; I think not. Take the young man who was in the Military Affairs Committee with me for a while, young Daniel, from Mississippi—a splendid young man. He was anxious to go in the service, but it was suggested to him by some of the officers who knew his capability as a stenographer and as a clerk that he should undertake to go into the Army field service, because he could render more efficient service there. He went there reluctantly; but he is an excellent stenographer and an excellent clerk. It is that character of young men, many of whom have gone in because the department, realizing their capability, wanted that kind of men, instead of taking the enlisted men or men who were not so well qualified. The young man I am speaking of gave up a greater salary than he now receives to go into the service, so that it was a question of serving his country. He thought first of the Marine Corps, then of Infantry service, and while he was going around undertaking to get into the service where he would render the best service to his country it was suggested by officers that he go into the Army field service, and so it is with many of them.

Mr. KING. I know that I have received, and I have no doubt that many Senators have received, scores if not hundreds of letters from young men who did not want to fight, who wanted to escape the danger zone, and therefore sought positions as field clerks. They knew that if they went as field clerks they would escape the draft; moreover there was the desire to cross the ocean, and learn something of the lands beyond the sea.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I offer the amendments which I send to the desk. I will say that they are not committee amendments, but they came to me on the 26th instant from the Secretary of War. I will ask the Secretary to read his letter giving the reasons for asking for these amendments, and then I will offer them.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, June 26, 1918.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: I have the honor to request that the changes as indicated herein be made in the Army appropriation bill for 1919 (H. R. 12281).

On page 7, line 5, after the word "motorcycle," omit the word "and" and substitute a comma; after the words "motor-driven" insert the words "and other."

On page 7, line 16, between the words "excepting" and "telephone" insert the word "local."

On page 7, line 18, after the word "Columbia," insert "and toll messages pertaining to the office of the Secretary of War."

These changes are considered necessary, because, as the bill reads, there is some doubt as to the authority for the purchase of vehicles other than motor driven. The Signal Corps has used for years such special vehicles as wire carts, lance trucks, and instrument wagons, which are not motor driven. These are still a part of the prescribed equipment.

The second change is important and necessary in view of recent opinions of the Judge Advocate General of April 23 and May 18, 1918, approved by the Secretary of War on April 28 and May 21, 1918, respectively. These opinions state that the local calls of bureaus of the War Department and toll messages pertaining to the office of the Secretary of War shall be paid for by the Supply Division of the War Department. These changes will relieve the Signal Corps of the local service pertaining to the various bureaus of the War Department and toll messages pertaining to the office of the Secretary of War only. This service can then be handled by the Supply Division of the War Department.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. CHAMBERLAIN. I offer the amendments that I send to the desk.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. On page 7, line 5, after the word "motor-cycle," it is proposed to omit the word "and" and substitute a comma, and after the words "motor-driven" to insert the words "and other."

The amendment was agreed to.

The SECRETARY. On page 7, line 13, between the words "excepting" and "telephone," it is proposed to insert the word "local."

The amendment was agreed to.

The SECRETARY. On the same page, line 18, after the word "Columbia," it is proposed to insert "and toll messages pertaining to the office of the Secretary of War."

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I have here an amendment suggested in a letter from the Ordnance Department on the 26th instant. The committee has not had an opportunity to confer with reference to it. I offer it, however, for the Senate to consider, with the letter accompanying it, which gives the reasons for offering the amendment at this time.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, line 15, it is proposed to add the following:

Provided further, That any moneys received by the United States as the proceeds of any such sale shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold, and the same shall immediately become available for the purposes named in the original appropriation.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. I ask that the letter may be read.

The VICE PRESIDENT. The Secretary will read the letter. The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, June 26, 1918.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR CHAMBERLAIN: Secretary Baker this morning verbally authorized Lieut. Col. Griggs to invite your attention to that portion of the Army bill providing for the sale of war supplies and to propose an amendment providing for the disposition of the proceeds of such sales in the form attached hereto.

This amendment becomes especially desirable in view of the large sums involved in sales to allied Governments. If such sales of raw materials and equipment should aggregate fifty or more millions of dollars and the available appropriations of the bureau making such sales are reduced by that large amount, then that bureau will be to that extent crippled in its future activities. It is felt that the bureau's efficiency should in no way be impaired owing to aid rendered to an ally. The fear of a temporary shortage of funds available for the production program for our own armies might result in a tendency to retard sales otherwise advisable.

It is undoubtedly fallacious to consider that an appropriation has served its purpose when in the process of economical administration a part of it has been converted back into available Treasury cash.

It is believed that the amendment as proposed accomplishes the intent of Congress that funds appropriated shall only be used for the purposes for which originally appropriated, in that the wording of the proposed amendment provides that the funds shall be only available to substitute property of the kind and character originally procured.

W. W. GIBSON,
Colonel, Ordnance, National Army,
Acting Chief of Ordnance.

Mr. CHAMBERLAIN. Mr. President, I believe that finishes the committee amendments.

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

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, as a separate paragraph, after line 7 on page 92, the following:

That section 67 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, be and the same is hereby amended by inserting the words "the adjutant general or" between the words "War" and "an," so that this paragraph shall read as follows:

"The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, the

adjutant general, or an officer of the National Guard of the State, Territory, or District of Columbia, who shall be regarded as property and disbursing officer of the United States."

Mr. CHAMBERLAIN. I have no objection to that amendment. It simply authorizes the Secretary of War to name an adjutant general as one of the officers.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. McKELLAR. I ask that the amendment which I sent to the desk may be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 24, amend an amendment already agreed to at that place—

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered, and the amendment to the amendment will be read.

The SECRETARY. On page 24, after the word "line," line 13, insert:

Provided, That section 8 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, shall be held and construed to authorize the President, in accordance with the provisions of said act and for the period of the existing emergency only, to appoint as lieutenant general the officer detailed by the direction of the President to perform the duties of provost marshal general in the execution of so much of the aforesaid act as relates to the registration and the selective draft.

Mr. McKELLAR. Mr. President, the purpose of this amendment is to reward genuine merit. It is to reward an officer of the Army who, without disparaging any others, I think has done as distinguished service as any officer in the Army to-day, if indeed he has not done the most distinguished service of all.

In May, 1917, Congress passed the selective-draft act. The execution of the act was put in the hands of Gen. Crowder, who was made Provost Marshal General. No man in the country could have performed the service any better than Gen. Crowder has performed it. It makes no difference whether it was considered the best kind of an act at the time or not, I think the friends of the system have been agreeably surprised in his splendid success with the draft act, and those who had doubts about the system have had those doubts removed. The fact is that this splendid success of the draft system was brought about by Gen. Crowder. He was the father of the act. He is a part of the act. He has executed it with the greatest skill and ability.

No man, as I said before, in the Army or out of it, in my judgment, has performed his duties any better or more successfully. He has produced men as fast as they could be trained in this country. Gen. Crowder is a West Pointer. He has had a distinguished military career. After he graduated at West Point he went into the Cavalry. He took part in the Indian wars in the West, where he served with distinguished ability. He was appointed as a military instructor at the University of Missouri. While there he took a course of law and graduated at the University of Missouri, and went into the Judge Advocate's Department as major in 1895. After the Spanish War he went to the Philippines as colonel judge advocate. He took an active and important part in the reorganization of the Philippine Islands under the military régime there. In 1904 he was made colonel; in 1911 he was made a brigadier general; in 1917, a major general. He was a military observer in the Russo-Japanese War. In all these places he has acquitted himself with great fidelity and great honor and with very marked distinction.

Mr. President, I have always believed in promotion according to merit. The question raised by this amendment is not a personal one. It is primarily a question as to the proper system of promotion. Are we going to reward our officers who perform great and meritorious service, or are we going to give promotion in the order of seniority, without regard to merit. I am for the merit system. I want all our military officers to know that when they make good we are going to promote them, and when they do not make good we are not going to promote them. This will put every officer and every man on his mettle and bring out the best that is in him. Here we have the case of a man who has filled his position with the greatest efficiency. We all recognize that the draft act under Gen. Crowder has been a conspicuous success. It is just a question whether we are going to reward him for his faithful services, for his intelligent services, for his splendid services to the people of this country. He has already performed the act. He has already made good. He has already produced a great Army. He has made few mistakes about it. He has disorganized business in the least possible degree in the selective-draft system. The

American people have confidence in him and they are confident that under his guidance and control there will be no dearth of man power in this war. There has been less criticism of his work than the work of any other department of the Government, when we might have reasonably expected more criticism. Those of us who have been associated with him know of his untiring energy, of his great vigilance, of his masterly legal accomplishments, of his just views, and of his courteous but firm treatment of all who come in contact with him.

In simple justice, Mr. President, I hope that the Senate will pass this amendment unanimously.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee to the amendment.

Mr. KING. Mr. President, until I can understand the matter a little further I shall reserve the right to make a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Utah makes a point of order against the amendment.

Mr. McKELLAR. I hope the Senator from Utah will not make a point of order against this amendment.

Mr. KING. I would like to ask the Senator from Tennessee how many lieutenant generals our country has.

Mr. McKELLAR. I will refer the Senator to the chairman of the committee. I do not recall just what appointments, if any, the President has made under a recent act of Congress.

Mr. CHAMBERLAIN. I was just looking for an amendment that was added to the last clause of a bill to make lieutenant generals of certain officers of the Army. It was not done on the report of the Military Committee either. It was done on the floor of the Senate.

Mr. President, while as a general proposition I oppose this sort of legislation, I can not help but feel that there ought to be some recognition of the magnificent services rendered by Gen. Crowder. I know of my own knowledge that from early morn till dewey eve—and, in fact, throughout the night—Gen. Crowder, ever since the draft act was drawn and until it was finally enacted, was giving all his time and attention to it. It was his sole consideration. And after it was passed, and it became necessary to properly administer it, Gen. Crowder has been most diligent in doing it. I do not believe that there was ever a law passed by Congress as complicated as that which has been so faithfully and so efficiently administered as the draft act. I feel that some recognition is due him; and, so far as I personally am concerned, I will let the amendment to the amendment go through.

Mr. KING. Let me ask the Senator how many lieutenant generals there were during the Civil War? My recollection is that only a very limited number received this great recognition, and they were men who rendered most distinguished service upon the battle field. I join with the Senator in expressions of high approval of the work performed by Gen. Crowder. While I do not care to institute comparisons, I want to say that in my opinion no more able and efficient officer can be found in the Army. He has discharged with signal ability the heavy responsibilities which were placed upon him. So well has he done his work that I wish that other positions of trust and responsibility could be given him. He is, in my opinion, not only a great military leader, but his knowledge of the important and complex legal questions relating to the Army is superior to that of any other man in public or in private life. I know the desire of Gen. Crowder to engage in distinctively military work. Personally, I should be glad to see him in France, where his splendid abilities would bring to him increased honor and fame. It would be difficult and, indeed, impossible to find another who could so efficiently discharge the work which is now being performed by Gen. Crowder. However, in my opinion it is not wise or proper at this time to grant this promotion. It will lead to requests almost in the nature of demands for legislative promotions and distinctions in behalf of other faithful officers, both in the Army and in the Navy. There should be some system in dealing with the question of promotions and rewards for distinguished service. Special legislation dealing with each particular case is not desirable, and, as stated, will lead to constant demands, accompanied by persistent effort, and the bringing to bear of every possible influence to secure promotions by legislation and by special act for many other men who may be brought into great prominence during the present war.

Mr. CHAMBERLAIN. The Senator asks me how many promotions there were during the Civil War. I do not remember how many there were. I believe, as far as I recollect now, there are only two surviving lieutenant generals—Gen. F. B. M. Young and Gen. Nelson A. Miles.

Mr. KING. I have had no occasion to investigate the question of military promotions granted in the past nor am I a member of the Military Affairs Committee. I can only speak from an

indistinct recollection arising from my somewhat limited historical knowledge of military matters; but as I recall, there have been but very few men raised to this exalted position by our Nation. Washington, as I remember, received a commission as lieutenant general. I may be in error, but I think Gen. Grant was the first lieutenant general of the Civil War period, and he did not receive this promotion until near the close of or immediately after the termination of the Civil War. It seems to me that it would be imprudent to begin now to create lieutenant generals. What the future of the war will develop we do not know. There is no occasion for haste. We can afford to wait the results that will flow from this great conflict. The Commander in Chief, so far as I know, has not advised this legislation. The military channels of the Government have offered no suggestions or recommendation that would warrant the assumption that such a course is wise or prudent. Of course, Congress has the power to act in this matter, but I think the question should be considered upon some other occasion, when the entire question of military promotions and the bestowal of marks of approval and high rewards upon those who may distinguish themselves in this war, may be considered in all of its aspects. This is a military appropriation bill; it carries billions of dollars imperatively needed in this titanic conflict. Let the legislation be germane to the main purpose of the bill. I repeat that we may find ourselves embarrassed later on in this war if we proceed in a piecemeal fashion to deal with the question of promotions and if we accept the amendment now tendered by the Senator from Tennessee.

Mr. McKELLAR. Mr. President, as I recall, the office of lieutenant general was given to Gen. Grant because of the great services that he had performed for his country, and those are the kind of cases when we ought to give these promotions to officers of the Army. That is precisely what I propose to do by this amendment here in the case of Gen. Crowder. He has already performed as great a service as could possibly be performed in any war in his organization of the man power of this country.

It is not a case of rewarding a man who may or may not succeed; it is a case of rewarding a man who has already succeeded. He has produced the man power of this country and has done it well. He has done it without any undue disturbance of our country's industrial, agricultural, or commercial systems. I do not think anyone will say that he has not done it well, and I think we ought to reward those who have done well. It will be a lesson to those officers who are in places of importance and opportunity now. They will know that Congress intends to reward those who have done their duty and have done it well and have done it faithfully and have done it so successfully.

Mr. WARREN. Mr. President—

Mr. McKELLAR. If the Senator will pardon me, Gen. Crowder has done as distinguished service, if not the most distinguished service, of any military man in this war up to date.

Mr. WARREN. Mr. President, I wish to say that, in my judgment, to deny Gen. Crowder some reward of this kind would be to penalize him because of his great ability that keeps him on duty in this country. He is a major general and has been anxious to go abroad. He is a fighting man and wants to be at the battle line "over there." I know that at the bottom of his heart from the very commencement of this war he has been anxious to go abroad, and nothing has kept him here but patriotic duty on his part and great appreciation of his ability by his superior officers in his executing the draft law and forming an army therefrom.

Therefore, while I agree with the chairman, and I do not like this kind of legislation, generally speaking, this case certainly deserves attention and the bestowal of this distinction upon him. It is to exist only during the present war emergency, at the pleasure of the President. I earnestly hope and fully believe this amendment will be adopted.

Mr. CHAMBERLAIN. May I give the Senator from Utah the law I had reference to which I have been trying to find?

Mr. KING. I yield to the Senator for that purpose.

Mr. CHAMBERLAIN. It was tacked on to the war-risk insurance act, and the clause is as follows—it is the last provision in the act:

That section 8 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, shall be held and construed to authorize the President, in accordance with the provisions of said act and for the period of the existing emergency only, to appoint as generals the Chief of Staff and the commander of the United States forces in France; and as lieutenant general each commander of an army or army corps organized as authorized by existing law.

Then it goes on making provision for the payment. So, as the Senator will see, there is a precedent for it. Besides that, as I recall it, the Senate passed a bill creating the same office

for the commandant of the Marine Corps. What has become of that I know not; it may have been defeated in conference, but the Senate passed it.

Mr. KING. The Senator from Wyoming has had great experience in legislation relating to military affairs. His long service upon the Military Affairs Committee has enabled him to speak with an authority that I do not possess; but he admits that he does not like "this kind of legislation, generally speaking," but he justifies it because it exists only during what he denominates "this emergency" and at the "pleasure of the President." The Senator concedes the point for which I am contending, namely, that it is unwise to deal with questions of promotion, particularly at this early stage of the war, in this piecemeal and special manner. Of course I appreciate the power of Congress to grant promotions and to bestow marks of approval for distinguished services, and yet I believe that it is too early in the war to begin legislation such as this. In taking this position I am not speaking in any way derogatory to the great ability of Gen. Crowder and the splendid service rendered by him to the country. But, Mr. President, I am afraid that this legislation will create jealousies and controversies and will be followed by many assaults directed upon Congress in behalf of other worthy officers. In my opinion it would be a wise and proper course to pursue to deal with questions of promotion for distinguished services under general laws rather than by special statutes.

In the view of many we are just entering the war. At so early a period, then, in this great undertaking it seems to me it is unwise to undertake legislation of this character. If the Senator will permit, I should like to inquire of him whether we have by special legislation since this war began raised any officer to the position of lieutenant general. In other words, has any officer, because of distinguished services, received recognition of this character by legislative enactment?

Mr. CHAMBERLAIN. I think not unless the provision which I have just read to the Senator covers it.

Mr. KING. Then Gen. Crowder is to be made the first lieutenant general during this war. He is selected by Congress from the list of worthy and able officers and preferred by this legislation above them all. As I have stated, Gen. Crowder deserves the thanks of the American people for his great services, but I am not willing at this time to support this bill.

Mr. CHAMBERLAIN. I do not know of any other who has been created a lieutenant general.

Mr. MCKELLAR. Has not Gen. Bliss been appointed a lieutenant general? That is my recollection. Of course, Gen. Pershing is over there, but he is a general.

Mr. CHAMBERLAIN. I do not recall just what has been done.

Mr. MCKELLAR. I am not positive about it. It may be that the Senator from Wyoming [Mr. WARREN] can state whether Gen. Bliss has been appointed a lieutenant general.

Mr. WARREN. Gen. Bliss was made a general when he was Chief of Staff and the commander of the American expedition in France was made a general. When the change was effected in the staff Gen. March was made a general. Gen. Bliss, by special legislation, was retained after his retirement, as I remember it, and was put back in the service with the same rank, or as a lieutenant general, because of his service over there with the high commission.

Speaking of lieutenant generals, we have had a great many in the Army. After the Spanish War in 1898 we passed a law that the Chief of Staff should be a lieutenant general, and it so happened that one after another of the generals of the Army as they were retired were able to retire as lieutenant general. For instance, the general who is now at the Soldiers' Home, Gen. Young, retired as a lieutenant general, Gen. Chaffee, Gen. Bates, Gen. Corbin, and a number of others. After those who had participated in the Civil War had nearly all passed over or had been retired the law was repealed, so that the highest place one could occupy in the National Army was for years major general. Then came the legislation in the war-risk insurance act to make temporary generals and lieutenant generals.

Mr. WILLIAMS. Mr. President, it just so happens that I had charge of the war-risk insurance bill when it was before the Senate, and I remember why the action was taken at that time. It was taken upon the ground that our members of the staff in France and Gen. Pershing in command there could not very well sit around the council board with inferior rank, when amongst others who were sitting there were marshals of France and lieutenant generals of the British Army. It was therefore suggested that an amendment be put on so as to cure that difficulty which existed with our staff officers, I believe at that time Gen. March—though I have forgotten now, whoever was in France—and also Gen. Pershing. That, of course, was the rea-

son of that law and was peculiar to that law. I moved it at the suggestion of the War Department and gave those reasons for it. It is not at all applicable in a case like this.

Mr. THOMAS. Mr. President, something was said some time ago about the action of the Senate in attempting to bestow this rank upon Gen. Barnett, commanding the Marine Corps. I think if we are going to enter upon this policy of creating rank and making promotions the act of the Senate in recognizing the ability and the services of Gen. Barnett should be commended and not condemned. I do not know a better fighting force in the world than the force which we call the American Marines. They have distinguished themselves wherever they have been called upon to take part in active conflict. They have a high morale and recently they have written their names in letters of blood upon the French front and performed acts of valor which only emphasized the great reputation which they have always enjoyed. The creation of this force is largely due to the efforts and the enterprise and the ability of Gen. Barnett.

I quite agree, too, Mr. President, that if we are to promote men by legislation the services which Gen. Crowder has performed and given to his country in the work of Army organization entitle him to first consideration. But I question, Mr. President, whether it is a policy upon which we should enter, because it will be extremely difficult to draw a limitation anywhere once the practice has been established. For example, I know a man who occupies a very modest position at present in the United States Army, a colonel, a rank which he has held for many years, who is entitled almost exclusively to the credit of inaugurating a rifle program and producing rifles in accordance with that program.

Our ordnance program, Mr. President, has been disappointing; it will continue to be so for some time. There is here and there a bright spot in that program, a brilliant record of achievement, that relieves very largely the somberness of the program as an entirety. Col. John T. Thompson, of the United States Army, had charge of the small-arms program from the inception of the war. He had had the experiences of the previous two or three years as one of the managers in charge of the great Remington Works, and he brought at once to the problem the value of those experiences. After a process of selection, whereby the best gun was selected, as I think the experiences of the war will determine, he began almost immediately the production in great quantities of that gun. Whatever may be said of light artillery, of heavy artillery, and other ordnance, it is fortunate that we have plenty of small arms, not only for our organizing purposes in America but to supply the men at the front and to keep them supplied.

This man is entitled, Mr. President, if a soldier ever was, to some recognition, which, up to this time, however, he has not received. On the contrary, his services seem to have been disregarded, since for some time he has occupied a practically nominal position in the Ordnance Bureau of the Army. If we are by legislation to promote soldiers who have performed unusual service to their country, I shall insist that Col. Thompson be made a brigadier general. He is entitled to it from every standard from which his right to it may be considered. I think such a promotion should come in the usual way, through military channels, by appointment from the President. This is perhaps one of the many instances which will present themselves here; and we all know from our own experience, whether long or short, that some legislative precedents once established not only become difficult of control but become so potent that their mere existence is all that is essential to secure the enactment of similar legislation.

Mr. KING. Mr. President, will the Senator from Colorado yield to me?

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

Mr. THOMAS. Yes.

Mr. KING. This is really a paraphrasing of the sentence just uttered by the Senator from Colorado, and not nearly so well stated. If this legislation is passed, does not the Senator think that it will be an invitation for officers who have rendered, and who will render, distinguished services, to knock at the doors of Congress and set in motion—of course in a proper way—whatever influences they may command, to secure legislation giving them promotions and marks of approval?

Will it not result in Congress being besieged by those who seek special legislation for military honors and promotions? If not by those who would receive the promotions, by those who are friendly to their claims, and whose influence might be potential?

Mr. THOMAS. If the precedent would stop there it might not, perhaps, be so bad, but it will prompt those who are not deserving of consideration, and who can not get it through the channels of the War Department, but who have Representa-

tives and Senators to speak for them, to insist that we bestow upon them the promotion and the position which they have been unable to win through merit in the usual channels; in other words, the matter of promotions will be gradually, then more generally, then perhaps universally transferred from the War Department to Congress. I very much question the beneficial efficacy of such a system of procedure upon the personnel, the morale, and the discipline of the United States Army.

Mr. KING. If we adopt this amendment would there be anything to prevent the Senator from Colorado from offering an amendment to give promotion to Col. Thompson and to others who have already rendered signal service during the war?

Mr. THOMAS. If this amendment be adopted, I should feel it my duty to ask for a similar promotion for Col. Thompson—no, not a similar promotion, but for a promotion—for he is entitled to it at the hands of Congress quite as fully as is any other man who has distinguished himself by military service since the war began.

Mr. KING. Mr. President, while the Senator from New York [Mr. WADSWORTH], who is a valuable member of the Military Affairs Committee, has not addressed himself to this subject, I have such confidence in his ability and his knowledge of questions coming before the committee that it would gratify me very much if he would express his opinion to the Senate as to the wisdom of special legislation of this character, not having in mind Gen. Crowder or any particular individual. I hope that my request will not be regarded as impertinent, although it may be rather an unusual one. The Senator's views might influence me in determining whether or not I shall press the point of order raised or whether I shall withdraw the point of order, and submit the question to the judgment of the Senate.

Mr. WADSWORTH. Mr. President, I can not consent to being characterized so highly as the Senator from Utah has seen fit to do. I certainly am not an expert on the question.

The only thing I can say, however, is that the Senate should, in my humble judgment, legislate for situations as they arise. If it is not within the power of the President to promote an officer who is assigned to a special kind of duty, and if it is the proper thing for the President to have that power in order to make the rank fit the responsibility, then it is the duty of the Senate, in its wisdom, of course, to empower the President to do it. That, I understand, is what the amendment of the Senator from Tennessee [Mr. MCKELLAR] seeks to do. However, I beg the Senator from Utah not to take that opinion of mine as conclusive.

Mr. KING. I desire to ask the Senator whether, in his opinion, the President has authority under existing law to give this promotion to Gen. Crowder?

Mr. WADSWORTH. May I ask the Senator from Tennessee if his amendment in every respect refers to the present incumbent of the office of Provost Marshal General?

Mr. MCKELLAR. It speaks of the head of that department. I desire to have the Secretary read the amendment, so that we may have no doubt about it. The amendment does refer to the Provost Marshal General.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. The amendment proposed by Mr. MCKELLAR reads as follows:

Provided, That section 8 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, shall be held and construed to authorize the President, in accordance with the provisions of said act, and for the period of the existing emergency only, to appoint as lieutenant general the officer detailed by the direction of the President to perform the duties of Provost Marshal General and the execution of so much of the aforesaid act as relates to the registration and the selective draft.

Mr. WADSWORTH. My understanding is that the rank of lieutenant general, which the Senator from Tennessee suggests is to go with the detail or appointment, is not necessarily to the present incumbent, but it is to any incumbent who might find himself in the position. I think without that legislation—at least I doubt it—the President has the power to give that rank to the officer.

Mr. KING. Mr. President, as I have stated, I regard this proposed legislation as unwise. In my opinion, it would be an unfortunate precedent to establish at this time. It may prove not only embarrassing to Congress, but it may constitute such a precedent as to be embarrassing to the military authorities as well as to the Commander in Chief of all of our forces. I feel that we should wait and have some regard for the modus operandi of the military department of the Government. As I have stated, my opposition to this legislation must not be construed as any unfriendliness to Gen. Crowder. I know him; in fact, I know him better than I do any other important officer

in the Army. I have a greater friendship and regard for him than for any officer in the United States Army. His great legal ability would prejudice me in his favor, to say nothing of his long and splendid career. Personally I would prefer to vote for the promotion of Gen. Crowder than for any officer in the Army, but I believe that this is not the time nor the manner to deal with this question.

I feel, however, that the Senate should have a chance to express itself upon the matter, and I shall withdraw the point of order. Of course, the proposed amendment offered by the Senator from Tennessee is subject to a point of order. It is not legislation which under the rule is permitted to be offered as an amendment to the pending military appropriation bill. If we adhered to our rules and applied them as we should in legislative matters, this proposed amendment would not receive a moment's consideration and would be subject to a point of order. However, as stated, I shall withdraw the point of order which I have made, and Senators may thus have an opportunity of voting upon the amendment. I express the opinion, however, that we should adhere to the rule and that at this time we should not support the amendment.

Mr. LEWIS. Mr. President, it was my purpose yesterday to address myself to many of the features of this bill, but because of the desire to secure a speedy vote I did not avail myself of that privilege. At this moment I express myself merely as to the amendment tendered by the Senator from Tennessee [Mr. MCKELLAR].

Mr. President, I should like to see this amendment adopted. My reasons are that the peculiar duties put upon the present incumbent of this office, Gen. Crowder, ought to empower him to as great an extent as possible, that the public at large may have confidence in him and have respect for his authority. The peculiar duties he is called upon to exercise are of a nature which are weakened unless he appears to have the fullest confidence of his country, and that is certified to the popular mind by the rank which the officer bears.

Now, sir, let Senators hear me. I am probably the only Senator on this floor who has a personal grievance sufficient to object to this measure, and which grievance under ordinary circumstances would be accepted as sufficient to justify objections against this promotion, if any person's personal grievances were to be justified as an excuse for personal opposition.

Mr. President, it is known in my State that I am an officer of the Guard—I beg pardon for referring to it in the Senate—I am unofficially of the Guard; I am at present unofficially connected with it; and I have remained so and been so since the Spanish-American War up to the present time. No one knew that better than certain officers here in the War Department, and that my knowledge of fellow officers could be of information in making appointments from them. From my State I am morn, noon, and night being castigated by letters from members of the Illinois Guard because of the fact of an apparent political discrimination that happens from the Judge Advocate's office. Every man made a major or colonel in this department who has been named from my State has been a gentleman of the Republican Party—three of them, or five of them—high-class, capable gentleman, and, in my opinion, capable of filling their duties. Of all the Democratic officers applying, not a single Democrat has been appointed to the office, with the single exception I will name, under any circumstances, and this at a time when there should have been no partisanship, neither Democratic nor Republican. Under all circumstances surrounding us, there should have been some of each, representations from all parties, equal competency conceded. No protest of mine has been of any avail. One, who was a lieutenant governor of my State, long an officer of the Guard, who held an insignificant lieutenantancy, having gone through all the training in the camps, having gone through all of the mutations necessary for perfection of form and ceremony, and having himself previous to that having been an officer of the Guard, has been nominated to be promoted from a lieutenant to a captaincy in the Judge Advocate General's Department—I owe this to Gen. Crowder—but as to every majority, not one has been given to a Democrat. This has hurt the Democratic officers of the Guard.

In the State of Indiana, in the State of Ohio, in the State of Wisconsin, in other States, this unfortunate form of discrimination is charged to have followed through some accident. But it is very difficult to make those who have been the victims of such discrimination, and whose letters of protest I have presented, believe these things could have happened by accident every day in every week of every month in a whole year. Yet I am powerless to offer a satisfactory excuse to those who protest except to acquit Gen. Crowder of intent to do such things.

Mr. SUTHERLAND. Mr. President—

Mr. LEWIS. But those things, Mr. President, can occur in a busy condition, such as we are in now, without the slightest intention and without the slightest motive.

Mr. President, even these grievances, which I have been known to express as sent me by all these whose protests I have presented, can not stand against the merit of the officer, Provost Marshal General Crowder. They shall not stand against his capacity, they can not weigh against the deserts of promotion, and I rise to give approval to his promotion and ask that even as against any grievance of any Senator, and Senators know I understand their expressed grievances.

Mr. SUTHERLAND. Mr. President—

Mr. LEWIS. I assure the Senator I will yield if he will allow me to reach the period of my paragraph—I ask that the promotion be given to the officer and that it may apply to the present incumbent, Gen. Crowder, because of his work and his labor. He deserves it. I approve it because the position he occupies should have as much authority conferred upon it as possible in order to aid him in its execution before the public and obtain credit for his distinguished service in the popular mind. I now yield to the Senator from West Virginia.

Mr. SUTHERLAND. Mr. President, I wish to call the Senator's attention to the fact that the situation which he has described as obtaining in Illinois and other States has not obtained in West Virginia. There have been to my knowledge four officers appointed to the Judge Advocate General's Department from the State of West Virginia, and I think three of them have been Democrats, and very competent, able men. Two of them have gone abroad, and there are no better officers there than those two officers of the Judge Advocate General's department, who are Democrats from my State.

Mr. LEWIS. Mr. President, I will say to the Senator that of those gentlemen who have been named from my State, for instance, Col. Chipperfield, who served with me as a brother officer in the Guard and was lately a Member of Congress, is a high-class, able, competent man, now a candidate for the Senate, and Col. McChesney is a capable and able gentleman, a high-class man, presented by his people as a prospective candidate for governor, a very able lawyer, and, of two others I might say, professors in a college, are in every way personally commendable. So I might speak of them all.

I agree with the Senator from West Virginia that there may be instances where the discrimination may appear to have been on the other side. I hope it is never intended anywhere, but I am sure, Mr. President, Senators will catch my viewpoint that there ought to be some effort made so that neither political party should monopolize these places and create in the minds of those of the opposite political party the notion that merely because of their politics these discriminations prevail.

I merely rose to support this amendment. I know the duties of the officer; I know the burden he bears. He ought to be aided, and I do not feel that even the discriminations to which I have alluded or other grievances felt by other Senators have been intentionally inflicted. I regret that they have been effective in my State to discourage men who have been long in the Guard, and, to make them feel that merely because they are of the minority party in the State of Illinois, they can not even be honored in a place where they may serve their country.

I ask that the amendment proposed, so far as I may be so privileged, be adopted. I give it my support because of the deserts of Gen. Crowder, his work and his merit, and I know the influence it will have upon the popular mind.

Mr. VARDAMAN and Mr. KNOX rose.

Mr. LEWIS. Did the Senator from Pennsylvania rise to interrogate me?

Mr. KNOX. No; I thought the Senator had concluded.

Mr. LEWIS. I gladly yield the floor to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. VARDAMAN] had risen to his feet prior to the Senator from Pennsylvania and is recognized.

Mr. VARDAMAN. Mr. President, I shall detain the Senate only long enough to say that I am going to vote for this amendment. In doing so I will pay to a worthy officer the tribute of my respect, confidence, and gratitude for the splendid services he has rendered his country since the declaration of war.

Mr. KNOX. Mr. President, if this matter were to be determined solely upon the merits of Gen. Crowder as an individual, I would very gladly support it as a due recognition of the great services he has rendered, not only in the forming of the present Army that is engaged in the conflict abroad but because of a personal knowledge of the invaluable services he has rendered in the past. It was my good fortune while Secretary of State to be thrown very frequently with Gen. Crowder for four years

in conferences with respect to many international matters, where diplomacy and the military authority cooperated to some extent, and a more capable and wise adviser and counselor it has never been my good fortune to know. It seems to me it is important, in order to maintain the proper spirit not only among those who are recipients of honors but to inspire in others who may desire to attain honors, particularly in as grave a situation as this country is now in, freely and frequently to recognize great ability and meritorious service. I think, however, that this amendment stands on broader ground. I think it rests upon the proposition that the branch of the service headed by Gen. Crowder is entitled to this recognition. War does not consist solely in battles. Indeed, it more depends upon preparation sometimes than in actual execution upon the field, because there can be no efficient execution without wise, careful preparation.

Gen. Crowder stands not only as the man charged with the responsibility of assembling an army, but he is, as well, the legal head of the Military Establishment; and Senators know that in all branches of the Government the law, the rules by which we are to proceed in the formation of armies, the rules that are to govern our relations if we are, as we are to-day, cooperating with other nations, all of the grave and intricate questions that are involved in a seemly and proper conduct of the Military Establishment, must be determined by the Judge Advocate General. In our civil establishment the law head of the Government sits in the Cabinet with the same rank as the Secretary of State, the Secretary of the Treasury, and other members of the Cabinet. I can not see any reason why in the Military Establishment the head of the law department of the Military Establishment should not receive the same recognition as those who execute the military orders.

Therefore, so far as I am concerned, I could not allow this opportunity to pass without saying that in order to be true to the sentiment that I entertain for Gen. Crowder, predicated upon a long and intimate acquaintance with him, if it stood solely upon the merit of the man, I would support this amendment; but if he were to me an absolute stranger—aye, if he were to me a man who stood in practically the position that the Senator from Illinois has described, in rather an unfriendly attitude, so far as his actions were concerned—I think, based upon the wisdom of recognizing the branch of the Government with which Gen. Crowder is connected and his relations to it, that this amendment should be adopted.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Tennessee [Mr. MCKELLAR] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRANCE obtained the floor.

Mr. GORE. Mr. President—

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

Mr. GORE. I desire to ask the chairman of the committee if he has further amendments to suggest?

Mr. CHAMBERLAIN. I have no further committee amendments. I have one amendment of my own, but I thought I would offer that after other Senators had had an opportunity to present theirs.

The PRESIDING OFFICER. The Senator from Maryland has the floor. Does the Senator from Maryland yield to the Senator from Oklahoma?

Mr. GORE. I was not aware that the Senator from Maryland had the floor; but if he desires to offer an amendment that will probably take any time, I should be glad if he would yield to me to offer an amendment which I think will not take any time. I say that because I shall probably be in conference most of the afternoon.

Mr. FRANCE. I will yield with pleasure, with the understanding that I do not lose the floor.

Mr. GORE. I will say that if this amendment provokes any discussion I shall, of course, withdraw it.

The PRESIDING OFFICER. The Senator from Maryland yields to the Senator from Oklahoma for that purpose.

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert, at the proper place in the bill, the following:

To enable the Secretary of War, in his discretion, to construct and install a filtration plant or other suitable device for such purpose in connection with the water plant from which Fort Sill and Camp Doniphan, Okla., are supplied with water, \$100,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 120, the last page in the bill, at the end of line 6, it is proposed to add the following:

Provided further, That in view of the grave existing emergency, which demands the more effective mobilization of the man power of the Nation for the industries related to the war and the raising of troops in addition to those now available, the President be, and he is hereby, authorized to make a military census or enrollment according to residence, age, physical ability, nationality, training, status, occupation, profession, and condition of employment of all male citizens of the United States or male persons not alien enemies who have declared their intention to become citizens.

Mr. FRANCE. Mr. President, if there is no opposition to this amendment, I do not care to discuss it.

Mr. CHAMBERLAIN. Mr. President, so far as I may consent to the amendment going into the bill, I am willing to let it go in, and we can discuss it in conference when the bill is referred to the conference committee. I think there is merit in the proposition of the Senator, but whether or not it is broad enough to cover the proposition I do not know.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I offer the amendment which I send to the desk, to come in after line 6 on page 120.

The PRESIDING OFFICER. Following the amendment just agreed to?

Mr. McCUMBER. No; I think this amendment would follow line 6, and I understood that was at the end of the bill. If not, it will follow the amendment just agreed to.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 120, as a separate paragraph, it is proposed to insert:

That the President is hereby authorized and directed to proceed, as rapidly as equipment and ocean transportation can be provided, to increase the National Army to not less than 5,000,000 enlisted men and such additional officers as may be necessary for such force; and the President is further hereby requested to report to Congress what additional legislation and what additional appropriations will be necessary to carry this provision into effect in the shortest possible time.

Mr. McCUMBER. Mr. President, I want to call the attention of the Senate to the fact that this provision asking that the Army be increased as rapidly as possible considers every argument that was made in reference to our possibly not being prepared at the present time in equipment and in shipping, because it authorizes and directs the President to proceed, as rapidly as equipment and ocean transportation can be provided, to increase the National Army to this size.

Much of the argument yesterday on this proposition which evidenced a doubt as to its propriety admitted that we ought to have that much of an army, but was based upon the belief that possibly we would not have the shipping to transport that army. I think we can get the shipping as quickly as we can get the army; and I want to call the attention of the Senate to a speech made by Mr. Hurley and reported in the papers this morning. It is under the headline, "Promises ample ships—Enough for an army 'without limit,' says Hurley," and it quotes him as saying that the needs of the armies are the only measure of the shipbuilding program, and that they can meet all the requirements. If that be true, Mr. President, there is no reason in the world why we should not signify the legislative judgment that that army should be secured as rapidly as equipment and shipping can be provided.

I shall say nothing more on the matter, Mr. President; but I should like to have a yea-and-nay vote on it.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from North Dakota that I think it is very unusual to direct the President to do anything like this, and I hope the Senator will change the word "directed" to "requested."

Mr. McCUMBER. Mr. President, I assume that in creating an army—that is, the executive part of it—we should use those words; but I will change the amendment so as to strike out the words "and directed," so that it will read "That the President is hereby authorized to proceed," and so forth.

Mr. GALLINGER. That is better.

Mr. WADSWORTH. Mr. President, does the Senator use the words "National Army" in his amendment?

Mr. McCUMBER. I do.

Mr. WADSWORTH. That is confined in its use now to men summoned only under the draft. Would it not be better for the Senator to use the term "Army of the United States"?

Mr. McCUMBER. I will so amend it, Mr. President. I am not a member of the Military Affairs Committee.

Mr. WADSWORTH. As I understand, that will include the Regular Army, the National Army, and the National Guard. I ask to have the amendment stated as modified.

Mr. McCUMBER. I accept the suggestion that it be changed to "Army of the United States" instead of "National Army."

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to add to the bill, on page 120, the following paragraph:

That the President is hereby authorized to proceed, as rapidly as equipment and ocean transportation can be provided, to increase the Army of the United States to not less than 5,000,000 enlisted men, and such additional officers as may be necessary for such force; and the President is further hereby requested to report to Congress what additional legislation and what additional appropriations will be necessary to carry this provision into effect in the shortest possible time.

The PRESIDING OFFICER. The Senator from North Dakota requests the yeas and nays on the amendment. Is the request seconded?

The yeas and nays were not ordered.

Mr. JOHNSON of California. Mr. President, as I read the bill that has been presented here and the amendments that have already been adopted, this particular amendment would be in conflict with the provisions found on page 119, would it not? I have understood that the size of the Army was left by the committee to the discretion of the President as necessity might arise. That being my understanding, I am not ready to place in a strait-jacket, as to numbers, either the President or the Secretary of War; and I am ready to leave to their discretion the creation of an army of five millions, if they deem it to be necessary, during recess or otherwise, or an army of more than that number if it shall be by them determined to be necessary. For that reason, I can not support this particular amendment.

Mr. McCUMBER. Mr. President, there is no conflict whatever. This bill, of course, provides for raising an army of 3,000,000. The appropriations are for 3,000,000; the report states that it is for 3,000,000; and while the bill does not state as a matter of suggestion that the President should proceed year by year to raise such army as we will appropriate for, the amendment which I propose is merely a suggestion that this army should be increased to 5,000,000 as rapidly as the equipment and shipping will allow. It does not prevent going higher to any extent that may be deemed desirable.

Mr. LENROOT and Mr. JOHNSON of California addressed the Chair.

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

Mr. McCUMBER. I do.

Mr. LENROOT. Is it the Senator's intention by this amendment, in view of the action of the Senate yesterday, to instruct the President to raise an army of 5,000,000 men without changing the draft age?

Mr. McCUMBER. I think we will change the draft age in a very short time.

Mr. LENROOT. It does amount, then, to an instruction to raise an army of not less than 5,000,000 men within the present draft age?

Mr. McCUMBER. Yes; certainly, unless that is changed, as rapidly as equipment and shipping will allow.

Mr. JOHNSON of California. Mr. President, I wanted to add what the Senator from Wisconsin has suggested. If this amendment be adopted, unless affirmative action be taken by Congress respecting the draft age, of necessity the army will be raised out of the present draft, and the ages therein limited between 21 and 31, and for that reason, if for no other, this particular amendment ought not to be adopted. As the discussion of the last few days has demonstrated, in order to have an army of 5,000,000 men it will be essential for us to increase the draft ages, or to lower them, as the case may be. If this particular amendment were adopted, and if it were executed and consummated, the army could only be obtained by doing that which with unanimity we have agreed ought not to be done—an invasion of the deferred classes of the present draft.

Mr. McCUMBER. Mr. President, if within the present draft age we can secure 5,000,000 men, and if we can equip 5,000,000 men and secure the transportation of 5,000,000 men, then the necessitous conditions on the western front demand it, without reference to the ages; but I do not think we can do it within the next 2 or 3 or 4 or 5 months and probably not within the next 10 months. But before we shall reach the 1st day of next January we will undoubtedly reduce the age down to 18, and make the age limits between 18 and 40; and I wish to call attention again to the fact that this does not limit the number to 5,000,000, as suggested by the Senator. It simply says that as soon as the production of equipment and shipping can be secured the Army shall be raised to not less than 5,000,000.

Mr. FALL. Mr. President, the line of division is so very marked in the judgment of Senators here as to what Congress should do and what it should delegate to be done that I am com-

pelled to offer as a substitute for the amendment of the Senator from North Dakota an amendment which I had proposed to offer directly to the bill.

The PRESIDING OFFICER. It will be read.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from North Dakota, on page 120, after line 6, strike out the period with the word "conclusion," at the end of the line, and insert:

And the Secretary of War is hereby directed to raise by draft during the fiscal year ending June 30, 1919, as provided in said act and acts amendatory thereof, including those to be so drafted subsequent to June 28, 1918, not less than 3,000,000 men, and is further directed to cause said minimum number of 3,000,000 men to be organized, equipped, trained, and used during said fiscal year for the prosecution of the present war.

Mr. FALL. Mr. President, I shall not discuss this amendment at length at all. I have never heard it questioned before in the history of this country that the duty of raising an army was not a duty devolved upon the Congress of the United States and not upon the President of the United States except as I have heard it questioned upon the floor of the Senate since and during the discussion of the original draft act. I think it is the duty of the Congress of the United States to direct the raising of armies, and I offer this as a substitute for the amendment of the Senator from North Dakota.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico to the amendment of the Senator from North Dakota.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question reverts on the amendment of the Senator from North Dakota.

Mr. McCUMBER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRANCE. Let the amendment be read, please.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 120, after line 6, insert the following paragraph:

That the President is hereby authorized to proceed, as rapidly as equipment and ocean transportation can be provided, to increase the Army of the United States to not less than 5,000,000 enlisted men, and such additional officers as may be necessary for such force; and the President is further hereby requested to report to Congress what additional legislation and what additional appropriations will be necessary to carry this provision into effect in the shortest possible time.

Mr. FALL. This is the amendment which we are now to vote on?

The PRESIDING OFFICER. It is.

Mr. FALL. I shall not vote for it, because it does nothing whatsoever.

Mr. BRANDEGEE. Mr. President, I was not on the floor when the amendment was offered. I am thoroughly in accord with it, except it seems to me that if Congress is to raise the Army and fix the size of it, it ought to direct it and not authorize it. I want an army over there, and a large one—big enough to do its business. I do not believe in simply authorizing the President to do this thing; I believe in directing him to do it. When the question came up of arming our merchant ships to defend themselves against the German submarines the resolution submitted to the Committee on Foreign Relations was that the President was authorized, if at any time in his opinion it might become necessary, to place guns on our merchant ships to defend our lives. I was in favor of directing him to do it, and I am in favor of directing him to raise this army of 5,000,000 men. I regret exceedingly that the mover of the amendment has seen fit to eliminate the word "directed."

Mr. McCUMBER. I will state that, in answer to the Senator from New Hampshire [Mr. GALLINGER], while I felt it ought to be "directed," because it was from Congress itself, I was willing to defer to his suggestion, inasmuch as it is simply an expression of a desire of Congress that we have an army of 5,000,000 men as soon as possible, and it mattered very little what particular form it was in. But, with the permission of the Senate, I would ask leave to reinsert the word "directed."

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. GALLINGER. Mr. President, my suggestion was that I thought it would be better to use the word "requested"; that it was not usual to direct the President in resolutions of any kind. But if other Senators think differently, I certainly shall not contest the matter. If it is thought right to direct the President, let that word go in.

The PRESIDING OFFICER. The Chair hears no objection, and the modification will be made.

Mr. THOMAS. Do I understand the Senator from North Dakota to say that he has reinserted the word "directed"?

Mr. McCUMBER. Yes.

Mr. THOMAS. If that is the case, I shall vote against the amendment.

Mr. KIRBY. Mr. President, it seems to me that we are wasting a great deal of time here about unnecessary matters. Not long since, when I said that we would see from three to five million men in the Army, the Senator from North Dakota [Mr. McCUMBER] said that the Indians in his country would call that "big talk." He said then that there was no possibility of carrying 500,000 men across the water by July 1. You know what the condition is relative to that now. We have authorized the President here to raise and equip all the men who can be raised and equipped under this law and under the capacity of the Government to do it. Now, what is the use of saying 5,000,000 men or any other number? What is the use of disturbing the program as it is proceeding when we have already sent 900,000 or probably 1,000,000 by the 4th of July or the 1st of July across the sea. This is the program. It is in hand. We are expecting to raise all the army that is necessary, if it takes all the men who are within draft age or who are within reach of any sort of a draft age, and to increase it, if necessary.

Let us have this program laid before us as it ought to be and as it will be by the military department after the recess, when it is thoroughly studied out, and let us proceed along one line and without any diversion or division of opinion among Senators. All of us favor raising an army, and the largest we can raise and equip, and the War Department is in touch with this, and this is the way it ought to be done. Let us do it in this way, and let us save the time and the talk.

There has been a whole lot of talk here that was not necessary. The other day I did not like it. I did not say much about it then. Those who were opposed to woman suffrage got up on the floor of the Senate and made an excuse for a filibuster. They said it was done because no one would pair with a particular Senator. That was to divert attention from what they desired to do and what they did do. It seems to me that that was a poor excuse. There is no obligation upon the part of any Senator, as I understand it, and certainly there is no favor done, to pair with a Senator who is sick and disabled and can not attend the session of the United States Senate. He did not make himself sick; he can not come; and the constituency of his home State or the Nation do not expect that he shall attend and perform the duties of a Senator when he is physically disabled and it is impossible for him to be here. There is no favor in a thing of that kind. Then why should they have expected some other man to do that. It seems to me that that was the poorest and flimsiest excuse that has ever been urged for a filibuster such as was instituted the other day and succeeded.

Now, this other matter here is important. Let us proceed with the program laid down by the people to whom we have committed this program. Let us do it in that way, and do not let us clutter it up.

Mr. FALL. Mr. President—

Mr. KIRBY. I yield to the Senator.

Mr. FALL. I understand that we are five months ahead of the program laid down.

Mr. KIRBY. I do not know whether we are five months ahead of the program laid down or not, but I know they are 100 per cent ahead of what a great many Senators said was not possible to be done by the 1st of July.

I believe this amendment ought to be defeated and that the bill ought to be passed, and passed to-day; and I hope it will be.

Mr. POINDEXTER. Mr. President, I merely wish to remark before the bill is passed, what is obvious to every Senator, that this work of raising an army is not dependent in any way at all upon the amount of shipping that is built. We could raise a million or two million men in addition to those already in the Army and organize and equip them and train them in this country. It will take possibly a year to fit a man for the battle front, and the work can be going on in this country while the shipbuilding program at the same time is being carried out in the shipyards.

Mr. KING. Mr. President, I am in entire sympathy with the amendment offered by the distinguished Senator from North Dakota, but I shall feel constrained, for the reason stated by the Senator from California [Mr. JOHNSON] and some others, to vote against it. If the Senate were not to be in session soon, I should vote for this amendment. Personally I think that we should address ourselves at the earliest possible moment to arming and equipping 5,000,000 men; and we are failing in the discharge of our duties if we shall fail to undertake that work. I believe it is the duty of Congress to indicate the size and character of the Army, and that it is not the function of the Commander in Chief to determine those questions. Those are legislative matters; but I realize that the Committee on Military Affairs, the Secretary of War, the Chief of Staff, and Gen.

Crowder have been giving considerable attention to these questions. It is their opinion—at least the opinion of most of the Committee on Military Affairs, I am advised—that we should pretermitt legislation of this character for the present.

It is obvious, though, that we can not postpone legislation looking to the augmentation of the Army very long, and I hope that the Military Affairs Committee will examine into this question fully and report at an early date such additional legislation as may be required that we may raise and equip an army of at least 5,000,000 men.

Mr. LODGE. Mr. President, there is so much sensitiveness about the word "directed" it shows how rapidly we change. In 1898 the Republican Congress passed a resolution in regard to Cuba. These are the words they used to a Republican President:

That the President of the United States be, and hereby is, directed and empowered—

Congress thought they were performing their usual function and the President took no possible offense. I think we used the word "directed" at a much later period. My impression is that it was in the Mexican resolution. I may be wrong.

Mr. LEWIS. May I ask the Senator what was the subject matter under consideration?

Mr. LODGE. The resolution on which we went to war with Spain.

It simply said he shall have power to use the entire land and naval forces of the United States and call into the active service of the United States the militia of the several States to such an extent as may be necessary to carry this resolution into effect, but he was directed to do it. But of course in those days Congress took a different view of its own power.

Mr. SMITH of Michigan. Mr. President, I am not at all afraid of the word "directed." In fact, I think it is the appropriate word to use. If we direct the President to do anything, it is a customary phrase when the function is a legislative function; but the amendment of the Senator from North Dakota, after all, simply expresses an opinion, and should go further, if that is the legislative intention.

For one, I dislike very much to see the constant record vote against increasing the Army. Yesterday we voted "no" all day against changing the ages of the draft law.

Mr. CHAMBERLAIN. May I interrupt the Senator just there?

Mr. SMITH of Michigan. Certainly.

Mr. CHAMBERLAIN. I concede that that is true; but many of the Senators who really favored that increased Army gave the reason for it, that within the next 90 days there would be a survey made and a report made which would enable them to vote more intelligently.

Mr. SMITH of Michigan. The Senator from Oregon is correct; yet I venture the assertion that, by way of Holland and Spain, the information will go to Germany that we did not authorize the raising of an army; that our votes were negative votes. I do not like that aspect of it. We have just voted down the amendment of the Senator from New Mexico, a really practical and substantial amendment that might have appropriately been adopted, and I think the chances are good that the amendment of the Senator from North Dakota will be voted down. I do not know what the vote may be. I really do not like to see the constant negative vote which is recorded here against increasing the Army.

Mr. SMOOT. Mr. President, does not the Senator know that if the vote had been taken last Monday on increasing the age limit from 20 to 40, it would have been overwhelmingly carried in the Senate?

Mr. SMITH of Michigan. I think it would.

Mr. SMOOT. I may say to the Senator from statements made to me by Senators on both sides of the Chamber, I know it.

Mr. CHAMBERLAIN. May I interrupt the Senator a moment?

Mr. BRANDEGEE. Will the Senator state what served to change the opinion of the Senate in that respect since Monday?

Mr. SMOOT. Does the Senator from Michigan yield?

Mr. SMITH of Michigan. Certainly.

Mr. SMOOT. I am perfectly willing to state it. I think it has already been stated by the Senator from Oregon having this bill in charge. There was word brought to the Military Committee and to Senators direct that it would be better not to pass it until this fall, and therefore the opinion of Senators was changed, based upon the statement made by the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator from Michigan?

Mr. SMITH of Michigan. Certainly.

Mr. CHAMBERLAIN. I am frank to say to the Senator that if we had voted last Monday on this question I would have voted for it, because Senators who are insisting upon increasing the Army are voicing my sentiments. I have only yielded my judgment, as I said before, not because of any instruction which came to us from the Secretary of War or from any other source but from the fact stated, what was claimed to be the fact. I was honestly of the opinion, and so were the Committee on Military Affairs, that if you raise more than the number of men provided for at this time it will send men into cantonments and camps with unsanitary conditions we will not be able to cure before the month of September, and I was not willing to send these boys into those camps to be so treated.

Mr. SMITH of Michigan. I am not questioning the wisdom of the Senator from Oregon. Our boys have been at Camp Custer for a year. A large percentage of them have had some military training, but for one reason and another they have not been utilized yet on the other side. But the point I want to make is that the constant voting in the negative on propositions to increase the size of the Army is not a good thing for us to do. It has a bad effect. We are going to take a recess and may not take up this matter until fall. In the meantime our negative vote stands here as a record made against increasing the size of the Army.

Of course, every Senator must use his own judgment. I do not find any fault with the desire of Senators to get some workable basis where the size of the Army may be increased. That is a very laudable desire upon the part of Senators; but with the Military Affairs Committee opposed to this thing now it seems to be the height of wisdom for Senators to give that committee, which is thoroughly representative not only of the Senate but of the country, an opportunity to formulate some legislation for the increase of the Army that we can all unite upon.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Will the Senator from Michigan yield to the Senator from New Mexico?

Mr. SMITH of Michigan. Certainly.

Mr. FALL. I should like to ask the chairman of the committee if it is not a fact that the position of the committee was based upon the following statement from the Secretary of War:

The War Department has from the beginning been expanding its military program. We are many months ahead of what was our original hope in regard to the transportation of men. We are constantly seeking ways to expand that, and we are in the midst of a plan now to expand it again. Should we so expand the program it may turn out that we will need an increased number of men, and it may turn out that the best we can do won't require it. When we have determined upon what is best we will then ask Congress to provide additional money and men.

Mr. CHAMBERLAIN. In reply to the Senator from New Mexico, permit me to say I do not remember any such statement as that last part having been made. What is the Senator reading from?

Mr. FALL. It is a quotation purporting to be in the words of the Secretary of War, contained in an editorial in the New York Tribune of yesterday.

Mr. CHAMBERLAIN. A number of Senators attended that meeting. I do not remember the last part of that statement being made at all. There was nothing said to the effect that we may not need to expand the Army. The proposition was simply and plainly that they were working out an enlarged program.

Mr. FALL. And were going to expand it?

Mr. CHAMBERLAIN. Yes, sir.

Mr. FALL. But as to shipping, now I understand—

Mr. CHAMBERLAIN. The proposition was, as I recollect it now, that we have speeded up the transportation of troops; that we have been enabled to do that, not because we have increased our shipping but because we have a contract with Great Britain and France for the use of their troop-carrying ships; that that program is likely to be changed or modified toward the last of July, because the arrangement will then end, but we may be able to renew it and we may be able to have ships of our own and continue to expand the program in that way.

Mr. FALL. May I ask the Senator right there, as that has been a very interesting proposition to me, if Great Britain and France did not offer these ships prior to January 1?

Mr. CHAMBERLAIN. I do not know anything about that, but it would not surprise me if it had been made and turned down.

Mr. FALL. On the 1st of March of this year I made that statement and asked if it would be challenged, that we had been offered for months exactly the ships which we used later while the Secretary of War was in France.

Mr. SMITH of Michigan. The point I make is this: There is not a Senator on either side of the Chamber who will vote

against increasing the Army to whatever extent is necessary. But we are put in the anomalous situation and contradictory position of voting down every proposition to increase the size of the Army. Now, why should this be? Have we no confidence in the purpose and plan of the Committee on Military Affairs to bring in an appropriate bill that will meet this question? If we have confidence, why should we not leave it there and not pile up one vote on top of another against increasing the size of the Army when we all favor it?

I do not like to vote against these measures. I disliked very much to vote against the amendment of the Senator from New Mexico. Indeed, I did not vote against it, but it was voted down. I do not desire to anticipate the fate of the amendment proposed by my friend from North Dakota, but if it survives the combined or nearly combined opposition of the Military Affairs Committee it will be very extraordinary. Now, I am not criticizing—

Mr. FALL. Will the Senator object to another interruption?
Mr. SMITH of Michigan. Certainly not.

Mr. FALL. I shall not take the time now to read into the Record the editorial of the New York Tribune from which I quoted, but may I say to the Senator the editorial is headed "More procrastination," referring to the action of the Senate in refusing to raise the age limit, and that the last words of the last line are "Ludendorff doesn't procrastinate."

Mr. SMITH of Michigan. The Senator gives emphasis to what we all recognize as a fault, but yesterday we were confronted with amendments upon a House bill, and the House of Representatives, if I understand it correctly, has determined not to change the draft rules in this bill. If they have so determined, how fruitless it is for us to undertake to raise that issue when its ultimate defeat would give to the world the impression that we were not willing to rise to that situation?

Mr. SHAFROTH. Is not the answer to a large extent contained in the bill itself, found on page 119?

Power of the President to increase the drafted Army: That the authority conferred upon the President by the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," is hereby extended so as to authorize him during each fiscal year to raise by draft as provided in said act and acts amendatory thereof the maximum number of men which may be organized, equipped, trained, and used during such year for the prosecution of the present war until the same shall have been brought to a successful conclusion.

Is not that all the authority necessary to get an Army even of 10,000,000 men?

Mr. SMITH of Michigan. I will say to the Senator from Colorado that since we have been debating this bill we have added three-quarters of a million men to the Army under that power, and we will add all the men which the necessity requires. I am not going to criticize the wisdom or the course of the Secretary of War. I am one of the men in this Chamber who freely admits that the Secretary of War has done well in a trying situation. I have no criticism to make of him; I am not going to criticize anybody connected with the raising of our armies or their proper equipment and mobilization; but I feel reluctant to continue to vote "nay" against increasing the Army and having the impression go out to the world that the Senate has at last gone to about its limit on the question of raising an army. That will afford ground for a misinterpretation of our action and give color to the claim that we are only half-heartedly in this war, when such is not the truth. Why we should furnish that kind of a basis for criticism abroad is beyond my comprehension.

I did not intend to say even that much; perhaps I ought not to have said it; but I know that we have the power and that we must initiate this proceeding. I am not at all afraid of using the language contained in the amendment of the Senator from North Dakota [Mr. McCUMBER]. The word "directed" has no terror for me at all, but if, when the vote is taken there is a negative vote upon it, I say it is not calculated to accomplish what we desire, but that the effect of it will be bad, and it will be months perhaps before we can rectify it.

Mr. BRANDEGEE. Mr. President, will the Senator from Michigan yield at that point?

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

Mr. SMITH of Michigan. Certainly.

Mr. BRANDEGEE. If the Senator from Michigan thinks that the effect of defeating this amendment would be bad, why will he not vote for the amendment?

Mr. SMITH of Michigan. Because I dislike very much to seem to be in direct conflict with the purpose of the Military Affairs Committee to effectuate the same purpose a little later.

Mr. BRANDEGEE. But even irrespective of the opinion of the members of the Military Affairs Committee—for whom I have the highest respect, though I think they may be fallible

and mistaken sometimes—does the Senator think that any possible damage can be done by showing this country and showing our allies abroad that the Congress of the United States is determined to raise and to maintain a large army?

Mr. SMITH of Michigan. No.

Mr. BRANDEGEE. Can there be any ill effect? If we have not ships enough to carry the soldiers now, they will say, "They are going to have the army anyway, and they will bring them over here when they get the ships."

Mr. SMITH of Michigan. Mr. President, the Senator from Connecticut is absolutely right; and, entertaining the view that I do, I find it difficult to vote against the amendment of the Senator from North Dakota; and yet I am very fearful it will not pass. If it does not pass, then the same criticism which I now make would appertain, whether I voted for it or whether the Senator from Connecticut voted for it; it would make no difference. It would be the action of the Senate.

Mr. BRANDEGEE. But it would make a difference to me whether I voted for it or not, because I want to show the country that I am thoroughly determined to do everything possible to have a sufficient military power in this Government both on land and on sea to win this war. I do not want to wait a minute in doing everything I can to help to raise such an army.

Mr. SMITH of Michigan. Mr. President, the Senator from Connecticut has a record here that is absolutely unimpeachable upon that point. From the very beginning of the war he has stood like a stone wall against half-heartedness and compromise and hesitation and delay; and I commend him for it. The Senator from Connecticut, by his example and influence with his associates, furnished much of the patriotism, vigor, and strength upon which we have builded our military strength. His voice in this Chamber has never sounded a false note; and I commend him for it. Unfortunately, however, I do not believe that the German Government will understand our attitude unless the Senate ratifies it. No matter what the Senator from Connecticut or any other Senator has said or how he voted, the Senate is on record against it. I do not propose to go on record myself any further in voting "nay." I did it yesterday under protest, but I do not propose to keep on doing it. I do not, however, believe that we are going to get anywhere until the Committee on Military Affairs has brought in something upon which we can all agree. When that time comes, I do not think there will be a negative vote on it.

Mr. McCUMBER. Mr. President, if every Senator voted his convictions to-day, there would be very few negative votes against the proposition. The Senator from Colorado says that the bill already provides that we may raise an army as rapidly as we can equip it. What does the bill provide? We say, in effect, in the bill, "Here are \$12,000,000,000; that \$12,000,000,000 will pay the expense of raising an army of 3,000,000 men. When you have used the \$12,000,000,000 and raised the army of 3,000,000 men you can not go any further than to spend the money that we provide for those 3,000,000 men." This amendment does not conflict with that. It says, "Yes; raise your 3,000,000 men with the \$12,000,000,000, but go a little further and provide for raising the 3,000,000 up to 5,000,000 men, report to us what it is going to cost, and we will proceed to give you the money to raise those 5,000,000 men." That is what the amendment says; that is what it says to the country; that is what it says to the Kaiser; and that is what I desire that the Senate of the United States shall say.

Now, all I ask is for Senators to vote their convictions as to whether we ought to raise an army of 5,000,000 men as rapidly as we can possible do it. The bill limits the number to 3,000,000 men, because it only provides for the payment of 3,000,000 men. We want to go further. The heart of the American people is with us, and they say "Put 5,000,000 or put 10,000,000 men in the field, and we will back you." I want to answer that demand, and say we are going to back our soldiers upon the front with whatever force we can possibly raise and ship overseas.

Mr. SMITH of Michigan. Mr. President, the Senator from North Dakota is absolutely right. I wish his views might be as potential as they should be. He has uttered an absolute truth; he has stated the correct American position; he can not be assailed for it. I think the Senators on the Committee on Military Affairs can, with perfectly good conscience, vote for the amendment and still reserve the right to formulate their legislation in their own way; but with all the force and all the wisdom that is contained in the amendment I nevertheless do not believe it is going to be adopted.

Mr. McCUMBER. Well, let us have a vote.

Mr. SMITH of Michigan. But I am going to vote for it, because I do not want to be put in the attitude of voting on the other side.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent to-day. I am paired with him, and I therefore withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. In his absence I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire again to make the announcement that my colleague [Mr. TOWNSEND] is unavoidably detained on account of illness in his family.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. KIRBY. I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON] on account of sickness.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN], who is absent, to the Senator from Oklahoma [Mr. GORE], and vote "nay."

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

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

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

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

The result was announced—yeas 19, nays 45, as follows:

YEAS—19.

Brandegee	Gronna	New	Sterling
Dillingham	Hale	Norris	Sutherland
Fall	Lodge	Penrose	Wadsworth
Fernald	McCumber	Poindexter	Williams
France	Nelson	Smith, Mich.	

NAYS—45.

Ashurst	Johnson, Cal.	Martin	Smith, Md.
Bankhead	Johnson, S. Dak.	Myers	Smith, S. C.
Beckham	Jones, N. Mex.	Nugent	Thomas
Chamberlain	Kendrick	Overman	Thompson
Curtis	Kenyon	Pittman	Trammell
Fletcher	King	Ransdell	Underwood
Frelinghuysen	Kirby	Reed	Vardaman
Gulon	Knox	Shafroth	Walsh
Hardwick	Lenroot	Sheppard	Wildsey
Henderson	Lewis	Shields	
Hitchcock	McKellar	Simmons	
Hollis	McNary	Smith, Ariz.	

NOT VOTING—32.

Baird	Goff	Owen	Smoot
Borah	Gore	Page	Swanson
Calder	Harding	Phelan	Tillman
Colt	James	Pomerene	Townsend
Culberson	Jones, Wash.	Robinson	Warren
Cummins	Kellogg	Saulsbury	Watson
Gallinger	La Follette	Sherman	Weeks
Gerry	McLean	Smith, Ga.	Wolcott

So Mr. McCUMBER's amendment was rejected.

Mr. REED. Mr. President, in explanation of my vote just cast, I desire to say that I voted against the amendment because I believe that in the very near future there will be submitted a complete program for an increase in the Army, which will probably go even beyond the 5,000,000 mark. It is because I am content to await the development of a complete program that I have cast this vote. I am heartily in favor of increasing the Army, and I wish to say that now with all emphasis.

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

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 45, line 22, it is proposed to strike out "\$175,022,190," and insert "\$175,111,790" in lieu thereof.

Mr. THOMAS. Mr. President, that amendment is designed to secure the additional sum of \$89,000 for very much needed repairs to the buildings at Fort Logan. The chairman of the committee is somewhat familiar with the situation; and, if the

amendment is not agreeable to him, I will make a short explanation; otherwise, I will not take up the time of the Senate to do so.

Mr. CHAMBERLAIN. I am willing to accept the amendment, so far as I am concerned, and we can discuss the amendment in conference if it is required.

Mr. THOMAS. Very well.

Mr. WADSWORTH. Mr. President, is the item to increase the appropriation for Fort Logan?

Mr. THOMAS. Yes.

Mr. WADSWORTH. May I ask if that is the matter which was brought to the attention of members of the Committee on Military Affairs by circulars and booklets from that neighborhood?

Mr. CHAMBERLAIN. This is the amendment.

Mr. THOMAS. It is the amendment; but it is not that sort of an amendment. It is to provide money to make repairs to buildings now on the ground. The fort is being used as a recruiting station. It has a capacity of about 1,300, but sometimes it has to accommodate over 5,000. The sanitary conditions are such, in consequence of that situation, as to make this added sum necessary for actually needed repairs.

Mr. WADSWORTH. Does the War Department say that they need this money?

Mr. THOMAS. The War Department does not state that it does not need the money; but it has recommended \$41,000 of the needed \$130,000, because its policy is, as stated in a letter here, to do nothing in the way of improvements at existing posts that are not absolutely necessary. I personally know this to be necessary, for I went all over the premises in December last and was then assured by the commanding officer that \$130,000 was as little as he could get along with for making absolutely needed repairs.

Mr. WADSWORTH. Does this amendment contemplate any new buildings?

Mr. THOMAS. None whatever.

Mr. WADSWORTH. It is for the repair of existing buildings?

Mr. THOMAS. Nothing more; except that it may require directly some outhouses for the necessary requirements of the soldiers.

Mr. WADSWORTH. Of a permanent or of a temporary character?

Mr. THOMAS. Oh, temporary. The toilet facilities there, for example, at present are inadequate, and there may be required some additional outhouses for absolutely unavoidable requirements.

Mr. WADSWORTH. Understanding, Mr. President, as the Senator has assured me, that it does not involve a permanent increase of the facilities of the Army post, I will not object to the item; but I simply wish to say, in passing, that, as a general rule, I am opposed to the permanent increase of what may be termed remote Army posts, for I believe that before we shall finish the establishing of a sensible military policy in this country we will come to the conclusion that we will abandon a great many Army posts which can not maintain any large number of men and are not strategically located.

Mr. THOMAS. There may be something in that, but that is something to be determined hereafter. I am concerned now only in this particular appropriation, so badly needed for the recruiting service of the United States Army.

The PRESIDING OFFICER. The amendment of the Senator from Colorado, being to an amendment of the committee heretofore agreed to, it will be necessary to reconsider the action by which the committee amendment was agreed to. Without objection, the vote whereby the amendment was agreed to is reconsidered. The question now is on the amendment offered by the Senator from Colorado to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. I offer an amendment, the purpose of which is simply to authorize the Vice President to name two cadets at West Point from the honor graduates of schools where military training is in vogue.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the proper place in the bill it is proposed to insert the following:

That the corps of cadets of the United States Military Academy shall hereafter consist of 2 from each congressional district, 2 from each Territory, 4 from the District of Columbia, 2 from natives of Porto Rico, 4 from each State at large, 82 from the United States at large, 20 of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as honor

schools, upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department, 2 of whom shall be selected from persons recommended by the Vice President. They shall be appointed by the President and shall, with the exception of the 82 appointed from the United States at large, be actual residents of the congressional or territorial districts or of the District of Columbia or of the island of Porto Rico or of the States, respectively, from which they purport to be appointed.

Mr. NELSON. Mr. President, I make the point of order against that amendment that it is general legislation. We do not want any of those shoddy officers. Let officers come up from the enlisted ranks of the Army.

Mr. CHAMBERLAIN. Let me say to the Senator that the amendment does not change existing law at all, except that as to the 20 honor graduates from institutions where military training is had under Army officers, 2 of the 20 may be appointed by the Vice President. It does not change the law in any other respect; it does not increase the number of cadets, but simply gives the Vice President the power to appoint 2 of the 20.

Mr. NELSON. Is that all?

Mr. CHAMBERLAIN. That is the only change made.

Mr. NELSON. Then I withdraw my point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. FALL. I offer an amendment, to be incorporated at the proper place in the bill, temporarily between lines 5 and 6, on page 55.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 55, between lines 5 and 6, it is proposed to insert the following:

Two hundred and fifty thousand dollars, or so much thereof as may be necessary, to be expended as follows: Seventy-one thousand dollars to be paid by the Secretary of War, or under his direction, for death claims for citizens of the United States killed on the American side of the line at El Paso, Tex., Douglas, Ariz., and other points, as found and ascertained by commissioners appointed pursuant to joint resolution of Congress approved August 9, 1912, directing the Secretary of War to investigate claims of American citizens for damages suffered within American territory, etc., and \$5,000 each to be paid by the Secretary of War to the heirs or legal representatives of other American citizens killed on the American side of the line, first for the American civilians killed at Columbus during what is known as the Villa raid, and the same amount each for such other American citizens killed upon this side of the line in raids by Mexicans or by bullets fired from the Mexican side, the names of such citizens to be ascertained by the Secretary of War.

Mr. FALL. Mr. President, \$71,000 of this amount desired to be appropriated has been twice appropriated for by the Senate of the United States in different bills, but neither bill has finally passed the House and become a law. Since the damages were ascertained by the office of the Secretary of War to be some \$71,000, various other deaths of similar character have been caused under exactly similar circumstances or under more aggravated circumstances, particularly those caused at Columbus.

Mr. President, these, of course, are not legal claims against the United States. It is simply a question as to whether the United States will provide for its citizens, or the families of its citizens, who have been killed on this side of the line, as, for instance, those at Columbus, by raids which this Government appeared to be unable to prevent. Of course, if I were to remain on this floor I would do everything possible to see that sooner or later such amounts were recovered from those responsible in Mexico, but at this time, possibly, it is not practicable to insist upon any claims against that country; and as little as the United States can do, I think, is to provide for its own citizens or their heirs who have met their death. As I have said, a number of these claims have been investigated and the damage ascertained by a commission appointed by a former Secretary of War under direction of the Congress. The appropriation should be made to carry out the findings of that commission and to relieve American citizens.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 120, line 4, after the word "used," it is proposed to strike out the words "during such year."

Mr. SUTHERLAND. Mr. President, the employment of those words at that particular place in the bill seems to limit the use of the trained soldiers to the fiscal year in which they were trained. It is apparent, therefore, that the words should come out. The words "each fiscal year" in lines 1 and 2 on page 120 apply, of course, to the practice of legislating for the current year. These troops would be trained and equipped during one year, but might be used during the succeeding year. I there-

fore offer this amendment to correct that, and I think the chairman of the committee is willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

Mr. KING and Mr. PENROSE addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. PENROSE. I was going to offer an amendment, but I will wait.

Mr. KING. Mr. President, I offer the amendment which I send to the desk. Let me state to the Senators that this amendment was read the other day. I offered it, and the Senator from Wisconsin [Mr. LENROOT] suggested a point of order. It is the same bill which passed the Senate a number of days ago, after it had been unanimously reported by the Committee on the Judiciary. A consultation has been had with the chairman of the Judiciary Committee in the House and with members of the Military Affairs Committee, and it is their view that it would be wise to have it attached to the military bill. It is a bill the passage of which is greatly desired by the War Department and by the war activities of the Government. There certainly can be no objection to this amendment, and the chairman of the committee is willing to accept it.

Mr. BRANDEGEE. Mr. President, has the amendment been read?

Mr. KING. It has been read. It is the bill that we passed the other day in regard to the right of eminent domain for power purposes. The Senator is familiar with it.

Mr. BRANDEGEE. Oh, yes. I have no objection to its adoption.

Mr. KING. The Senator was a member of the subcommittee that reported the bill.

Mr. BRANDEGEE. I think it is a very important measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to, as follows:

That during the pendency of the present war, any person, association, or corporation, for the purpose of furnishing electric power to the United States or to persons, associations, or corporations engaged in the manufacture of ships, explosives, or munitions of war, or other articles and things for the use of the United States or its allies, upon compliance with the conditions hereinafter set forth, may institute proceedings in any district court of the United States or in any court of any State having jurisdiction of the property to be condemned, for the acquirement by condemnation of any land, the temporary use thereof, or other interest therein, or right pertaining thereto, required for the location or construction of any power plant, or for the transmission of electric power for the operation of any plants which are or may be employed in the production of the articles and things hereinbefore mentioned: *Provided*, That the right acquired by the condemnation herein authorized shall terminate when the power furnished ceases to be used in production for the United States or for the allies of this country in the present war. That proceedings for the condemnation of property required for the generation and transmission of such electric power shall be prosecuted in accordance with the procedure prescribed for the condemnation of property in the State wherein the proceedings may be instituted.

That before any person, association, or corporation furnishing or to furnish electric power for the purposes mentioned in section 1 of this act shall have the right to institute proceedings for condemnation, they shall submit to the Secretary of War a full and complete statement of the plan for furnishing power and the nature and extent of the easements or property which they desire to acquire under condemnation proceedings, for the purposes stated in the preceding section. If the Secretary of War approves such plan and finds that the construction or extension of such facilities for the generation or transmission of power and that the condemnation herein authorized is necessary to increase the supply of power for the objects and purposes stated in section 1 of this act, then such person, association, or corporation shall, upon the approval of such plan by the Secretary of War, have the right to construct, maintain, and operate the facilities described in such plan, and may cause proceedings to be instituted in any court having jurisdiction thereof for the acquirement by condemnation of any lands, the temporary use thereof, or other interest therein, or right pertaining thereto, as may be needed for the construction, maintenance, and operation of such facilities: *Provided*, That nothing in this section shall be construed as authorizing any rights in any public lands of the United States, or in any waters of the United States, except such as may be necessary to build such transmission lines along or across said waters as may be approved by the Secretary of War: *Provided further*, That the Secretary of War may, prior to granting his approval as above set forth, require such person, association, or corporation to file with him a bond, in an amount and with a surety or sureties satisfactory to him, conditioned upon the prompt construction of the proposed facilities and the diligent maintenance and operation of the same to the satisfaction of the Secretary of War during the present war.

That any person, association, or corporation having secured the approval of the Secretary of War and filed a petition for condemnation as herein provided may, upon filing with the court in which such petition is filed a bond to secure payment of just compensation to the owners of property taken, in a form and an amount and with a surety or sureties approved by said court after such notice and such hearings as the court may prescribe, have the right of immediate possession and use of such property or rights.

That no plan for the construction or extension of any facilities shall be submitted to or approved by the Secretary of War hereunder after the existing state of war between the United States and its enemies shall have terminated, and the fact of such termination shall be ascertained and proclaimed by the President, but such termination of the existing state of war so ascertained and proclaimed shall not interfere with the condemnation of any land or other property or rights needed

for the construction, maintenance, and operation of any facilities approved hereunder by the Secretary of War before such proclamation: *Provided, however,* That the Secretary of War may upon such termination of the existing state of war and prior to the entry of judgment in any condemnation proceeding hereunder and the commencement of construction or extension of the proposed facilities revoke any approval given hereunder to the plan for such proposed facilities: *Provided, further,* That nothing in this act shall be construed as granting the right to operate such facilities after the termination of the existing state of war.

Mr. PENROSE. Mr. President, in the act of Congress of August 29, 1916, the following provision occurs:

That all officers and enlisted men of the National Guard and of the Medical Reserve Corps of the Army who are Government employees, and who respond to the call of the President for service, shall, at the expiration of the military service to which they are called, be restored to the position occupied by them at the time of the call.

I have here an amendment to change that paragraph in existing law so as to include the soldiers of the United States National Army, which seems to be an act of justice, and to place them on an equality with the other branches of the service. I understand that the chairman of the committee is willing to permit the amendment to be added to the bill and go to conference anyhow, and I will ask the Secretary to read it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert in the bill on page 59, after line 22, the following:

That all officers and enlisted men of the National Guard, of the Medical Reserve Corps of the Army, and of the United States National Army who are Government employees, and who respond to the call of the President, or who voluntarily enlisted, or who resigned to accept a commission, or were drafted for service, shall, at the expiration of the military service to which they were called, be restored to the position occupied by them at the time of the call.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 120, following the amendments heretofore agreed to at that point, it is proposed to insert:

That the Secretary of War be, and he hereby is, authorized and directed to provide and issue to all men who, since April 6, 1917, have been honorably discharged from the armed forces of the United States a distinctive button or badge of such design, size, and composition as he shall determine and adopt, and to cause a new button or badge to be issued to such persons, without charge therefor, whenever during the present emergency the button or badge originally issued shall have been lost, destroyed, or rendered unfit for use without fault upon the part of the person to whom it was issued, and to meet the cost of procuring, providing, and distributing the same out of any appropriations heretofore or hereafter made for "Transportation, supplies, and services, Quartermaster Corps."

SEC. 2. That it shall be unlawful for any person other than the rightful owner to wear said button or badge, or other button or badge approximating the design thereof, or for any person by misrepresentation to procure the issuance of either an original or substitute button or badge, or for any person, partnership, association, or corporation, without the authority of the Secretary of War therefor, to manufacture said button or badge, or other button or badge approximating the design thereof; and any person, partnership, association, or corporation who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Mr. PENROSE. Mr. President, I do not object to the amendment offered by the Senator from Massachusetts. I only want to ask whether, in his opinion, the door is not perhaps opened pretty wide for fraud in using these badges that may be lost?

Mr. WEEKS. I think the door is closed by the provisions of the amendment which has just been read. I think it is carefully guarded in that respect.

Mr. PENROSE. I wanted to ask whether the Senator was satisfied about that. It would seem to me that thousands of these badges would be lost in the course of nature.

Mr. WEEKS. The amendment provides that it is a misdemeanor to manufacture these badges.

Mr. PENROSE. Yes; but several million men will be returning from the other side, and several thousand of them are going to lose these badges, and other persons will wear them for fraudulent purposes. I only made the inquiry on that point.

Mr. WEEKS. I think it is very well protected in the amendment—as well as it can be.

Mr. BRANDEGEE. Mr. President, I want to make a suggestion to the Senator from Massachusetts in connection with this amendment. I have had letters from many people who have been subject to the draft, and who have been examined, and found, for some physical reason, deficient. They are of draft age, and they are walking about the streets here at home, and they are subject to a good deal of criticism and inquiry by people who do not understand why they are not in the service.

I wonder whether there is anything in this bill, and, if not, I wanted to suggest to the Senator whether he could not submit to an amendment to this amendment simply for the purpose of

getting the subject before the conference committee, by which the Secretary of War would be authorized to designate some badge which could be worn by those who have been found physically unfit to serve? It would relieve them of great embarrassment, and I do not see how any harm could come from it.

Mr. WEEKS. Mr. President, I think the suggestion made by the Senator from Connecticut is well timed. What he has said is undoubtedly the experience of every Senator. It is a serious matter for a young man of draft age to be about home without knowledge on the part of others of the reasons for his being at home. There is a prejudice against him which he does not like to face; and I am willing to accept an amendment along that line, if the Senator will prepare it.

Mr. BRANDEGEE. I know of instances where perfectly loyal and enthusiastic young men of draft age, walking about the streets, have been accosted by passers-by and asked, "Are you a slacker? Why are you not in the war?" And wherever they go they are open to that imputation. A man may have valvular disease of the heart, which does not show at all to the ordinary person as he walks along the street, and he may have tried to volunteer and enlist. Where there are some physical reasons of that kind, there ought to be some way of relieving him of these opprobrious remarks.

I have hastily drafted, for submission to the Senate, this amendment to the amendment of the Senator from Massachusetts, simply to get the subject before the conference committee. I propose to add to that amendment the following:

That the Secretary of War is further authorized to select and prescribe some appropriate badge which may be worn by those of draft age who have been rejected on account of physical disability—

Or some such language as that. I do not care about the language. It might be—

who have been found physically deficient for military service.

Mr. FALL. Mr. President, if these men are rejected for other good and valid reasons, the same thing ought to apply to them.

Mr. BRANDEGEE. "Or who have been rejected."

Mr. FALL. I think "rejected" is the proper word.

The PRESIDING OFFICER. Does the Senator from Massachusetts accept the amendment?

Mr. WEEKS. I accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

The amendment as modified was agreed to.

Mr. KING. Mr. President, I offer the amendment which I send to the desk. I want to state before it is tendered that the other day, when the Senator from Nebraska [Mr. HITCHCOCK] offered an amendment with regard to the Slavic Legion, this amendment had been prepared, and I intended to offer it at the time, but was called from the Chamber. I have presented it to the members of the Military Affairs Committee, and, so far as I know, it has met with their approval.

The PRESIDING OFFICER. The Senator from Utah offers an amendment, which will be stated.

The SECRETARY. On page 66, after the word "same," in line 20, it is proposed to insert:

RUSSIAN LEGION.

That, under such regulations as the President may prescribe, a force of volunteer unit or units, as he may direct, may be raised to be composed of Russians resident in the United States, but not citizens thereof. Such force shall be known as the Russian Legion or by such other description as the President may prescribe. No man shall be enlisted in it until he has furnished satisfactory evidence that he will faithfully and loyally serve the cause of the United States and the cause of a united and independent Russia and that he desires to fight the Imperial Government of Germany and the Imperial Government of Austria and any other nations with which the United States and its allies are now at war. The force so raised and duly sworn into the service may be equipped, maintained, and trained with our own troops or separately, as the President may direct, and thereafter may be transported to Russia to be used against the common enemy either with our own troops or with those of Russia or any nation associated with the United States in the present war; and the several items of expense involved in the equipment, maintenance, training, and transportation of such force may be paid from the respective appropriations herein made or from any subsequent appropriations for the same.

Mr. WADSWORTH. Mr. President, I am in hearty sympathy with the spirit of this amendment and shall not attempt to oppose it. There are some rather complex aspects to the situation, however. I was wondering what would be meant by the oath which these men would have to take to support a united Russia.

Mr. KING. Mr. President, in the preparation of that amendment I followed in the main the language that was found in the amendment tendered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. WADSWORTH. Does the Senator mean a Russia united for the purpose of being our ally in this war?

Mr. KING. I have in mind an independent Russian Government, such a Government as we would recognize and could deal

with, and, of course, one that would be our ally, at least potentially and morally, if not in a strictly military sense.

Mr. WADSWORTH. For example, a Government that we had recognized?

Mr. KING. That we shall recognize.

Mr. WADSWORTH. It must be remembered—I think my recollection is correct—that we have not recognized any Government in Russia.

Mr. KING. That is true.

Mr. WADSWORTH. And there is one doubt in this situation respecting this amendment—whether these men, who I sincerely hope will join the fighting line, will be required to take an oath to support the Russian Government that we eventually recognize, regardless of whether that Government is a belligerent ally of ours or not.

Mr. KING. I have no objection to an amendment of that character.

Mr. LODGE. Mr. President, if the Senator will yield to me—

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

Mr. KING. I do.

Mr. LODGE. I have just come into the Senate Chamber, and I have not had time to read the amendment; but we ought to be extremely careful, because of the Poles. I hope to live to see the day when there is an independent Republic of Poland. There are three Polands—the German Poland, the Austrian Poland, and the Russian Poland—but they are all Poles, all one nationality, one religion, and one speech. The Russian Poles have been turned loose by the bolshevik government. They are derelicts at the present moment, and we must find some way of giving some recognition to the Polish people. I hope the chairman of the Foreign Relations Committee will be able to prepare a bill which will cover that point; but we should be very careful, in drawing up an amendment of this kind, not to involve the Poles. They have been left out of the clause for the Slavic Legion. We have not attempted to establish any Polish Legion, which I understand is satisfactory to them, because a Polish Legion for France is being formed in this country. They are not Russians at this moment.

Mr. FALL. Mr. President—

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

Mr. LODGE. I am taking the time of the Senator from Utah.

Mr. KING. I yield; certainly.

Mr. FALL. If we desire to enroll this Russian Legion, would it not be perfectly satisfactory simply to say, with reference to their oath or their allegiance, "who shall swear allegiance to the cause of the United States during this war," and stop there?

Mr. LODGE. The amendment as offered reads:

No man shall be enlisted in it until he has furnished satisfactory evidence that he will faithfully and loyally serve the cause of the United States—

I should leave out "and the cause of a united and independent Russia," because we do not know anything about it. Russia before included a large part of Poland; and I do not want to do anything that would look like handing back part of Poland to Russia and part to Germany or part to Austria. Then it will read:

No man shall be enlisted in it until he has furnished satisfactory evidence that he will faithfully and loyally serve the cause of the United States, and that he desires to fight the Imperial Government of Germany and the Imperial Government of Austria—

And so forth. We do not know what "a united and independent Russia" is.

Mr. KING. I am willing to accept the amendment, but believe that it may somewhat weaken the amendment. Senators will perceive that this amendment, if enacted into law, may be regarded by the Russian people who desire to be emancipated from the tyranny of bolshevism and the merciless oppression of Germany as a message speaking sympathy and a promise of genuine help to them. There are those in Russia who long for an independent, united Russia, a Russia of substantially the same territory as that embraced within the Empire before the war came. There are Russians temporarily within our borders to whom the words "a united and independent Russia" carry a meaning and a message which will inspire them to patriotic service for Russia and a determination to drive Germany from their fatherland.

Mr. McCUMBER. Mr. President, I should like to ask the Senator a question or two, because I came in while this amendment was being read. I want to see if I understand the amendment in all of its aspects.

These are Russians who are to be recruited. Am I right in that?

Mr. KING. Russians in the United States, and who are not citizens of the United States.

Mr. McCUMBER. And when they are so recruited they will be under American officers, and a part of the American Army to as full an extent as though they were American citizens drafted into the Army. Is that correct?

Mr. KING. The amendment provides that they shall be used in Russia, either independently or in connection with the allies or our own troops.

Mr. McCUMBER. Does the Senator mean to say that they can not be used upon the French front?

Mr. KING. This amendment does not contemplate that.

Mr. McCUMBER. Well, Mr. President, suppose they were sent over to Russia as a separate American army, under their own officers, and they should become imbued with the bolshevik sentiment of Russia, and conclude that under their peculiar democracy they should submit to a referendum the war program, whether they should advance or retreat, whether they should charge or whether they should not—what control would we have over them?

Mr. KING. Of course, Mr. President, we can conceive of Russians proving false to the aspirations of their people and dead to any national aspirations. It is possible to conceive of betrayals of Russia by some of her people. Indeed, there has been a betrayal by the group supporting Lenine and Trotsky of Russia and the liberties of the Russian people. It is possible that the cause of liberty may be assailed by others than Russians, but because we can conceive of a base betrayal of a righteous cause by those who should support it would not justify a mere negative course when affirmative action might bring results greatly to be desired. If I may be pardoned for a moment, I would like to submit a few observations, general in character, in support of this amendment. I do not purpose taking the time to sketch the matter even in broad lines, but a few words will present to Senators some of the reasons justifying, in my opinion, the legislation proposed.

This proposed legislation does not commit our Nation to the plan of recruiting from Russians who are in the United States troops for over-sea military service; that is, the Commander in Chief of the Army and the military authorities are not compelled to recruit a legion or any troops from Russian nationals in our midst. The President is merely authorized to raise a force of volunteer unit or units to be composed of Russians, resident in the United States, but not citizens thereof. This amendment is in harmony with the spirit of the amendment tendered a day or two ago by the Senator from Nebraska. It will be recalled that under his amendment the President was authorized to raise a force of volunteer troops to be composed of certain races of the Austro-Hungarian Empire resident in the United States, but not citizens thereof, for military service against the common enemy.

I have had a number of conferences with Russians, who are now in the United States, in respect to this matter. Some of those with whom I have conferred are strong adherents of Kerensky and came from Russia since the rise of Bolshevism. Others came to this country before the overthrow of the Czar, but all with whom I have had conferences appear to be well informed as to conditions in Russia. Of course, I appreciate the fact that it is well-nigh impossible to obtain accurate and definite information concerning conditions in Russia. The situation there changes from day to day. However, they, and I am sure the Senate, are in possession of sufficient facts to enable us to reach conclusions, more or less well founded, concerning the situation in Russia, and the steps required to bring about conditions more favorable to Russian liberty and independence, and conducive to the welfare of this Government and our allies. As stated, we do not pledge this Nation to the raising of a military force under the terms of this amendment. However, the enactment of it into law will, in my opinion, have an effect upon the Russian people that will be of advantage to the allies and make for improved conditions in Russia. If I may be permitted to use the hackneyed expression, "the psychology of the situation" will be improved. Germany has industriously sought to poison the Russian people not only against the allies but against this Nation. She has sown the seeds of suspicion and distrust in all part of Russia, and has endeavored to convince the Russian people that the nations opposing the central powers sought territorial acquisitions in Russia.

We are all familiar with the subtle, sinister, and dangerous propaganda carried on by Germany in all nations of the world. She has her agents in every land and under every flag. There is no perfidy, no treachery, that Germany would not practice

and no lie that she would not declare that she regarded as making for her advantage; and so she has by treachery and hypocrisy and a most wicked and criminal propaganda destroyed government in Russia, loosened the bonds which should unite the Russian people, created suspicions and enmities among the Slav races within the Russian Nation, and brought economic and industrial destruction to the Russian people and almost succeeded in reducing the great empire of Russia to a condition of abject vassalage. The situation calls for action, vigorous and immediate, upon the part of this Nation and the allied powers. Economic and industrial relief must be given to the Russian people and given quickly. The groping, almost helpless peoples must be rescued from Germany's grasp and civilization, but they would also be weakening Germany and contributing to the ultimate military triumph of the allied powers over their common foe. Of course, this policy could not be supported if the Russian people opposed it and were satisfied to be vassals of Germany. This resolution will be regarded as another declaration on the part of this Nation that we are solicitous for the welfare of the Russian people, and it will corroborate the statement so often made that we have no designs upon Russia; that we desire her independence, and that the great Russian people shall have the opportunity of ordering their own lives, establishing and maintaining their own government, and being freed from the control and domination of the Teutonic or any other power. The willingness of this Nation to recruit Russians who are in our midst and to equip them for military service against the common foe, transport them across the seas to there fight for Russia against the cruel and perfidious foe which is now seeking to reduce the Russian people to servitude, will be a further mark of the disinterested friendship of the people of the United States in behalf of Russia and a powerful weapon to meet the poisonous and destructive propaganda now carried on by Germany in Russia. Certainly this amendment under no view can be harmful, but on the contrary it can not do other than serve a highly useful purpose and be regarded as a message of succor and support emanating from this great Nation to a people with whom our relations have always been most cordial and for whose sorrows this Nation feels the profoundest sympathy.

Mr. McCUMBER. Mr. President, the Senator certainly understands, as we all understand, that we can save Russia for Russia only by first defeating Germany. Therefore, if there are any patriotic Russians who want to serve the fatherland they ought to be sufficiently patriotic to be willing to join with those of the allies who wish to accomplish the same result by fighting anywhere along the line where that result may be best accomplished.

I for one am opposed to taking into the American Army any division or any unit to whom we may not say, "You shall battle where the President directs." I am opposed, so far as my voice can go, to saying to any unit, "You are foreigners. We will arm you. We will supply you. You can go to your fatherland, but if we want you to advance beyond the border of that fatherland—if we want to ask you to invade Bulgaria, for instance—you can say, 'No; we did not agree to do that. We simply agreed to go back to Russia and fight for Russia upon Russian soil.'"

We may be able to accomplish far more by sending a real patriotic army to help the Serbians, to assist the Roumanians, to battle against the Bulgarians; and yet, if I understand the Senator's amendment, it does not provide for any of these things. But the vital objection is that under this amendment you say to the world that we have a unit in the American Army that we can not control absolutely. That idea is what destroyed Russia, and we do not want to introduce that in the slightest degree into our American military program.

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

Mr. McCUMBER. I yield.

Mr. KING. Would the Senator's objections to the amendment be met if the words "be transported to Russia to be used in Russia" were eliminated, and if the amendment were to provide, the same as the amendment which we have already adopted as to the Slavic Legion, that they may be used against the common enemy? That would leave it to the President to use them wherever they could be of service in the cause of Russia and the allies.

Mr. McCUMBER. Mr. President, I think the Senator can accomplish that by striking out the words "to Russia," in line 5 of page 2.

Mr. KING. Yes; I had that in mind.

Mr. McCUMBER. Then it would read:

The force so raised and duly sworn into the service may be equipped, maintained, and trained with our own troops or separately, as the President may direct, and thereafter may be transported to be used against the common enemy—

And so forth.

Mr. KING. I will perfect the amendment by striking out the words "to Russia" in line 5, page 2.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah, as modified.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Utah if the words in line 10 of page 1, to wit, "and the cause of a united and independent Russia," have been stricken out?

Mr. KING. Those words have been stricken out.

Mr. BRANDEGEE. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah, as modified.

The amendment was agreed to.

Mr. PENROSE. Mr. President, I have here two amendments that I should like to have agreed to for the purpose of permitting them to be considered in conference. The first amendment, I know, raises a vexed question, but it has to come up sooner or later, and I should like to have it at least on record.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 25, after line 8, it is proposed to insert:

Provided, That the pay clerks of the Quartermaster Corps, United States Army, now on the retired list shall hereafter have the rank, pay, and allowance of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army, and place them on the retired list as such: *Provided further*, That nothing herein contained shall operate to reduce the pay or allowance now authorized by law for pay clerks of the Quartermaster Corps.

Mr. KING. Mr. President, I raise the point of order against the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Utah raises the point of order.

Mr. PENROSE. The Senator just had an amendment go through against which a point of order could have been raised.

Mr. KING. The amendment which the Senator from Utah offered was a very meritorious and beneficial one.

Mr. PENROSE. I think this is meritorious enough for consideration. I shall be glad if the Senator will permit it to go to conference. I do not expect that it will have a long life there, but I should like to have it have a little breathing spell.

Mr. KING. Will the Senator from Pennsylvania state to the Senator from Utah whether his amendment has the approval of the full Military Affairs Committee?

Mr. PENROSE. No, I can not; and I do not know that the amendment of the Senator from Utah has the approval of the full Military Affairs Committee.

Mr. KING. I hope the Senator will not try to institute a comparison between the amendment which he has offered and the one which I had the honor to tender a moment ago.

Mr. PENROSE. I thought the Senator's amendment had been introduced with very little consideration and without much authority from anybody except himself. I am not prepared to say that it was not wise; but if points of order are going to be started on these amendments, a lot of them have been permitted to go through in a very haphazard way.

Mr. KING. I will say to the Senator that I will withdraw the point of order, but will vote against his amendment, and hope that the Senate will vote it down.

Mr. PENROSE. That is all right.

Mr. WADSWORTH. Mr. President, I think I ought to say that my recollection is that the Committee on Military Affairs had this matter under consideration and rejected it.

Mr. MCKELLAR. I think I ought to say the same thing. I am quite sure it does not meet with the approval of the committee.

Mr. PENROSE. I had not that information before. In view of that information, I shall not press the amendment. I will ask to have it lie on the table or be postponed indefinitely. I had not been so informed.

Mr. JONES of Washington. I desire to offer an amendment which I think should properly come in after line 7, page 43.

The SECRETARY. On page 43, after line 7, insert:

That all uniforms, accouterments, and equipment required for any officer of the military or naval forces of the United States, including cadets at the Military and Naval Academies, shall be furnished and issued to such officers by the Government at cost price, under regulations to be prescribed by the Secretary of War and the Secretary of the Navy, and the same shall be similar in quality and price for all officers of the same rank.

Mr. CHAMBERLAIN. If the Senator will permit me, that provision was inserted on the floor of the Senate in the Military Academy appropriation bill, and we were unable to get the House members to accept it and it went out in conference. I have no objection to its going on the bill, but I wish to say to the Senator now it is very doubtful if the conferees on the part of the House will agree to it because the House has declined to act favorably on the proposition.

The amendment was agreed to.

Mr. JONES of Washington. I have a letter here, or, rather, a memorandum, prepared by The Adjutant General of the Army, with reference to the matter which I desire to have inserted in the Record. This memorandum shows that the Secretary of War is making provision now for furnishing to officers their uniforms upon a different basis from that heretofore. Under this the cloth is taken by the Government and furnished to the officers at cost. The War Department makes a contract for the conversion of the cloth into uniforms and endeavors to see that the price paid, of course, is not exorbitant.

The statement the Senator has made with reference to this matter is correct, but the provision passed the Senate as a separate bill. I have been unable to learn any reason why the House members do not accept this provision. I hope the conferees on the part of the Senate will insist upon it or insist upon mighty good reasons for putting it out. In my judgment it is really a shame that the Government permits men whom it is making officers to command our Army to be the prey of the uniform makers throughout the country.

I received a letter a day or two ago with reference to a major in the Army, in which it is stated that it will soon be necessary for him to get a new uniform, and he is waiting till legislation of this kind can be passed, because it is impossible for him to secure the uniform a major really requires for less than a thousand or more dollars. The same writer of that letter states the case of another major who paid \$1,250 for a uniform. I hope the chairman of the committee will get these facts and remember them in the consideration of the measure in conference.

These persons have had to pay for their uniforms almost, if not entirely, a hundred per cent more than the Government could furnish the uniforms to these men for. I was told by one of the officers of the War Department, in talking with him in reference to this matter, that the officers are paying now \$35 for a pair of boots that ought to be gotten for \$18. Mr. President, that is simply indefensible, and it is an outrage upon these men that we leave it so that they are compelled to make payments of that character.

A Member of the House told me the other day that the War Department had prescribed a certain kind of watches that the officers must have and made certain specifications that they must come up to, and then they named watches of a certain make that would comply with these specifications. After that was done a contract was let under which a certain class of watch is furnished, and the officers must pay \$21 per watch, and that this watch is sold regularly in job lots for railroad purposes at \$10 apiece; in other words, every officer who gets one of these watches is really robbed of \$11. The Government requires the officers to have the watches.

The Government ought either to see to it that they get them at a reasonable rate, or the Government ought to furnish them, and it ought to furnish the equipment and all the accoutrements and uniforms that the officers are required to have.

Mr. President, I ask that this letter may be printed in the Record, so that the officers may know what steps are being taken. If this legislation does not pass, it may be possible for them to save something in the uniforms that they may get, but I do hope that the conferees on the part of the Senate will insist upon this amendment.

I wish to call attention to the fact that the War Department in a letter sent down some time ago said they could comply with this proposed legislation; they made no objection to it; so that there can be no excuse on that account for not including this provision in the bill. I ask that the memorandum may be printed in the Record.

The PRESIDING OFFICER. Without objection, it will be printed in the Record.

The memorandum is as follows:

JUNE 6, 1918.

MEMORANDUM FOR THE ADJUTANT GENERAL OF THE ARMY.

Subject: Officers' uniforms.

1. The Secretary of War directs that the following instructions be published for the information and guidance of the Army:

(1) The following cloths are adopted as standard materials for officers' uniforms, and all uniforms for officers made in the future in the United States will be of one of these prescribed standards:

For coat and breeches—summer wear:

(a) An O. D. cotton.

(b) A 13-ounce all-wool worsted gabardine.

For coats and breeches and overcoats:

(a) A 12-ounce worsted serge.

(b) A 17-ounce whipcord.

(c) A 21-ounce whipcord or elastique.

For riding breeches:

(a) A 24-ounce bedford cord.

For overcoats:

(a) A 30-ounce melton or kersey.

Samples, according to standards adopted and on file in the office of the Quartermaster General, will be supplied to all local quartermasters and kept available for inspection by officers. All cloth will be supplied at cost by the Quartermaster Corps, and a sufficient quantity will be kept on hand by the various depot, camp, post, and station quartermasters to meet the contemplated requirements.

(2) The Quartermaster Corps will invite bids for making uniforms; the contracts will be let at a specified cost per uniform, one contract (or more, if necessary) to be let for each general supply depot; all uniforms or material purchased within the zone of jurisdiction of any depot to be supplied under the provisions of the contract of such depot. Contracts will be let in the usual manner to the lowest responsible bidder, care being taken that only firms experienced in making uniforms to measure should be considered responsible in this connection.

(3) Contractors must have representatives at all camps, posts, and stations in the territory covered by their contracts, not necessarily living there but to go there upon call of the local quartermaster, to measure, fit, and make delivery of uniforms and such alterations as may be required, the Government to furnish a suitable room or building for this purpose. Other tailoring in the nature of repairs, pressing, etc., is authorized at rates to be determined by local commanding officers. Every garment must be guaranteed by the contractor to fit and be made to fit, the officer's acceptance being proof thereof. All changes or alterations will be made at the expense of the contractor.

(4) All properly fitted garments not delivered through no fault of the contractor will be taken by the local quartermaster at contract price for delivery to officers if practicable. If this is impracticable, the garments will be placed in stock for sale or issue.

(5) All orders for uniforms will be made through the office of the local quartermaster, who will have supervision over the contractor's agent. The cost of the uniform will be the contract price plus the cost of the cloth. Officers purchasing uniforms will pay the local quartermaster the same, who, in turn, will settle with the contractor.

(6) In addition to furnishing cloth to contractors as above noted, the Quartermaster Corps will furnish cloth at cost direct to officers who desire to have tailoring done by firms with which the Government does not have a contract.

(7) Upon notice from the Quartermaster General that firms with which contracts have been made are prepared to make uniforms, all other contracts or agreements made by any branch or department of the Army for making officers' uniforms which interfere with the operation of this order, or contract executed in compliance therewith, will be terminated at once.

2. The Secretary of War further directs that the attached papers be returned to the Quartermaster General, by indorsement, with information of the above action.

HENRY JERVEY,

Brigadier General, National Army,

Acting Assistant Chief of Staff, Director of Operations.

Mr. CUMMINS. I offer the following amendment to be added to the bill at the proper place.

The SECRETARY. At the proper place in the bill insert the following:

That captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be retired in the grade held by them at the date of retirement and shall be retired for disability under the same conditions, including pay, as officers of the Regular Army, and that they shall receive as retired pay 2½ per cent a year for each year of service, to a maximum of 75 per cent of the active pay of their grades at date of retirement and retired pay being increased for the additional years of service up to the maximum of 75 per cent of the active pay: *Provided*, That hereafter when an officer of Philippine Scouts has served 20 years he shall be eligible for retirement under the provisions of this act: *Provided further*, That all officers of Philippine Scouts on the date of the passage of this act be commissioned, by and with the advice and consent of the Senate, and not examined after entrance except upon promotion to the next higher grade: *And provided further*, That all officers of Philippine Scouts now borne on the retired list as such shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in line of duty shall be placed on the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section: *And provided further*, That officers of Philippine Scouts retired under the provisions of this act shall not form part of the limited retired list now authorized by law.

Mr. CUMMINS. Mr. President, I hope there will be no objection to this addition to the Army bill. It was introduced as an independent bill. It was carefully considered by the Committee on Military Affairs. It was reported favorably by a unanimous committee, and is now on the calendar for consideration by the Senate.

I recognize that the amendment is subject to a point of order, but in view of the fact that the Committee on Military Affairs, after the most careful consideration, has given its approval to the measure, I hope the Senator from Utah [Mr. KING], whom I see watching me, will not object. It is a very worthy proposal. I could very easily convince the Senator from Utah of the truth of that fact if I dared to take the time to do it. I do not want to postpone the conclusion of the Army bill, but I hope the Senator from Utah, remembering that it has received the unanimous support of the Military Affairs Committee, that it is accompanied by a written report which states fully and particularly the reasons which moved the committee to give it a favorable recommendation, will not object to the amendment.

Mr. KING. Mr. President, it is very hard for one to deny to the Senator from Iowa any request which he makes, because there is no man in this Chamber who is fairer in the consideration of legislation than the distinguished Senator. I am opposed to the amendment. I think it is improper legislation. It is in line, however, I know with some legislation of this Congress in the determination to put everybody upon the retired list. I would have some amendments to offer to it and some observations to submit. I feel constrained, unpleasant as it is, to raise the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. CUMMINS. I could make another proposal but it must bear the same fate.

Mr. WADSWORTH. Mr. President, my colleague [Mr. CALDER] is compelled to be absent this afternoon on important business. Before leaving he asked me to present for him an amendment to the bill. May I say to the chairman of the committee and to other Senators who take an interest in the bill that this amendment of my colleague's is really but a bill which has already passed the Senate, I remember, upon two occasions, authorizing the President to place upon the retired list with the rank of brigadier general Col. Brainard.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 91, after line 4, insert:

That, in view of the conspicuous service in the Arctic of Col. David L. Brainard, Quartermaster Corps, United States Army, he being one of the 7 survivors of the original 25 members of the Greely Expedition, and of the injury to his eyesight resulting from exposure while in said service, which injury will necessitate his early retirement from active service, the President is hereby authorized to place that officer on the retired list of the Army, after over 40 years' active service, as a brigadier general, with the pay and emoluments of a retired officer of that grade, and to grant him a commission in accordance with such advanced rank.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. KING. Before it is passed upon I desire to ask the Senator from New York whether there is any other reason for taking this case out of the general law than the fact that Col. Brainard is one of the survivors of the Greely expedition? Because if that is all, I shall feel constrained to raise a point of order against the amendment.

Mr. WADSWORTH. Col. Brainard upon that expedition suffered very grave misfortune in a particularly severe injury to his eyesight, which compelled his retirement. He had been until that time—and I may say he has been since, although upon the retired list—regarded as one of the most brilliant officers in the Army. The Secretary of War himself recommends the passage of this legislation. I may say to the Senator that since our entrance into the European war Col. Brainard, although suffering to some extent from impaired vision, has been summoned back from the retired list and placed upon active duty for this emergency, showing that his talents are thoroughly appreciated by the officials of the War Department.

Mr. KING. I should like to ask the Senator whether he has rendered such military service as would entitle him to the distinction of being a brigadier general?

Mr. WADSWORTH. The War Department itself is of that opinion, not only because of his services upon that particular expedition, but he has taken part in several Indian campaigns, in which he has done excellent service.

Mr. WARREN. I trust the point of order will not be made against this amendment.

Mr. WADSWORTH. It has twice passed the Senate.

Mr. WARREN. Col. Brainard is a gallant officer, as has been stated. He underwent tremendous suffering and privations during his service in the Arctic region. He has been able and industrious at the front or at his desk or field, wherever sent; is in the service now, although entitled to retirement, and I think he ought to have the privilege of retirement as a brigadier general.

Mr. KING. I have had occasion heretofore to call the attention of the Senate to the lavish manner in which it was dealing with the Public Treasury and to the gratuities and benefits and pensions which were being bestowed in so many directions. I have insisted that Congress was not conserving the Public Treasury or protecting it from demands made with persistence and power, and many of which lack merit and should be ignored. There is too much sentiment back of many measures receiving our attention. Senators respond more or less to the emotional and hysterical situation presented in great crises. There is so much that can be said in favor even of unworthy and improper legislation, particularly if it relates to services rendered by individuals in behalf of the Nation, that we are often swept from the path of safety and rational conduct, and legislate under the spell of emotionalism. I have urged that the

strictest economy be observed in dealing with the Public Treasury; that appropriations for the prosecution of the war should be more than liberal, but that in dealing with other questions not pressing, not imperative, we should practice the most rigid economy. There should be billions for the war—there should be little for demands that can wait until the war is over; and, as I have had occasion heretofore to say, under the war fever there is much unwise and, indeed, dangerous legislation enacted. We forget ancient and guiding landmarks and rush into all sorts of special and ephemeral legislation. Advantage is taken of the emotional, unstable, and, if I may be pardoned for stating it, hysterical feeling that finds expression everywhere. The whole Nation is charged with it, and it is reflected in the conduct of high officials. So far as it is possible, we should resist these influences and deal with questions presented in a deliberate, dispassionate, and rational way. This is a time for coolness, not frenzy—for wise legislation, not neurotic and hysterical legislative expression. It is hard to resist dangerous precedents at this hour. It is so easy to find pretexts, and, indeed, most sophistical arguments in support of almost every demand. The amendment just offered does not commend itself to me. It is in line with the sentiment which I have just condemned and it will prove an embarrassing precedent which we will have to meet in the future. I shall not press the point of order, but shall vote against the amendment.

The amendment was agreed to.

Mr. FALL. I offer the following amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 120, before line 8, insert the following:

The President is also hereby authorized, and the Secretary of War directed, to call into the service of the United States, by enlistment for the term of the present war, three or more regiments of mounted volunteers, in addition to any other forces herein or otherwise provided, such mounted volunteers to be selected from men between the ages of 18 and 21 years, and from those between 31 and 45 years, and under the provisions of section 3 of the act of May 13, 1917, and to be used in protecting property and citizens in any portion of the United States and upon the borders thereof and in any State, and also to be used in any foreign country, as the President may direct: *Provided*, That the President is hereby authorized to appoint officers for such volunteer force as in said act provided for other forces, and also from any civilians as he may think best.

Mr. FALL. Mr. President, a similar amendment passed the Senate on a ye-and-nay vote by 43, I think, to 17—a record vote. I shall have nothing further to say about it.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. CHAMBERLAIN. I hope the amendment will not be agreed to.

Mr. FALL. I shall have to ask for a ye-and-nay vote on it.

Mr. CHAMBERLAIN. I can not help that, of course; but I hope the Senator will not insist on the amendment. Let me state to the Senate that when the same proposition involved in this amendment passed the Senate once before, the House would not stand for it, although they had previously passed the same bill.

Mr. FALL. This is not a general proposition at all with reference to volunteers, but simply leaving it in the discretion of the President as to whether he wants to raise more than three regiments of volunteers without the age limit—that is, from 18 to 21 and from 31 to 45 for special purposes—on the border particularly or wherever he may desire to use them. It is the same proposition which passed the Senate before on a ye-and-nay vote.

Mr. CHAMBERLAIN. Under those circumstances, and because of my anxiety to get the bill through I shall not object to it, but I do not believe the House will stand for it.

Mr. FALL. Of course I shall have very little hope of its being finally enacted as legislation if it will go into conference with that feeling on the part of the Senator. I hope, however, that he will insist upon the amendment in the conference.

The amendment was agreed to.

Mr. WADSWORTH. May I ask the chairman of the committee a question to get some information? Has the committee amendment, on page 79, relating to the importation of certain war materials free of duty been stricken out?

Mr. WARREN. Yes.

Mr. WADSWORTH. Was a roll call had upon it?

Mr. CHAMBERLAIN. I think not, but objection was made to it by the Senator from Utah, and finally it was eliminated from the bill?

Mr. WADSWORTH. I was not present when that objection was made.

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the

Senate. One amendment has been reserved. Are there further reservations?

Mr. CUMMINS. A parliamentary inquiry. Is the amendment I just offered in order in the Senate without a reservation?

Mr. LODGE. It was not adopted, and the Senator can offer it again.

The VICE PRESIDENT. It was rejected as in Committee of the Whole.

Mr. CUMMINS. A point of order was made against it.

The VICE PRESIDENT. It can be reoffered in the Senate.

Mr. CUMMINS. It was offered in Committee of the Whole, and a point of order was made against it and sustained. I have some reason to think it will not be made again.

The VICE PRESIDENT. It can be reoffered in the Senate and the point of order remade against it.

Mr. CUMMINS. I can not help that.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Certain amendments were made as in Committee of the Whole, and the question is on concurring in those amendments save as to the one reserved.

The amendments were concurred in.

The VICE PRESIDENT. The question is on the one reserved amendment. It will be stated.

The SECRETARY. Page 106—

Mr. LODGE. Mr. President, we adopted yesterday an amendment offered by the Senator from Nebraska [Mr. HITCHCOCK]. It was presented as a substitute for the amendment offered by the committee. I supposed it was presented as an amendment to the amendment offered by the committee. That would leave it simply as an amendment to the existing law, and in that form as it passed yesterday it contained an open contradiction. It was necessary to reenact the words of the existing law, leaving out a line which conflicts with the proviso. Therefore I offer it in that form. The proviso is verbatim what was adopted by the Senate yesterday. The first part is the existing law made to conform to the proviso.

I also promised yesterday Senators who were interested in it to offer an amendment to the Hitchcock amendment as adopted, and I suppose I can offer it to this amendment which I present, because this was not adopted by the Senate yesterday. I will ask that the amendment be read.

The VICE PRESIDENT. The Secretary will state it.

The Secretary read as follows:

Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien enemies, or aliens not enemies who are covered by treaties or conventions as provided in Chapter — of this act who have declared their intention to become citizens between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act: *Provided*, That a citizen or subject of a country neutral in the present war who has declared his intention to become a citizen of the United States shall be relieved from liability to military service upon his making a declaration, in accordance with such regulations as the President may prescribe, withdrawing his intention to become a citizen of the United States, which shall operate and be held to cancel his declaration of intention to become an American citizen, and he shall not be entitled to make a new declaration during the existence of the war in which the United States is now engaged.

Mr. LODGE. Mr. President, the first part of that amendment, as I said, is the existing law modified to meet the proviso. The first part covers two classes of aliens, alien enemies and aliens of the country with which we are allied or associated in the war. The former we can not and would not take in any event. The latter, friendly aliens, we are providing for by treaty.

The proviso which was adopted in these very words yesterday by the Senate deals with the neutral aliens. I move to amend the amendment by adding at the end the following words, which are those employed by the Senator from Nebraska when he first introduced the amendment.

The SECRETARY. Add at the end of the proposed amendment the words:

And shall forever be debarred from becoming a citizen of the United States.

Mr. CHAMBERLAIN. May I interrupt the Senator? Was the last amendment suggested a part of the Senator's amendment?

Mr. LODGE. I offer it as an amendment to the amendment because I told the Senate yesterday I would offer it and there were a number of Senators who desire to have it go in.

Mr. LENROOT. If the Senator will yield I want to ask him whether it ought not to be a substitute for the last phrase in the amendment that was adopted with reference to making a new declaration?

Mr. LODGE. No; the amendment as originally proposed by the Senator from Nebraska covered both points, and I think

both must be covered, first, the withdrawal of cancellation of the declaration and then the barring from American citizenship.

Mr. LENROOT. But the amendment in the latter part as it was finally adopted provided that he should not make a new declaration during the existence of the war. That ought to be stricken out.

Mr. LODGE. That is not necessary. I will ask the Secretary to strike out the words "and he shall not be entitled to make a new declaration during the existence of the war in which the United States is now engaged," and substitute "be held to cancel his declaration of intention to become an American citizen and he shall forever be debarred," because the second one includes the first.

Mr. CHAMBERLAIN. May I interrupt the Senator to ask if he thinks that last clause is violative of our conventions and treaties with reference to the admission of aliens to this country?

Mr. LODGE. It does not interfere and can not interfere with any treaty we have ever made. No country would submit for one moment to an agreement with another affecting the conditions on which a foreigner could become a citizen. All we have ever done in the treaties that were read here is to recognize the right of expatriation. There was a long contest, we being the first to champion it, against the doctrine of indefeasible allegiance. We gradually have got all the world except Russia and Turkey to agree with our position on the right of expatriation. Some of our treaties with Norway, with Costa Rica, with Great Britain, and other countries, recognize formally the right of expatriation by providing that if a citizen of either country becomes a citizen of the other country in conformity with their laws he is recognized as a citizen of that country. That is a mere recognition, but, of course, if anybody will reflect upon it there can not possibly be any restriction upon the conditions any country chooses to impose upon naturalization.

Mr. SMITH of Michigan. Will the Senator yield for a question?

Mr. LODGE. Certainly.

Mr. SMITH of Michigan. Under the draft law certain classes of people are exempt from military duty. I believe certain religious sects or students of divinity are exempt. I desire to ask the Senator whether a student of divinity residing in this country having declared his intention to become a citizen would be interfered with in any way by this amendment?

Mr. LODGE. Not in the least. It only makes them subject to the draft law. It only applies when they plead their foreign citizenship.

Mr. SMITH of Michigan. In exemption?

Mr. LODGE. That is all. It touches nothing else. It reaches only those neutrals who live in this country, who have made their declarations of intention, and yet claim citizenship in the country of origin in order to protect themselves from military service. They will not go home to their own country and serve in the armies there, the armies of the neutral countries being all mobilized, but they remain here and will not serve in our country. I think that sort of dual citizenship should not be permitted. At all events, they should not be given the privileges, as they are in many States, of American citizens. They have in some States the privilege of voting, and every other privilege. The naturalized American and the native-born American are taken into the draft and sent to the war while these men stay here, protected from their own country by residence here and protected from our draft by their claim of foreign citizenship. Under those circumstances those people ought not to be given the privileges of citizenship which they now have in many States.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CUMMINS. Mr. President, I have very slightly changed the amendment which I heretofore offered, and I do not think it will now meet with the point of order, nor do I suppose it is necessary to have it reread.

The amendment referred to is to insert the following:

That captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be retired in the grade held by them at the date of retirement and shall be retired for disability under the same conditions, including pay, as officers of the Regular Army, and that they shall receive as retired pay 2 1/2 per cent a year for each year of service, to a maximum of 75 per cent of the active pay of their grades at date of retirement and retired pay being increased for the additional years of service up to the maximum of 75 per cent of the active pay: *Provided*, That hereafter when an officer of Philippine Scouts has served 20 years he shall be eligible for retirement under the provisions of this act: *Provided further*, That all officers of Philippine Scouts on the date of the passage of this act be commis-

sioned, by and with the advice and consent of the Senate, and not examined after entrance except upon promotion to the next higher grade; *And provided further*, That all officers of Philippine Scouts now borne on the retired list as such shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts; *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in line of duty shall be placed on the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section; *And provided further*, That officers of Philippine Scouts retired under the provisions of this act shall not form part of the limited retired list now authorized by law.

The VICE PRESIDENT. Is a point of order raised against the amendment offered by the Senator from Iowa? The Chair hears none; and without objection the amendment is agreed to. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. CHAMBERLAIN. Mr. President, I ask the consent of the Senate that the Secretary in the enrollment of the bill may correct the numbers of the sections and chapters.

The VICE PRESIDENT. That order will be made in the absence of objection.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate request a conference with the House on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN managers at the conference on the part of the Senate.

DISTRICT APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Maryland. I submit the conference report on House bill 11692, being the District appropriation bill, which I ask to have read.

The VICE PRESIDENT. The conference report will be read. The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 1, 61, and 83 to the bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference, have not been able to agree.

JOHN WALTER SMITH,
JOE T. ROBINSON,
J. H. GALLINGER,

Managers on the part of the Senate.

T. U. SISSON,
JAMES MCANDREWS,
C. R. DAVIS,

Managers on the part of the House.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments still in disagreement, request a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER managers at the further conference on the part of the Senate.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN. Mr. President, I ask unanimous consent that the resolution which I offered some days ago instructing the Senate conferees on the Agricultural appropriation bill in respect to the fixing of the price of wheat may be now taken up for consideration by the Senate.

The VICE PRESIDENT. In the absence of objection, the Chair lays the resolution referred to by the Senator from Virginia before the Senate. It will be read.

The Secretary read the resolution (S. Res. 268), as follows:

Resolved, That the managers on the part of the Senate at the conference on the bill (H. R. 9054) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919," be, and they are hereby, instructed to recede from the amendment of the Senate No. 44.

Mr. CURTIS. Mr. President, I desire to ask the Senator from Virginia to what does amendment numbered 44 of the resolution apply?

Mr. MARTIN. It is the amendment proposing to fix the minimum price for wheat of \$2.50 a bushel.

Mr. CURTIS. Then, Mr. President, I hope the resolution may be defeated.

Mr. MARTIN. The question is to get the resolution before the Senate.

The VICE PRESIDENT. The resolution is before the Senate.

Mr. MARTIN. Mr. President, I am not going to enter into any discussion of the resolution. I want simply to say that the Agricultural appropriation bill went into conference on the 5th day of April and has been in conference since that time. The conferees on the part of the Senate, who will, of course, speak for themselves, assure me that it has got to a point where the Agricultural appropriation bill must be abandoned or the amendment proposing to fix the price of wheat must be abandoned; that the conferees have been in a deadlock since the 5th day of April; and that they have no sort of hope of reaching an agreement. Under those circumstances, it seems to me that public interests require that the Senate should recede from the amendment fixing the price of wheat. The parliamentary situation is such that I can not make a motion that the Senate recede because the House conferees would not unite in a report. The bill, therefore, is not before the Senate; and, while the Senate can not recede from its amendment, it can instruct its conferees in reference to it.

I offered this resolution in order to try to relieve the deadlock, so that the appropriations, which are urgently needed on the 1st day of July, may be permitted to be made.

Mr. GRONNA. Mr. President, the Senator from Virginia has correctly stated the situation as it exists so far as I understand it. It is true that this bill has been in conference since the 5th or 6th day of April and that it has been impossible for the conferees to agree. Without violating any confidence, I think I may state that the Senate conferees have made several propositions to the House conferees, but they have not felt that they could agree to any change whatever.

Mr. President, I regret exceedingly that it has been deemed necessary to take this action. Of course, I find no fault with the distinguished Senator from Virginia; he is doing the only thing that can be done in order that the bill may be passed. I personally think it ought to be passed.

However, I want to say that it is a mistake, and not only the Senate of the United States but the people of the United States will find that it is a mistake, to limit the price of wheat as proposed in the order which has been promulgated by the President of the United States. While it has been stated that the price of wheat would not be changed, we all know that it has been changed in a slight degree; that instructions have been given to the Food Administration that an increase of the price of wheat may be made to offset the increase in freight rates.

Mr. President, I ask, was that not a violation of the agreement? I may say, for the benefit of the Senate, that those who are opposed to the increase in the price of wheat predicate their opposition to it upon the fact that agreements have been made with foreign countries that the price shall remain as at present. I am not going to take the time of the Senate to reiterate what I have before said, that it is an injustice to the farmer. I believe, however, it goes deeper than that. I believe, sir, that it is an injustice to the people of the United States. I want to say to this body that right now, at a time when the American dollar is worth but a little more than 50 cents, it is hardly fair to say to people engaged in an industry which has never had the opportunity of getting prices for its product which have been unusually high, an industry which is pursued by people who can not by the very condition of things control prices, that no increase shall be allowed on their product.

That, however, does not concern me so much, Mr. President, as the fact that it is not only a possibility, but it is a probability that we shall be short of food. That is the most important consideration. Instead of enacting laws which will create conditions such as to make the balance of trade against us, at a time when—and I betray no confidence when I say this, for everybody who is acquainted with financial affairs must know it—at a time when the pound sterling is at a discount of 46 per cent, when it takes only 18 pesetas in Spain to buy a pound sterling, while in ordinary times it takes 26½ pesetas, we should adopt just the opposite policy. These burdens fall as heavily upon the farmer as upon any other class.

I shall not, however, oppose this motion. The Members of the Senate have overwhelmingly voted in favor of \$2.50 per bushel as the price for wheat.

Mr. CURTIS. Mr. President, will the Senator from North Dakota yield to me?

Mr. GRONNA. I yield.

Mr. CURTIS. I desire to ask the Senator from North Dakota if it would not be better for the other House to vote upon this question? I noticed that when the question was presented to the other House there were 127 votes for \$2.50 wheat, 180 votes against it, and that there were 120 absentees. I think, in view

of that vote, that those of us who are in favor of \$2.50 wheat are entitled to a vote in the other House when there is somewhere near a full vote present.

Mr. GRONNA. Mr. President, I agree with the Senator from Kansas, but unfortunately the parliamentary situation is that the Senate has the papers involved in the case, and the Senate will first have to vote. As has been suggested, I believe if the papers were sent back to the House the House would instruct its conferees at least to agree to a reasonable price. That is my belief.

Mr. BORAH. Mr. President—

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

Mr. GRONNA. I yield.

Mr. BORAH. I was going to ask the Senator who made the motion, the Senator from Virginia [Mr. MARTIN], if he expects to dispose of this motion this afternoon; but he seems to be absent; so I will suggest, in his absence, that I do not think we can dispose of it to-day.

Mr. GRONNA. Well, Mr. President, I shall not detain the Senate any longer. I know that every Senator is anxious to get through with the appropriation bills before we take a recess.

Mr. BORAH. Mr. President, may I suggest that, in view of the fact that two of the important appropriation bills have been vetoed, we need not be talking about a recess?

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Dakota a little further about the suggestion he makes with reference to increasing the price of wheat by reason of the advance in freight rates. As I understand, the maximum price now is \$2.20.

Mr. GRONNA. Yes, at certain terminal points.

Mr. SMITH of Michigan. And have there been regulations promulgated which raise this figure?

Mr. GRONNA. Yes, sir. I will say to the Senator, as he of course knows, that freight rates have been increased all over the country.

Mr. SMITH of Michigan. There has been a general increase.

Mr. GRONNA. A general increase. That would, of course, affect the price of wheat; and the price to the farmer would be less than \$2.20 or \$2.17 or \$2.15, or whatever it may be.

Mr. SMITH of Michigan. It would be the maximum price provided by law, less the increase in freight rates imposed by the regulations?

Mr. GRONNA. Yes; and an order has been made giving authority to the food commissioner to increase the price to the amount—

Mr. SMITH of Michigan. Of the increased freight?

Mr. GRONNA. Of the increased freight.

Mr. STERLING. Mr. President, will the Senator from North Dakota permit an interruption?

Mr. GRONNA. I yield.

Mr. STERLING. Is not the \$2.20 price, the price fixed by the price fixing committee for the 1917 crop, and did we not fix by statute a minimum price of \$2 per bushel for the 1918 crop?

Mr. GRONNA. Yes; that is true, Mr. President. The minimum price was fixed at \$2; but I will say to the Senator that I think the Committee on Agriculture of the Senate are unanimously of the opinion that this price was supposed to be a minimum price, and not a maximum price. The Senator knows, however, that the price fixed by the price-fixing board or by the food commission has been made the maximum price. In fact, I think I ought to state that there are instances where men who are handling grain have been threatened with prosecution if they pay any more than the fixed price.

Mr. STERLING. Does the Senator now mean the price fixed by statute or the minimum price of \$2.20, the price fixed by the price-fixing committee?

Mr. GRONNA. I mean the price fixed by the price-fixing committee.

Mr. STERLING. Very well. Now, I understood the Senator to say that an increase in the price had been authorized for the purpose of compensating for the higher freight rate.

Mr. GRONNA. I so understand.

Mr. STERLING. Are any figures given as to the increase? Has it been stated what the increase shall be?

Mr. GRONNA. No; I think not.

Mr. CURTIS. Mr. President, I may say that I received a letter from the department to the effect that the increase would be enough to meet the freight-rate changes.

Mr. GRONNA. That is as I understand it, but no certain figures have been given. The increase is simply sufficient to offset the increase in freight rates.

Mr. BORAH. Mr. President, freight rates from what point? From the point where the grain is loaded upon the cars or from the main terminal points?

Mr. CURTIS. I judge from the letter I received that it is from the place where the wheat is sold or delivered to the market place.

Mr. BORAH. That is, not as it was last year, at certain terminals?

Mr. CURTIS. No; at one of the central market places, of which there are 21.

Mr. GRONNA. Mr. President, I will say to the Senator that there are 21 of these terminal markets, and, of course, the freight would be adjusted to those 21 different markets to conform to the changes in freight rates.

Mr. STERLING. Mr. President, I should like to have the Senator's view as to the price for the 1918 crop, which is almost due now. The fall wheat crop in the southern part of the United States is being harvested, or has been harvested already. The minimum price for the 1918 crop is now fixed by statute at \$2.

Mr. GRONNA. That is correct.

Mr. STERLING. Has the Senator any information as to what will be authorized over and above that \$2 minimum price?

Mr. GRONNA. I will say to the Senator that the President has issued his proclamation, or, in other words, the price-fixing board has fixed the price at \$2.20, and the only change is that the prices have been set at the 21 different terminals, while last year everything was based upon the price at Chicago; and, then, with certain reductions at the other terminals of the country.

Mr. President, I do not care to further occupy the floor. I simply want to say that I regret exceedingly that we have to take this action. I believe it is unjust to the farmer, and I believe it will result detrimentally to the people of the country.

Mr. MARTIN. Mr. President, what I am about to say will be a repetition of what I said a few moments ago; but I desire to emphasize the fact that there is nothing else for us to do than to take the action proposed in the resolution I have offered. The Senate conferees are present on the floor. I introduced the pending resolution after they told me that it was a question whether the bill should be lost or the amendment fixing the price of wheat should be lost; that it was absolutely impossible to reach an agreement; that they had struggled with the matter since the 5th day of April; and that they had not the slightest hope of coming to an agreement with the House. So the question now up to the Senate is, Shall the Agricultural appropriation bill fail or shall the Senate yield on the amendment fixing the price of wheat? That is the single question before the Senate.

Mr. NORRIS. Mr. President—

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

Mr. MARTIN. I do.

Mr. NORRIS. I thought the Senator had yielded the floor. I wish to take the floor in my own right.

Mr. MARTIN. I will yield in a second. That is a concise statement of the case.

Mr. BORAH. Mr. President—

Mr. MARTIN. Shall we have an appropriation bill for agricultural purposes or not? If you insist on the wheat amendment, you can not get this appropriation for the Agricultural Department of the Government. The conferees are on the floor, as I have said, and I have no doubt will express themselves. They expressed themselves in those words to me before I introduced the resolution, and I introduced it as a last resort, to save the appropriations for the Agricultural Department of the Government.

Now I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, does the Senator feel the necessity of urging a conclusion of this matter this afternoon?

Mr. MARTIN. I feel that if it can ever be done it can be done now. I have stated the sole question involved, and that is all there is to it.

Mr. BORAH. There is a good deal more than that in it to those who are not on the floor of the Senate, and some of them have representatives here. So far as I am concerned, I want to know before this matter is disposed of what the program is with reference to fixing the price of wheat this year. I have seen a statement made and I have some letters from the department in regard to it. I have no desire, if the program should be a reasonable one, to interfere; but if there is not some definite and specific program outlined, so that we may know where we are and what we can depend upon, so far as I am concerned, I would prefer to see the Agricultural appropriation bill fail. I want to know definitely what the program is.

Mr. MARTIN. The program is that the Agricultural appropriation bill fails unless the Senate recedes on this amendment.

Mr. BORAH. I know that; but what is the program with reference to the price of wheat?

Mr. MARTIN. I know nothing about that; I am only dealing with the legislative matter that is before the Senate. I have no authority over any program.

Mr. BORAH. Some of us feel that we ought to know something about that.

Mr. MARTIN. Well, I do not know anybody who can advise the Senator. Congress will have to act for itself; I can not speak for it.

Mr. BORAH. I think there must be some one connected with the Agricultural Committee or with the conference committee who perhaps has some knowledge in regard to this matter.

Mr. MARTIN. They are here and can speak for themselves.

Mr. GORE. Mr. President, the Senator is aware that the food-control bill, which became a law on the 10th of August, fixed a guaranteed price on wheat for the crop of 1918 at \$2 per bushel. A number of Senators, including myself, and Representatives from the Western States, together with a number of farmers, had a conference with Mr. Hoover upon this subject. He expressed the opinion at that conference that the \$2 price was a fixed price; that it was an absolute price; a maximum as well as a minimum price. I knew that it was not so intended by Congress, and I advised Mr. Hoover at the time of the conference that I would take steps to obtain an official interpretation of the act from the Attorney General as to whether the \$2 price was a minimum price or was an absolute maximum price. I communicated with the Secretary of Agriculture, who, being the head of the department, had the right to call upon the Attorney General for an official opinion. I received a letter from the Secretary of Agriculture, who evidently did not take the matter up with the Attorney General, but advised me that there could be no doubt that the price of \$2 fixed in the law was subject to increase by the President. I ought to say, in passing, that he advised me that Mr. Hoover concurred with him in that opinion.

Mr. CURTIS. Mr. President, did not the act itself provide that the price should not be less than \$2?

Mr. GORE. Yes, sir.

Mr. CURTIS. That naturally would give the President the right to increase it beyond that minimum.

Mr. GORE. It was a guaranteed price of \$2, and there was not any room, so far as I could see, for controversy upon the point. It was intended in both Houses and by everybody concerned to be a minimum price; and at the time it was enacted it was supposed that the law of supply and demand would be left to operate above that minimum price; and if the supply compared with the demand justified a price of \$2.50 or \$3, the farmers would be allowed to receive that price. I imagine that the contrary opinion never entered the mind of a single Senator or a single Member of the other House. It has worked out, however, to be an absolute price, a maximum price. While the law of supply and demand would have warranted a higher price, the farmer is not allowed to receive a higher price. So I introduced the amendment to the agricultural appropriation bill the day after this conference with Mr. Hoover, raising the price to \$2.50 and also lowering the grade from No. 1, an ideal grade, to No. 2, an actual grade. The Senate, I think, with great wisdom and with an appreciation of its public duty, adopted that amendment by an overwhelming vote. It testified not only to its own high sense of duty but to its solicitude and regard for the welfare of the farmers of this country. I wish to say, in passing, that no legislative body in this country or in any other has testified a higher respect or a sounder appreciation of the agricultural needs of the country than the Senate of the United States.

Soon after the agitation for the \$2.50 wheat was instituted, the President issued a proclamation advancing the price for this year's crop from \$2 to \$2.20 at Chicago. At Oklahoma City, I believe, it is \$2.05. It varies at the different terminal markets throughout the country.

I saw in the public prints a few days since that it had been determined to grant a further increase on account of recent advances in freight rates. The promised advance is to cover the recent increase in freight rates. It will not insure a larger net return to the farmer than he received under the previous proclamation of the President.

I may say that I have here now a letter from one of my constituents advising me that the council of defense for his county has increased the wages for harvest hands \$1 as against the wages paid last season, and that the council of defense for his county has advanced the price for thrashing wheat 3 cents a bushel. It seems that everybody, from a county council of de-

fense up to Mr. Hoover, has jurisdiction over the farmer, and is able to raise wages and to raise his expense account and revise his cost sheet upward. I think that only justifies the wisdom of the Senate when it undertook to increase the price that the farmer should receive to cover increased and increasing expenses.

The Senate suspended its rules by a two-thirds majority, and adopted this amendment by a vote of 49 to 18. For that reason the conferees of the Senate have felt doubly bound not to recede from the amendment. We were acting merely as delegates, and our instructions were so solemn and so exceptional that we did not feel warranted in abandoning or disregarding those instructions. For that reason the Senate conferees have not consented and, I may say, will not consent without express direction on the part of the Senate, to recede from this amendment; and I am one of the majority who maintain that position.

Mr. SMITH of Michigan. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield; yes, sir.

Mr. SMITH of Michigan. Where are the papers in this matter?

Mr. GORE. The papers belong to the Senate conferees.

Mr. SMITH of Michigan. Are the papers here?

Mr. GORE. If they are not they will be here presently.

Mr. SMITH of Michigan. This attempt to have the Senate recede before the House has acted is, in my opinion, to assume that the House of Representatives would desire us to do so.

Mr. GORE. I think possibly the Senator misunderstands the parliamentary situation. The House of Representatives asked for the conference, which, of course, entitled the Senate to the papers; and the House having the papers, of course has to act first. The papers are, therefore in the hands of the Senate conferees, at least constructively, and the Senate must act in advance of the House.

Mr. SMITH of Michigan. Certainly.

Mr. GORE. I should like to see the Senate insist upon the \$2.50 price and insist upon it until the snow flies and insist upon it until the House accedes to it; but if the Senate does not feel justified in insisting on so high a price as two dollars and a half per bushel, then I think the Senate ought to instruct its conferees to agree to a somewhat lower figure, say \$2.40, and let the House take a vote on that proposition. I believe that if the House will not accede to \$2.40 it will accede to some figure in that vicinity.

Mr. SMITH of Michigan. Will the Senator permit another interruption?

Mr. GORE. Yes, sir.

Mr. SMITH of Michigan. I sincerely hope that the Senator will make the motion that he has just indicated his desire to make, and we can very soon test the sentiment of the Senate upon that motion.

Mr. JONES of Washington. Mr. President, will the Senator permit a question?

Mr. GORE. I yield.

Mr. JONES of Washington. I should like to ask the Senator why the conferees have not reported a disagreement?

Mr. GORE. The conferees reported one disagreement when they reported an agreement on the other amendments, and the Senate in effect insisted upon this amendment and sent it back and asked for another conference.

Mr. JONES of Washington. But if a disagreement should be reported now, then there would be a way opened through which the House would have an opportunity to vote.

Mr. GORE. The trouble is, I will say to the Senator, that the Senate would have to act first.

Mr. JONES of Washington. That is true. We would simply disagree and appoint conferees.

Mr. SMITH of Michigan. Mr. President, I think the Senator is mistaken. If the Senate decides to insist upon its amendment and the matter goes back to the House of Representatives, then it is for them to act.

Mr. GORE. The Senator is right about that.

Mr. SMITH of Michigan. And I think we should put that situation before them.

Mr. GORE. Yes, sir.

Mr. SMITH of Michigan. So far as I am concerned, I am perfectly willing to do it and follow the leadership of the Senator from Oklahoma on that question.

Mr. GORE. I did not understand the Senator's proposition. In my judgment he is correct in that. If the Senate should instruct its conferees to insist further upon this amendment, my judgment, offhand, is that the parliamentary status is that that would refer the question back to the House. On that point I am not certain. I will look into it, but I believe I have

nothing further to say at this time. The price for the current crop now being harvested is \$2.20, with a promised increase to cover the recent increase in freight rates.

Mr. BORAH. Mr. President, that is the point upon which I am trying to secure information. The Senator says "with a promised increase."

Mr. GORE. The promised increase will be, I suppose, 4 or 5 cents.

Mr. BORAH. Has the Senator had any statement from any official source as to the proposition that it would be increased; and if so, how much?

Mr. GORE. I have not. My only information is based upon a statement in the newspapers, I think last Sunday, and as to the amount of the increase I do not know, further than that it was to be measured by the increase in freight rates, which I assume to be 4 or 5 cents a bushel.

Mr. McCUMBER. That is assumed, is it not, simply to cover the advance in freight rates, and nothing else?

Mr. GORE. Yes, sir.

Mr. McCUMBER. And that probably would average about 5 cents a bushel throughout the United States.

Mr. GORE. The net return to the farmer would not be increased. I will say that I think the representatives of another body would not have consented even to that increase unless other authorities had signified a willingness, and even then they did not agree to it, but those who fixed the price at \$2.20 now admit that that price ought to be increased, and yet the Congress of the United States seems to be unwilling to discharge its duty and appropriate to itself what little credit might come from discharging its duty.

Mr. McCUMBER. The question I wanted to ask the Senator was this: The price was fixed at \$2.20 per bushel through the Food Administration and by the President something over a year ago, was it not?

Mr. GORE. No, sir; not for the current year.

Mr. McCUMBER. No; I know; but the time when it was fixed at \$2.20 a bushel was over a year ago, was it not?

Mr. GORE. It was the last week of August or the first week of September.

Mr. McCUMBER. Yes; but I am considering the time when it was fixed. Has the Senator any information as to how much more it costs to produce a bushel of wheat to-day than it did then, with the present rate of wages and the present higher cost of everything that goes into the raising of grain?

Mr. GORE. I will say to the Senator that we had extended hearings before the Committee on Agriculture and Forestry on that subject, and the testimony was uniform and unanimous that the cost of production was greatly increased this season as against last season. One would assume that the increased cost of production this year as against last year would have justified and necessitated a larger price for the current crop than for the crop of last season, but that does not seem to have convinced the judgment of those who had this matter in hand.

Mr. McCUMBER. Has not farm labor, and has not twine, and has not machinery and everything else increased fully 25 per cent since then?

Mr. GORE. Twine has increased perhaps 50 per cent; farm labor has increased perhaps 50 per cent; farm machinery has increased 50 to 100 per cent; and the farmer not only has to pay higher wages this year than last year, but he can not get the labor at any wages.

Mr. McCUMBER. And yet they propose not to allow any real increase in the farmer's price after you have considered the matter of freight.

Mr. GORE. Yes, sir; and subtracting the cost of production from the \$2.20 this year and last year leaves a much larger return for the farmer last year than this year.

Mr. McCUMBER. It seems to me, then, Mr. President, that if we are right upon this proposition, the responsibility for defeating this legislation ought to be upon the body which is in the wrong, and not upon the Senate.

Mr. GORE. I think so. I entirely agree with the Senator. I do not think the Senate ought to adopt the motion of the Senator from Virginia.

Mr. REED. Mr. President—

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

Mr. GORE. I do; certainly.

Mr. REED. I should like to ask how long this bill has been held in conference?

Mr. GORE. I think since the 4th of April—the 4th or 6th.

Mr. REED. I want to ask, further, if the statement has not been freely made that it was proposed to hold it in conference until the spring planting was over?

Mr. GORE. There have been those of us who feared that from the beginning. There were two grounds upon which Senators acted when they voted for \$2.50 wheat. One was to encourage the sowing of a large acreage of spring wheat, which was a sufficient reason, and which was a reason of sufficient public importance to justify the votes of those who voted for the amendment. There were others who voted for the \$2.50 amendment because it was an act of common justice. The farmer had been forced to take less for his product than it was worth. It was qualified, although unjustified, confiscation. In so far as the farmer was obliged to take less for his wheat than it was worth, it was nothing more nor less than confiscation, no matter what sweet title may be applied to the transaction. There were Senators who voted for the amendment because it was an act of common justice, and because until the prices of all products should be regulated the farmers ought not to be segregated and treated differently and treated worse than any other class of our citizens.

I believe the President, in his message last December, declared that the farmers complained, not without justice, that they were obliged to sell in a regulated market, and to buy in an unregulated market. That of course did not furnish the ground upon which Senators acted, but it was in confirmation of the conclusion which we had independently arrived at; and there can be no justification for isolating the farmer. When it is admitted that food is essential to the winning of this war, and that of all foodstuffs wheat is the primary and paramount article, why it should be treated differently and treated worse than any other single product or commodity in the United States can receive no explanation that is either intelligent or just. But it has been segregated; the farmers have been isolated as a class, treated differently and treated worse than any other class; and of all the farmers the wheat producers have been isolated and treated differently and treated worse than any other class.

I shall not insult the patriotism of the farmers of this country by defending them. They are as patriotic as any other class of our citizenship. They are willing to bear any burden that may be necessary. They are willing to make any sacrifice that may be necessary to maintain our Army and our Navy and to carry our arms to triumph. They only ask, Mr. President, and they have a right to ask, that the burdens and sacrifices shall be fairly apportioned as between themselves and their fellow citizens. If that be done, the farmers will be the last to complain.

I am glad that the Senate sought to do that. The Senate is entitled to commendation for its public service and for its regard for the welfare of the farmers, who must feed our civilian population and must feed the armies of this country and of our allies. We did our duty. I hope the necessity has not arisen for reversing that action.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 86) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Aurelio Collazo, a citizen of Cuba, and it was thereupon signed by the Vice President.

FORTIFICATIONS APPROPRIATIONS.

Mr. UNDERWOOD. I should like to ask the Senator from Virginia temporarily to lay aside the pending resolution in order that I may have an opportunity to report the fortifications appropriation bill and ask for its consideration. I think the bill will take only a short time, and it is a very important supply bill.

Mr. MARTIN. I am perfectly willing to have that course taken, and I ask unanimous consent that the pending resolution be laid aside temporarily, without losing its place, to enable the Senator from Alabama to dispose of the appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution is temporarily laid aside.

Mr. UNDERWOOD. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 12541) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

and I submit a report (No. 532) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12541) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. Mr. President, I understand that a bond bill will be presented to-day or on Monday, and before that bill is presented I wish to take about 10 minutes of the time of the Senate.

Mr. UNDERWOOD. If the Senator will yield for a moment, I desire to ask that the formal reading of the bill be dispensed with and that it be read for amendment, the amendments of the Committee to be first considered.

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

Mr. CURTIS. Mr. President, in this contest we have no right to take anything for granted, for we are in a war that will likely require the exertion of all our powers, great as they are, and may cause the imposition of war taxes which will be exceedingly hard to bear.

The strength, the power, the position, the methods, and the ample preparedness of the enemy make it necessary for us to prepare for a war of the greatest magnitude, and make it essential for us to conserve our foodstuffs, economize in our every expenditure, and save in every way possible.

The most difficult problem with which we are confronted to-day is that of devising the best plan for raising the funds with which to carry on the present great war. In order to raise the money needed for that purpose we should formulate a systematic plan or program of taxation and bond issue. Before a definite plan or program is adopted a careful study should be made of our vast resources, our enormous business transactions, the income of our people, the use of luxuries, the importation of goods that compete with the products of American factories, farms, and labor, and the large war profits of our business concerns.

A mistake at this time might disarrange our currency, injure our credit, and greatly cripple business, while the adoption of a sound revenue program will enable the Government to raise all the funds that may be needed without disturbing confidence or in any way interrupting business. A carefully considered plan will enable Congress to place the burdens where they can most easily be borne, and in that way treat all our people with perfect fairness.

We will be wise, indeed, in view of the vast sums to be raised for our own use and to be loaned to our allies if we resort to both taxation and bond issues. The important question to be settled is what part of the funds needed shall be raised by taxation and what part shall be obtained from the sale of bonds. The proper solution of this question will require the very best there is in us. The proportion to be raised from each should be determined after a most careful consideration of the subject; and we must not forget that there is but a small, if any, foreign market in which our securities, no matter how good, may be sold.

Mr. President, I think we should raise of the needed funds as large a part as possible by taxation. In a speech on the revenue bill delivered in the Senate on August 17, 1917, I took the position that—

The expenses of the war, so far as possible, should be paid by those making large profits out of war contracts, those who have large incomes, and those who enjoy luxuries which only the rich can afford.

On the 7th of May, 1918, the President addressed the Congress, and I quote the following from his speech:

We shall naturally turn, therefore, I suppose to war profits and incomes and luxuries for the additional taxes.

I am glad the President has taken the position that some of us suggested in August, 1917. I hope the Committee on Finance may give this question of raising revenue most careful consideration, and that a bill may be reported which will contain provisions that will be easily understood by all and under which the forms for tax returns may be greatly simplified.

I agree with the senior Senator from Utah [Mr. SMOOT] that we should have a genuine war-profits tax. The tax levied in the revenue measures heretofore enacted by Congress falls upon all earnings above 9 per cent on the actual investment, irrespective of whether the war has increased or decreased profits. The British war tax falls exclusively upon profits due to the war, and is assessed upon earnings, large or small, over and above those of normal times.

Under the amendment proposed by the Senator from Utah to the existing revenue acts, a tax as high as 80 per cent is im-

posed upon war profits, and the collection of this amount would not impose one cent additional tax on the average amount of profits earned by any company during the five years preceding the war.

If more revenue is needed than can fairly and justly be raised from war profits, big incomes, and luxuries, why not increase the duties on imports? Great Britain's receipts from customs duties during the first fiscal year of her participation in the war totaled \$188,000,000; in 1918 they amounted to \$346,000,000; while the estimate for 1919 is \$460,000,000. Receipts of the United States from customs revenues during our first full fiscal year of war totaled \$180,000,000; they will be considerably less in 1919 under the present rates of duty. The average rate of duty on all imports under the present law is 6 per cent, while under the act of 1909 it was 18 per cent. Had the 1918 imports—\$3,000,000,000 in value—paid the average rate of the act of 1909, our Treasury would have realized \$540,000,000. Under the Democratic law about 75 per cent of imports come in free of duty. With a material increase in the rates of duty on ordinary imports and a large increase on imported luxuries, at least \$1,000,000,000 annually could be raised from a source which now pays into the Treasury about one-sixth that sum. An increase of duties on imports would not only add to our revenues but it would enable our producers to prepare for the competition that is bound to come when this great world war is over.

It is not my purpose at this time to discuss any questions that may be raised by the proposed revenue measure, but to express the hope that it may be reported soon—the sooner the better. I can assure those on the majority side that we on the Republican side have been in favor of disposing of all war measures as soon as possible after they have been presented to the Senate, and we have opposed any unnecessary delay. When it was first suggested that additional revenue must be raised, we on the Republican side expressed our willingness to take the question up at once and dispose of it. We had then, and we have now, no desire to delay action. All we ask is that the measure be so drawn as to treat all our people fairly, and that the burdens be placed on those who can most easily bear them.

We on the Republican side have raised no political issues in matters pertaining to the war, and we have no intention of doing so. We are ready and willing to vote for any legislation which may be needed to bring the war to an early and successful conclusion, and we are ready and willing to do whatever may be required to win a decisive victory for humanity and civilization. We on this side of the Chamber have realized from the first that legislation must be enacted which would enable us to win the war in the quickest and the most efficient manner possible, and that this could only be done by supporting the measures recommended by the Government intended to bring about the desired results.

We on the Republican side, as well as you on the Democratic side, have stood, and will continue to stand, by our Government. We Republicans cite the votes cast on war measures as the best evidence of our attitude; and we insist that the votes show conclusively that on measures pertaining to the war party lines have not been drawn.

A few weeks ago I called to the attention of the Senate the record of the vote on war measures from the date when we were drawn into this great world conflict—April 6, 1917—to the 10th of September, 1917. That record showed that of the votes cast on the Republican side a little over 76 per cent were in favor of the war measures voted upon in the Senate, while of the votes cast on the Democratic side a little less than 75 per cent were in favor of such measures.

I have examined the record on 51 roll calls on war measures in the Senate between April 6, 1917—the date when it was declared that a state of war existed—and the 20th day of May, 1918; and I find that of the votes cast by Republicans 72 per cent have been in favor of such measures, while only 67 per cent of the votes cast on the Democratic side were in favor of such measures. We are justly proud of the record made by the Members on the Republican side.

We appropriated for the fiscal year ending June 30, 1918, the sum of \$21,000,000,000—\$19,000,000,000 direct appropriations and \$2,000,000,000 authorizations—and the estimates for the fiscal year ending June 30, 1919, will amount to \$24,000,000,000. Additional estimates are coming in, and the amounts required for the fiscal year 1919 may reach \$30,000,000,000. The vast sum appropriated for the fiscal year ending June 30, 1918, has been met without a murmur, and that needed for the next year will be met in the same spirit; but the people at home are still asking to be taken into the full confidence of those who are to expend these vast sums. Those who pay the taxes desire to know how the money is being expended. They are also anxious to know why the expenses of our Government for the fiscal year

ending June 30, 1919, will cost our people over \$24,000,000,000, while the expenses for war purposes for the last three years has cost Great Britain only \$40,000,000,000, and it is estimated that her expenditures for the year 1919 will amount to about \$14,000,000,000.

Our people want the Congress to appropriate every dollar that may be needed to help win the war, but they ask to be assured that there will be the greatest economy in the expenditures and that no favoritism will be shown to one section of the country over another section. They ask more, and that is that all graft shall be eliminated from every war contract and that the grafters shall be apprehended and prosecuted to the fullest extent. They also demand that profiteering shall be done away with and that those who are engaged in that pernicious practice shall be punished to the full extent of the law heretofore enacted by Congress. They further ask that the red tape shall be cut out wherever it is found and that everything needed to win the war shall be done as speedily as possible.

In a speech delivered in the Senate on September 25, 1917, the senior Senator from Virginia [Mr. MARTIN], chairman of the Committee on Appropriations and floor leader on the Democratic side, used the following language:

It has not been six months since Congress declared war on Germany. The resolution declaring war passed on the 6th day of April. Since that time, speaking from memory, in a general way, I believe Congress has appropriated about \$20,000,000,000. Twenty billion dollars have been appropriated in about five months for the prosecution of the war. No such outlay has been made by the European countries whose very life is involved in the struggle. We have appropriated and expended money with an extravagance, or at least with a liberality, that is unknown to our allies in Europe.

It is appalling to me to see the freedom with which money is being called for by our administrative departments and is being appropriated by Congress. This bill came here from the House, and it had not been here more than three days before we received over \$400,000,000 of additional estimates that had not even been presented to the House. Although the House had passed the bill carrying over \$7,000,000,000, I say, in less than three days we received estimates for over \$400,000,000 in addition; and I do not think I hazard anything when I say there has not been a day from that time down to this moment when additional estimates have not come to us from the administrative departments of the Government.

Mr. President, I am willing to consider all the estimates, and I am determined, so far as my vote goes, to appropriate every dollar that is necessary; but the time has come for us to scrutinize most closely the extravagant—I am almost tempted to say the reckless—estimates that are pouring in on us from the administrative departments of the Government.

I quote this language because it comes from a Senator who should, and does, know what he is talking about. The fact that he is surprised at the large estimates sent in by the heads of the departments is full justification for the taxpayers asking to be informed.

Mr. President, the national response to the call of the country has been magnificent. We are proud of the young men who have offered their all to the cause of their country. We are proud of the loyal men and women who are doing everything they can to help win the war. This war must be, and it will be, won.

FORTIFICATIONS APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12541) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Fortifications and other works of defense," subhead "Engineer Department," on page 2, line 10, after the word "fortifications," to insert "for purchase and installation of searchlights for seacoast defenses, including searchlights for antiaircraft defenses and accessories thereof," so as to make the clause read:

The unexpended balances of appropriations heretofore made for "installation and replacement of electric-light and power plants at seacoast fortifications," for "purchase and installation of searchlights for seacoast defenses, including searchlights for antiaircraft defenses and accessories thereof," and for "purchase and installation of searchlights for seacoast defenses" in the United States are consolidated and made available for the following purposes: For the installation and replacement of electric-light and power plants at seacoast fortifications in the United States; the purchase and installation of searchlights for seacoast defenses in the United States, including searchlights for antiaircraft defenses and accessories thereof; and the procurement and installation of sound-ranging equipment for use in the United States, the insular possessions, and the Panama Canal, and for salaries of electrical experts, engineers, and other employees necessary to procure and install the same.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 6, line 21, before the word "for," to strike out "\$1,995,000" and insert "\$1,900,000"; in line 23, after the words "and so forth," to strike out "\$400,000 for contingent expenses incident to the construction of seacoast fortifications

and their accessories"; and on page 7, line 4, after the words "in all," to strike out "\$10,159,540.19" and insert "\$9,664,540.19," so as to make the clause read:

The following portions of the unexpended balances of appropriations heretofore made for fortifications in the continental United States, respectively, shall be carried to the surplus fund and covered into the Treasury, namely, \$2,000,000 for construction of gun and mortar batteries; \$20,540.19 for procurement or reclamation of land, or rights pertaining thereto, etc.; \$1,900,000 for the construction of land defenses in the United States, etc.; \$3,744,000 for purchase, manufacture, and test of seacoast cannon for coast defense, etc.; and \$2,000,000 for the alteration and maintenance of seacoast artillery, etc.; in all, \$9,664,540.19.

The amendment was agreed to.

The next amendment was, under the subhead "Proving grounds," on page 7, line 19, after the date "1917," to strike out "\$6,300,000" and insert "\$8,480,000," so as to make the clause read:

Proving grounds: For additional for increasing facilities for the proof and test of ordnance materiel, including the same objects, and under the same authority and conditions, specified in the appropriation for this purpose in the deficiency appropriation act approved October 6, 1917, \$8,480,000.

Mr. WADSWORTH. Mr. President, before we vote on this amendment which raises the amount for proving grounds from \$6,300,000 to \$8,480,000, may I ask the Senator in charge of the bill if under this item is to be defrayed the cost of purchase of Mulberry Island, on the James River, or whether that island has already been purchased?

Mr. UNDERWOOD. I do not understand that this item includes the purchase of Mulberry Island. The Acting Chief of Ordnance states that the funds requested are needed for additional facilities at the Aberdeen Proving Grounds to enable his department to do promptly the proof and experimental work which is necessary, and that it is essential that the work should be completed before winter in order that the proof of ammunition material may be carried on in increased volume during the period of next spring. I do not understand that this additional amount is for land, but for actual tests.

Mr. WADSWORTH. I was not certain myself. I am somewhat familiar with the Aberdeen Proving Grounds, having recently visited them, and I am somewhat familiar with the Mulberry Island Proving Grounds, or artillery range, as it is called, having visited that tract of land. Does the Senator know under what appropriation the Mulberry Island purchase was made?

Mr. UNDERWOOD. I do not. I am not advised as to that.

Mr. WADSWORTH. I am not criticizing the site as such. It seems to me a very available one; but I think it would be well worth the while of the committee which has in charge appropriations for the payment for the site, if it has not already been paid for, to look into the amount of money that is to be paid for it per acre.

Mr. UNDERWOOD. So far as the testimony before the committee is concerned, the Mulberry Island site was not brought before us. Although this item does not specify, my understanding from the testimony that came before the committee is that it is not involved in this appropriation.

Mr. WADSWORTH. It is not in this bill at all.

Mr. UNDERWOOD. Not that I know of.

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

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the head of "Fortifications in insular possessions," subhead "Engineer Department," on page 8, after line 11, to strike out:

For purchase and installation of searchlights for the defenses of most important harbors in the Hawaiian Islands, \$10,000.

And insert:

For purchase and installation of searchlights for the defenses of most important harbors, at the following localities:
In the Hawaiian Islands, \$20,000;
In the Philippine Islands, \$33,000.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert:

For installation and replacement of electric light and power plants at the defenses of the Hawaiian Islands, \$17,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to insert:

For the construction of an engineer wharf at Honolulu, Hawaii, \$30,000.

The amendment was agreed to.

The next amendment was, under the head of "Panama Canal fortifications," on page 11, line 3, after the word "batteries," to strike out "\$210,000" and insert "\$553,700," so as to make the clause read:

For the construction of seacoast batteries, \$553,700.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to insert:
For the purchase or reclamation of land required for the defense of the Panama Canal, \$155,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to insert:
For the construction of fire-control stations and the purchase and installation of accessories therefor, \$345,888.85.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to insert:

UNDER THE DIRECTOR OF MILITARY AERONAUTICS.

For the establishment of one aviation station, a supply depot, and a repair depot in connection with the defenses of the Panama Canal Zone, including buildings, heating, lighting, plumbing, water, sewers, roads, and walks, \$1,000,000: *Provided*, That the construction of buildings hereunder shall be under the direction of the Governor of the Panama Canal.

The amendment was agreed to.

The next amendment was, on page 12, line 26, after the words "Panama Canal," to strike out "\$1,527,900" and insert "\$3,372,488.85," so as to make the clause read:

In all, specifically for fortifications and armament thereof for the Panama Canal, \$3,372,488.85.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. UNDERWOOD. I ask unanimous consent that the report, which is very short, may be printed in the Record.

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

The report is as follows:

Mr. UNDERWOOD, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, to whom was referred the bill (H. R. 12541) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reports the same to the Senate with amendments, and presents herewith information relating thereto:

Amount of regular and supplemental estimates for 1919	\$4,358,158,316.42
Amount of House bill	2,811,630,379.00
Amount of bill as reported to the Senate	2,815,744,967.85
Amount of appropriations for 1918	2,197,342,847.00
The bill as reported is less than the regular and supplemental estimates	1,542,413,348.57
The bill as reported exceeds the appropriations for 1918	618,402,120.85
The increases in the amounts of the House bill recommended by the committee are as follows:	
Fortifications and other works of defense:	
Proving-ground facilities	\$2,180,000.00
Fortifications in insular possessions:	
Purchase and installation of searchlights, Hawaiian Islands	10,000.00
Purchase and installation of searchlights, Philippine Islands	33,000.00
Installation and replacement of electric light and power plants, Hawaiian Islands	17,000.00
Construction of wharf at Honolulu, Hawaii	30,000.00
Total, fortifications and insular possessions	90,000.00
Panama Canal fortifications:	
Construction of seacoast batteries	343,000.00
Purchase or reclamation of land	155,000.00
Construction of fire-control stations and accessories therefor	345,888.85
Establishment of one aviation station, etc.	1,000,000.00
Total, Panama Canal fortifications	1,844,588.85
Total increase	4,114,588.85
Amount of bill as reported to the Senate	2,815,744,967.85
The House bill contains contract authorizations amounting to \$2,623,465,845 concerning which the Senate committee recommend no change.	

Mr. WADSWORTH. Mr. President, I should like to ask the Senator from Alabama if he will point out the item in the bill under which some 6-inch guns, which prior to this time had been discarded by the Navy, are to be repurchased by the Government; and I will state to him, in that connection, that I notice that there was a colloquy in the other House on that point and the name of a Mr. Bannerman was brought into the discussion.

Mr. UNDERWOOD. I know that a question has been raised in regard to the repurchase of those guns, but the question does not in any way relate to the amendments offered by the Senate committee. My understanding is that it comes in a paragraph on page 6, for alteration and maintenance of the mobile artillery.

Mr. WADSWORTH. Mr. President, perhaps for the purpose of what I desire to do it is not necessary to locate the exact item. I do not intend to delay the Senate in the consideration of the bill nor to criticize the item, whichever it may be, under which these 6-inch guns are being purchased. The story that has come to me of the predicament and experiences of Mr. Ban-

nerman is such a strange mixture of tragedy and farce comedy that I could not refrain from bringing it to the attention of the Senate. I shall not do so at this time at length.

Senators who have traveled up the Hudson River on the New York Central Railway may have noticed that in that stream, as I remember, not far from Iona Island, which is the naval magazine, there is another and smaller island, covered in large part by large stone buildings built in the semblance of arsenals and magazines, known as Bannerman's Arsenal. This gentleman, who is a Scotchman by birth, came to this country when he was 3 years old, and has been for many, many years in the business of purchasing second-hand military equipment and selling it to rifle clubs, home-defense leagues, and, with the permission of the United States Government, from time to time to foreign governments.

According to the information that reached me, he purchased from the Navy Department some guns that had been discarded. The information that comes to me is that he protested against the sale of those guns, but was informed back in 1912 or 1913, when the purchase took place, that the Navy Department did not need them. It turns out now that they are valuable guns, perhaps of limited value, but nevertheless plenty good enough to be used, and the Army has proposed to purchase them, and the unfortunate Mr. Bannerman has been charged in the other House with profiteering.

He was charged, furthermore, with attempting to get from the Government a price of \$15,000 apiece for these guns. The fact is, as shown by the correspondence, that he has asked \$5,000 apiece for the guns; for those of the guns that are unmounted exactly the same price that was offered to him by the Cuban Government this calendar year, and for the guns for which he has manufactured some mobile steel mounts he is asking \$7,500 apiece. He is in receipt of a letter from the Ordnance Department accepting his prices and stating that they were entirely satisfactory. I think this should be said in his defense and in explanation, for he has been charged not only upon the floor of another House but in the New York newspapers of gross profiteering.

Now, Mr. President, what to my mind appears to be the farce-comedy side of this situation is that the War Department to-day has 24 soldiers occupying this man's island in the Hudson River, having seized his entire property, including his house, on the theory or some kind of a supposition that he is a dangerous character. They have possessed the place for two months and a half, and passengers upon steamers going up and down the Hudson and upon the New York Central Railroad, which runs within close view of this island, wonder by the thousand if Mr. Bannerman is an enemy to his country and a traitor. My information is that for two and a half months he has made steady inquiry here at Washington to ascertain, if possible, why his property has been seized and is thus guarded. He has received a letter from the Attorney General of the United States in which that official states that there is no charge or suspicion of disloyalty against him. He has received a letter from the Secretary of the Navy to the same effect.

It might be well to state, Mr. President, that the first time an organized military raid was made upon this man's property it was carried out by a boatload of sailors approaching the property in a scout patrol and 14 men and 4 officers were landed, magazines broken into, samples taken that were stored there, although Mr. Bannerman was not there at the time and although his employees, who incidentally had been made deputy sheriffs in the county of Dutchess, State of New York, asked the officer in charge of the landing party or the scouting party to wait until Mr. Bannerman could give them the keys to the magazine.

The combination of the two things, Mr. President, has done this man, in my humble judgment and if my information is anywhere near complete, a very grave injustice. On the one side he stands in the position of a suspected character and on the other phase of it he is suspected of attempting to profiteer. There are many phases of this case which the Senate has not the time to listen to, but they are intensely interesting and in part amusing.

I ask permission to insert in the Record a letter addressed by Mr. Bannerman to Hon. EDMUND PLATT, a Member of the House of Representatives from that district, which reached Mr. PLATT too late to be of service at the time a colloquy occurred in the House of Representatives the other day. I ask leave to make this a part of my remarks in order that this man may have an opportunity to present his case in such a way that Members of the Senate and the House of Representatives will read it. I may say that I am not acquainted with him, and I know nothing other than the information contained in this document, which I recommend to Senators as most interesting reading.

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

NEW YORK, June 26, 1918.

HON. EDMUND PLATT,
Congressman Twenty-sixth New York District,
Washington, D. C.

DEAR SIR: My attention was called yesterday to a sensational article in the New York World in which I was accused of attempted profiteering in the sale of cannon to the United States Government. The accusation was based upon statements claimed to have been made on the preceding day by Representative BORLAND, of Missouri, in the House of Representatives. According to these statements, I was represented as having demanded from the Government \$15,000 apiece for thirty 6-inch cannon of obsolete type and worth not over \$5,000 or \$6,000 apiece, and which I had purchased for a trifling amount four or five years ago from the United States Navy. It was said that Mr. BORLAND described the transaction as "the boldest piece of effrontery that had ever come to his attention since he had been a Member of Congress."

As these statements are entirely without foundation, and as the effect of their utterance and publication has been to hold me up to public scorn and contempt, not only in the Halls of Congress but in the city of New York where I am in business, I am writing to you to lay before you certain facts in connection with this matter and to ask you to take such steps as you may think proper to right the wrong that has been done me.

The price at which I offered these guns to the Government was not \$15,000 apiece but \$5,000 apiece for the unmounted guns and \$7,500 apiece for the mounted guns with carriages. These were the prices at which these guns have been held by me for years past, the prices at which they were listed in my printed catalogue, the prices at which they were offered to public and private purchasers, and the prices which the Cuban Republic has offered for them and is still willing to pay for them. As shown by the full transcript of Representative BORLAND'S speech contained in the CONGRESSIONAL RECORD, the price for the unmounted guns is exactly the same as the price which the Navy Department is now charging the Army Department for guns of the same character. The guns could not be manufactured or produced to-day for twice the amount that I asked for them. As far back as April, 1914, the American & British Manufacturing Co., of Bridgeport, Conn., quoted me \$5,500 apiece for cannon of one-half the caliber and of about one-fifth the weight of these guns. (See annexed letter A.) Over 10 years ago I had occasion to buy from the Bethlehem Steel Co. a used gun which was exactly similar to the guns in question, and I had to pay \$6,000 for it. A new gun at that time would have cost about \$11,000.

Of the 30 guns which the Government proposed purchasing from me, 18 (price \$5,000) were unmounted. The remaining 12 were mounted on pedestal mounts and weighed, with carriages, about 10 tons apiece. My price for these was \$7,500, allowing \$2,500 for the carriages. These carriages could not be produced to-day, in my opinion, for less than \$10,000 apiece.

The guns are all in excellent condition and very little used. The 12 mounted guns had been altered up to the model of 1912 at the Washington Gun Factory, and had accompanying them breech blocks and sights still in their original boxes.

It is not true that these guns were all purchased by me from the Navy Department. Only 12 of the guns were purchased from the Navy Department by me. The rest of them were purchased from dealers who outbid me at the Navy auction sales. It is true, however, that they were purchased for a comparatively small amount. It is also probably true that they should never have been sold at all, even though they were obsolete for Navy uses. They should have been retained by the Government for use on land defenses. But such was not the policy of those in charge of the Government in 1912 and 1913. I know this, because at the time I attended the first sale in 1912 (when the unmounted guns were offered) I protested as a citizen to the officer in charge against the scrapping and sale of such good guns. The only result of my protest was that I was told that the Government considered its investment in guns as a form of insurance, and that it did not believe in retaining guns of obsolete pattern. But if the administration of 1912 pursued a mistaken policy in this connection is it fair to hold me responsible for it? I was not a member of the administration and never have been. I had nothing to do with the holding of this sale, except that I received a printed notice of the sale, attended it with others, protested against the sale, and was a successful bidder on 12 of the guns. I have no doubt that it was supposed that I would scrap these guns for the metal that was in them. In fact, Army and Navy officers have repeatedly ridiculed me for what they believed to be my stupidity in saving the guns from the melting pot and holding them for sale. This I did, however, and have preserved the guns for use at the present time. This has cost me a large amount of money. I was obliged to transport these guns, weighing over 200 tons, by freight and lighter to my arsenal at Polopel's Island in the Hudson River. Here I was obliged to build a cement dock, at an expense of several thousand dollars, on which to store the heavier guns, and I was also put to no little expense in replacing various parts that were missing. Having assumed the hazards of this venture and held these guns for the past four or five years, am I now to be branded as a profiteer because I have offered them to the Government at a price at which they are readily salable in any market and at which a customer is now waiting to take them?

On June 11, 1918, Col. Golderman, a member of the United States Army, engaged in assisting the Cuban Republic in its purchase of munitions in this country for Cuban defense, wired me as follows:

"Refer extended option 3d instant. Will take Navy guns for Cuban Government if release can be obtained. Acknowledge by mail." (See annexed telegram marked B.)

A few days before this, however—June 7, 1918—our Government had decided not to release these guns to Cuba, but to purchase them for its own use, and wrote me a letter (see annexed letter marked C) containing the following:

"1. I am instructed by the Acting Chief of Ordnance to acknowledge your letter of June 3 informing us of the present situation pertaining to the 6-inch, 30-caliber Navy gun, which are desired both by ourselves and the Cuban Government, as represented by Col. P. S. Golderman."

"2. Col. Golderman presented his case to the Chief of Staff, and the Chief of Staff has ruled that the guns shall come to the United States Government. We are, therefore, writing you to start our final negotiations. You are herewith advised definitely that we will purchase these guns from you. We accept your proposal of \$5,000 each for 18 guns and \$7,500 each for 12 guns, the latter including pedestal mounts."

Believing that this amounted to a sale of these guns to my own Government, and wishing to deal more generously with them than I would have been willing to do with the Cuban Government, I determined to make a gift to my Government of one of these guns with \$20,000 in cash for the purpose of mounting it on modern field carriage, and under date of June 12 I wrote Maj. Gen. William Crozier, Chief of Ordnance of the United States Army, as follows (see annexed copy of letter marked D):

"MY DEAR GENERAL: I have just concluded negotiations with the Army Procurement Division for the purchase of thirty 6-inch B/1 Navy cannons, and now write to know if you can arrange it so that I could give one of these 6-inch guns as a free gift to my country, together with my check for \$20,000 toward paying for the cost of mounting gun on modern field carriage."

"I have in the past three years helped our British allies, and would dearly love to be represented on the French battle front with a 'Bannerman gun.' During the war for independence many such gifts to the Government were gladly accepted."

Gen. Crozier's reply to me was as follows (see annexed letter marked "E"):

"I have your note of June 12, in which you speak of your wish to give a 6-inch gun to the Government, together with funds for procuring a suitable field mounting for it."

"As I am not now in charge of the Ordnance Department, having been assigned to duty with the War Council, I am referring your letter to Brig. Gen. C. C. Williams, Acting Chief of Ordnance, to whose office the matter pertains."

"There have been a few instances in the past where patriotic citizens have made gifts of arms to the Government, a comparatively recent one was that of the Astor Battery in the Spanish War. I have no doubt, therefore, that if the technical matters connected with the use of the gun can be arranged by the Ordnance Department, a way can be found to take advantage of your generous offer."

Less than a fortnight later, as a reward for this action on my part, I find myself pilloried in the public press as attempting to sell these guns to the Government at \$15,000 apiece. I find my name hawked and blown about the streets as that of a greedy profiteer, indifferent to my country and its cause.

Whether my career since the commencement of the European war has been indicative of greed and indifference to our cause may be judged from the following facts. Documentary proof of certain of these facts is also herewith submitted:

I am a native of Scotland, having come to this country as a small boy in company with my parents. My father fought for the Union in the Civil War, and died a few years after the end of the war as a result of injuries received in his country's service. He refused the United States bounty awarded him, and never accepted a pension.

When the European war broke out I found myself unable to preserve that degree of neutrality in mind and act, which was considered the officially proper attitude of American citizens at that time. I believed in the integrity of the allies and in the justice of their cause as strongly at that time as I do to-day. I saw the country of my birth in an unprepared and comparatively defenseless condition hurled into a struggle against overwhelming odds in which she was threatened with annihilation. As the Germans were advancing steadily and unchecked toward Paris, in a moment of impulse I wrote a letter to Lord Kitchener, offering the British Government as a free gift my entire stock of military supplies, representing my accumulations and savings of over 40 years. A copy of my letter to Lord Kitchener is annexed hereto marked "F," and is in part as follows:

"As a native of Scotland, now a naturalized American citizen, but heart and soul loyal to the British in their struggle for humanity, I hereby offer gratuitously, without money, any or all of my stock that you can use, and will be pleased to place material selected on ship-board at New York, as your agents may direct. My proposition must be kept secret for the present, at any rate, in order not to defeat the end desired. * * * In addition to the list inclosed I have 12 United States Navy 6-inch breech loading cannon, mounted on late type Navy stand revolving carriage, which the Dominion of Canada's representative was interested in. This offer is like the widow's mite, my all, my living, in the hope that it will help to stop the German butchers and aid my native country and the land of my adoption."

Fortunately for me and my family there was a law in England, of which I was not aware, prohibiting the acceptance by the British Government of gifts from other than citizens of Great Britain. As a result of this my offer was courteously declined by the British Government.

On December 17, 1914, after German warships had shelled Hartlepool and killed many innocent people, and when a national guard was being formed for home defense, I cabled and wrote to the Lord Mayor of London, offering "as a free gift from an American Scotchman" to fit out 1,000 Scotch National Guardsmen with military supplies, including the following: One thousand hats, shirts, blouse coats, khaki breeches, wool blankets, wool overcoats, knapsacks, haversacks, canteens, Springfield rifles, angular bayonets, gun slings, steel scabbards and cartridge belts, 1,000 pairs of shoes, 1,000 pairs of khaki leggings, 1,000 sets of knife, fork, and spoon, 100,000 cartridges, 3 machine guns, caliber .45, 2 machine-gun field carriages, 2 machine-gun field carriage limbers, 2 sets machine gun lead harness, 2 sets machine gun wheel harness, 20 officers' automatic pistols, and 20,000 rounds smokeless powder. (See annexed copy of letter to Lord Mayor December 17, 1914, marked "G"). In this letter I stated:

"I am a native of Dundee, Scotland, residing in New York City since childhood; am an American citizen, but with a heart full of love and loyalty to my native land in their great struggle against German tigers."

When it appeared that the uniforms which I had were not of a pattern acceptable to the British War Department, I immediately cabled £1,500 toward the purchase of uniforms for the Scotch regiment, and provided for a further payment of £1,000 to cover port and landing charges, etc. (See annexed letter to Lord Mayor of London, dated January 14, 1915, marked "H"). In this letter I stated:

"I thank you and your associates for the high honor you have done me in giving me the privilege of contributing my mite toward the defense of my native land in helping to arm and equip some of my fellow countrymen; and praying that it may be the will of our merciful Father to shorten these terrible days of agony and suffering and to put the desire for a lasting peace in the hearts of all people and to give victory to the just and righteous cause of our dear ones."

This offer was accepted, and under date of January 29, 1915, the Lord Mayor wrote me a personal letter (see annexed copy of letter, marked "I") incorporating resolutions passed by the committee of the City of London National Guard thanking me for the contribution and stating:

"I beg leave to say that your thoughtful generosity has been of real encouragement and material assistance to the City of London National Guard, and I have further to add that the kind expression of your feelings toward our country and ourselves and your touching assurance of faith in our cause have made a deep impression upon us."

The outfitting of this regiment cost me upward of \$70,000. Later on, upon learning of King George's expressed regrets that the London volunteers did not have sufficient arms to drill with, I sent another letter to the Lord Mayor of London offering as a further free gift 1,000 Springfield and Mauser rifles and equipment, with a stock of cartridges, for use by the regulars (see annexed copy of letter, Aug. 27, 1915, marked "J"), in which I stated:

"If it is a fact that the law of the realm prevents the Government accepting free gifts, then His Majesty can send me a penny in payment. The sample gun is being forwarded you by express. If the rifle is satisfactory for the regulars, on receipt of a cablegram saying "Accepted" the lot will be shipped free to London as fast as they can go from the gun shops."

The King, through a letter written by Lord Sandringham, accepted my offer under the impression that I was a British subject. I thereupon shipped the rifles, and when they had been received and it was too late to decline the gift I wrote a further letter, dated February 16, 1916, explaining that I was not a British subject, and concluding:

"My motive has been a matter of conscience, with the thought that our Father had given me these guns, money, etc., for just such a time as this.

"As Christ who died to make men holy,
"So Briton's sons are dying to keep men free."

"Please make known to His Gracious Majesty that while I am and always will be a true lover of my native land, ready to do all that I can for its welfare, I am an American citizen."

In February, 1917, after the infamous proposal of the German Government to permit certain of our ships to pass through the war zone with immunity, provided they were given certain designated markings, I offered President Franklin, of the American Line, as a free gift, to fit out the steamship *St. Louis* with one 6-inch quick-firing, breech-loading cannon, with 5-mile range, on naval gun mount, together with explosive projectiles; with one Hotchkiss rapid-fire revolving cannon shooting 80 shots a minute, and with two Colt rapid-fire machine guns shooting 500 shots a minute, an outfit which could not have been purchased at that time for less than \$20,000. My letter to President Franklin was dated February 26, 1917, and a copy is annexed hereto, marked "K."

President Franklin decided not to permit the boat to go out, for reasons stated in his letter to me of February 27, 1917 (a copy of which is annexed and marked "L"), in which he said:

"Yours of the 26th received, and we greatly appreciate your kind offer to place at our disposal, free of charge, the equipment referred to, as it is very gratifying to know that you, as a good American citizen, fully realize the unfortunate position in which the American Line is placed in consequence of having its steamers tied up here indefinitely owing to causes beyond its control."

Upon the entrance of the United States into the war I was prepared to give the Government the benefit of anything that I had that could be of any service in the war. I saw Col. Mitcham, commanding officer of the New York Arsenal, and told him that the Government was welcome to anything I had on any terms that they saw fit to make. He said that he was not in a position to tell me what was needed, but advised me to send lists of my stock to the various Government departments. I thereupon prepared lists as suggested and sent them to the various Government departments. The lists included the 30 cannon now in question. In a letter to the Quartermaster General of April 11, 1917, I said: "If your department can use any of these items, the prices will be arranged to your satisfaction." The replies which I received from these departments were to the effect that they were not interested in any of my stock, with the exception of certain haversacks. These I offered to them at a price equal to about a third of what they would cost to manufacture, and my offer was accepted as satisfactory and the haversacks promptly furnished. There were over 100,000 of these haversacks, and Col. Mitcham said to me, "Your supply of these haversacks has been a godsend to us."

I also sold to the War Department a large number of cartridges which I had on hand at a price of perhaps 50 per cent less than they could have been obtained for from the manufacturers.

So far as the cannon were concerned the Government reported to me that they had no use for them, and I received no intimation to the contrary until the early part of 1918, when I was negotiating for their sale to the Brazilian Government. The Government then notified me that they were interested in the cannon and would like to inspect them. Arrangements were then made for an inspection at Polopel's Island, and the inspection took place on March 5, 1918. The inspectors expressed themselves as well pleased with the cannon, believing that they would be serviceable. They went away and I heard nothing further regarding the guns during the month of March.

This was the situation on April 1, 1918, a most memorable date to me, for on that day there commenced a series of most astonishing occurrences, which I shall now describe to you. If they had happened in the case of anyone else and had been described to me, I should have been unable to credit them as possibilities in any nation or country existing under a constitutional form of government.

I have already mentioned Polopel's Island. It belongs to me and is located in the Hudson River, near the town of Cornwall. This island has been used by me for many years past, not only as a summer residence, for my family but as a place of storage for my stock of goods. There is an arsenal located upon the island and a powder magazine. I inclose, for your examination, a photograph of the island, which gives a view of a part of the arsenal and shows the concrete dock which I built, with the cannon resting upon it (see annexed photograph marked "M").

Several months before the United States entered the war, and when there were rumors of possible uprisings, I became alarmed as to the safety of my stores on this island and applied to the Federal Government for protection. I was referred by the Federal Government to the State authorities, and I thereupon wrote a letter to Gov. Whitman, under date of February 5, 1917, applying to him for protection. I had some correspondence with him in the matter (see photographs of letter from military secretary and adjutant general, dated, respectively, February 6 and April 5, 1917, and marked "N" and "O"), in which I was referred to the county authorities, and it was suggested that I should be sworn in by the sheriff of Dutchess County as deputy sheriff for the purpose of guarding the island. I immediately adopted this advice, and shortly thereafter the sheriff of Dutchess County appointed me and five of my men deputy sheriffs and put us in charge of Polopel's Island. At about this time, and with the knowledge and authority of

the sheriff of Dutchess County, I mounted four rapid-fire machine guns upon the tower of my arsenal, so that those in charge of the island would be in a position to make a proper defense of it.

On April 1, 1918, at about 12:30 p. m., a submarine-boat chaser (S. P. 899), with an armed guard of about 15 men, in command of 4 officers wearing the insignia of the United States Navy, landed on Polopel's Island and demanded immediate entrance into the magazine located there. I was not upon the island at the time, and my men, one of whom was one of the deputy sheriffs mentioned, although they had the keys to the arsenal, had not been entrusted with the keys to the magazine, which were under my personal control, so that it was impossible for them to get into the magazine without my assistance. The Navy officers were informed of this condition, as well as of the fact that I was in New York and was expected to arrive with Mrs. Bannerman to take up my residence there on the following day. They were also informed of the fact that I was then at my office at 501 Broadway, New York, where I could be readily reached by telephone and would be in a position to furnish them with the keys, so that they could obtain immediate admission into the magazine. Without making any effort to get in touch with me or to ascertain where the keys could be obtained, and not heeding the protests of the caretakers in charge of the magazine, the Naval officers, although they carried no warrant and were clothed with no authority permitting them so to do, demanded a hack saw to cut out the brass padlock on the outer steel doors of the magazine. Before the caretakers could get to them with the hack saw, the officers and men proceeded to force the outer doors of the magazine from their hinges and threw them flat upon the ground. They then kicked in the inner wooden door, although they were told that if they would wait for a moment the key to this door would be produced, and entered the magazine. They wore ordinary leather shoes containing steel or iron nails, in violation of the well-known rule requiring rubber shoes to be worn in powder magazines to prevent sparks, and they obtained for use in the magazine a steel ax and an iron bolt, also in violation of a rule requiring only copper or wooden tools to be used in connection with work upon explosives. With these implements they proceeded to force open various boxes containing explosive shells and charges of powder, all of which, with the exception of one box, they opened inside the magazine. When some of my caretakers looked into the magazine to see what was being done they were ordered off by the guards, who pointed their pistols at them; and when one of the men, not understanding the gravity of the situation, failed to move quickly enough to satisfy one of the guards, he aimed a pistol directly at the man, saying, "Didn't I tell you to get out of here?" After opening the boxes they took out samples of projectiles and powder charges, which they carried away with them.

They then entered every arsenal building on the place, some of the men helping themselves to cartridge belts and some of them taking away a patent model set of leather equipment. They also entered and went through my private dwelling, including Mrs. Bannerman's bedrooms, and finally went out through one of the windows and climbed to the top roof of the Bannerman home building, where they took some photographs.

One of the officers then proceeded to remove the firing mechanism from one of the machine guns which I have mentioned as located in the tower of my arsenal, being the one on the side facing the direction in which the boat departed, this being done evidently on the theory that the gun might be used to attack the boat.

In fact, throughout this entire affair these naval officers and their men conducted themselves as if they believed that I was a dangerous enemy alien or a traitor to the United States.

Upon learning from my men of this outrageous proceeding I communicated with my counsel in New York, and on April 13, 1918, a letter was addressed by them to Hon. Josephus Daniels, Secretary of the Navy, in which they stated to him the facts which I have hereinbefore related and requested him to ascertain and tell me why this raid was made, who was primarily responsible for it, and what the grounds were upon which it was believed in the Navy Department that the raid was justified, to make an investigation of those grounds sufficiently adequate and complete to exonerate me to the satisfaction of such members of the department as had knowledge of the fact of the raid and to clear my name upon the records of the Navy relating to this event, and finally to take such corrective measures as would prevent a recurrence of outrages of this kind in the future, either at Polopel's Island or elsewhere.

No reply was received by me or my counsel to this letter until May 3, 1918, when I received a short letter from Mr. Daniels (a photographic copy of which is annexed and marked "P"), in which he said:

"I desire to personally assure you that there is no question in my mind of your entire loyalty and devotion."

"The recent action of the War Department in taking over your arsenal for the storage of military goods was recommended as a measure of safety and for the best interests of the national defense. Such action was not predicated, however, as far as I am informed and believe, on any doubt or question of your loyalty, and I am glad to be able to give you my assurance to this effect."

In the meantime, however, and while my counsel's letter was awaiting a reply other occurrences took place the effect of which upon my good name has been nothing less than tragic. I had had in my employ upon this island for many years an elderly man by the name of Kovac, an honest, thrifty, and loyal workman of Hungarian birth. Like many men of Austrian and Hungarian origin, he was bitterly opposed to the Germans in this war and to the best of my knowledge and belief was as sincerely loyal to the allied cause as anyone I know. You will recall that even after our declaration of war with Austria no law was passed which forbade the employment of Austrian enemy aliens in positions such as Kovac was holding. Nevertheless, the matter of Kovac's presence on Polopel's Island was taken up between myself and the Department of Justice, represented by the Federal district attorney in New York City, with the result that the district attorney gave me express permission to retain Kovac on the island for the time being. For corroboration of this statement I beg leave to refer to a confirmatory letter addressed to me by the Hon. T. W. Gregory, Attorney General of the United States, dated May 25, 1918, and hereto annexed as Q, in which he says:

"Kovac's presence on your island was known to the Department of Justice, and early in 1918, after an investigation by it, you were given permission to retain Kovac until further notice."

This permission had never been revoked or even questioned, when, on the 19th of April, 1918, a United States marshal arrested Kovac and took him into custody, and about the same time I was notified by the War Department of the United States that Polopel's Island was to be immediately taken into custody of the War Department and an armed guard placed thereon, and that I was not to be permitted to

remove any of my goods from the island without the permission both of the War Department and of the Department of Justice. This seizure, it was said, was made as a measure of safety at the recommendation of the Navy Department. I have since been informed that the arrest of Kovac was also made upon the like recommendation.

Not wishing to embarrass the Government or to attract the public notice to what I had regarded as at the most a mistake on the part of some irresponsible subordinate, I had carefully refrained from giving any publicity to the matter of the raid upon the island by the Navy Department on April 1. It appeared, however, that it was not the policy of Government officials to give me similar consideration. On the day after the arrest of Kovac all the leading newspapers of New York came out with sensational articles describing the raid which had taken place on April 1 on the island and the arrest of Kovac on the preceding day. These articles had evidently been inspired by some one who was familiar with the raid on April 1, as they contained an account of the "discovery" of machine guns in my arsenal, together with "a large quantity of shells and other ammunition," which it was announced had been found on the island. Kovac was described as "a prominent Teuton," and his arrest was announced as having been made "under instructions from Washington" and by "agents of the Naval Intelligence Service." My name figured prominently in these articles, each and every one of which contained the implication that I was under grave suspicion of disloyalty to the Government. The New York World stated, "The island was searched last February by agents of the Naval Intelligence Bureau and later by the crew of a submarine chaser. Both inspections disclosed that machine guns were mounted on the island and that on top of a tower on the warehouse were four guns." The headlines of one article in the New York Sun were "Three spy-law arrests in Hudson Valley—Guns found at castle on Bannerman's Island." These publications were not confined to the city of New York, but were widely circulated, especially in the region where I have lived for many years, a hitherto respected citizen. For example, in the Cornwall Press the following appeared:

"It is earnestly hoped by the many in this section who have had friendly relations with him that he may be able at the proper time to entirely vindicate himself of any suspicion which may now point his way."

I annex, marked R, photographic copies of a number of these publications.

I am a man of nearly 70 years of age. Since last July I have been in very feeble health, owing to a surgical operation which left a wound in my body which is still open. All my life I have tried to be a loyal citizen of these United States. The motto of my family is "For God and country we uphold our banner." To be practically accused of treason by the officials of my Government at this time, in the evening of my life, to find many of my former neighbors and friends looking askance at me and to know that my name has been associated in the minds of thousands of people with one of the worst crimes that a man can be guilty of has been a cross to me which it seems at times that it would be impossible for me to bear. I am a member of the Presbyterian Church, and not long after these scandalous articles appeared I made a statement in my church, in which I requested my friends and neighbors to withhold judgment until this matter had been investigated and the truth made known.

Although nearly three months have gone by since my property was seized, and although repeated efforts have been made by my counsel to ascertain the facts, I have not as yet received any definite reply to the inquiries which were addressed to the Secretary of the Navy on April 13. Armed guards still hold possession of my property, including my residence, where my wife and I live like Belgians under Prussian rule. Thousands of people who know my name pass daily in steamers and trains up and down the Hudson River, where my arsenal, always a conspicuous object, is now doubly so by reason of the armed guard upon it and the sensational stories which have been circulated about it and about me. The longer this situation continues the more confirmed becomes the opinion of my guilt and the more complete the ruin of my reputation.

Why was my property raided by the Navy Department? Why was it seized by the War Department? Why is it being held to-day by armed forces of this Government? These are questions which are being asked daily, both by people who know me and by people who do not know me. Sometimes these questions are asked of me. What answers can I give? None, for it is an astonishing fact that in spite of all efforts that have been made by me to learn the truth I am as ignorant of it as I was three months ago.

Is it because, as indicated by the newspaper articles, my loyalty to the Government is questioned by the Department of the Navy? Apparently not, for Secretary Daniels has written to me, assuring me that there is no question in his mind as to my loyalty and devotion.

Is it because any conduct of mine in connection with the employment of Kovac has been displeasing to the Department of Justice? Apparently not, for Kovac was thoroughly examined by the Department of Justice and was released, no fault being found in him. Attorney General Gregory has written to me, exonerating me completely from all blame and criticism (see letter of Attorney General, dated May 25, 1918, annexed and marked Q):

"You have directed my attention to certain statements published in the newspapers of New York City during the month of April last stating, in substance, that Charles Kovac, an Austrian and one of your employees, had been brought in to the Alien Enemy Bureau for investigation; further stating that Bannermans Island had been several times searched by Government officials, intimating that this island was under suspicion, and that some criticism might attach to you for permitting Kovac to be employed on your island."

"Kovac's presence on your island was known to the Department of Justice, and early in 1918, after an investigation by it, you were given permission to retain Kovac until further notice. * * * So far as I am aware, no question has ever been presented to this department as to your own loyalty or devotion to the cause of the United States and its allies."

Is it because the Government does not believe that my property was properly guarded? Apparently not, for when I asked for a Federal guard, before the island was put under State protection, my request was refused.

Is it because the Government wishes to commandeer the contents of my arsenal and magazine? Hardly that, for the Government has told me that it was not interested in acquiring any of my stock in trade, with the exception of the 30 cannon, and as to these it has always known that they might be acquired by purchase at any time.

Is it because they wish to use the magazine and arsenal for Government purposes? Evidently not, for no Government use has ever been made of either of these buildings, and they have seized not only these buildings but my dwelling house as well.

Why have they done this? Why do they continue to do it? My counsel went to Washington and asked these questions of the Navy Department. He was referred by them to the War Department. He went to the War Department and he asked these questions of the War Department. They were unable to answer him. They said they would investigate and find out. That was weeks ago, and whether their investigations in the meantime have enlightened them as to why they have seized the island and why they are holding it I can not say, for as yet they have told me nothing. At the time the seizure was made there were upon the island quantities of stores which had been sold to State and home defense organizations in different parts of this country. Many of them had been paid for and were awaiting delivery. I applied to the War Department for their release, but it took weeks of time and a special trip to Washington before I was able to obtain even this slight relief. As to the rest of my property on the island, it has been to all intents and purposes confiscated and rendered useless to me, all without the slightest grounds of justification.

I have been recently notified that the Navy Department also, after months of inactivity and loss to me, is now conducting an investigation of the matter. This investigation follows investigation, while hundreds of thousands of dollars' worth of my property lies tied up and idle and 24 soldiers, sorely needed on the war front, are paid month after month by the United States Government to patrol a little island on the Hudson with a show of protecting it from me, from whom it needs no protection.

But even this is apparently not enough. In addition to the rôle of traitor, I am now called upon to play the part of the bold profiteer. Members of Congress arise in their seats and denounce me for demanding of the War Department \$15,000 apiece for cannon of a kind which they state the War Department was purchasing from the Navy Department for only a third of that amount. To be sure the fact was that my price was also a third of that amount. But what of that? To be sure my price was a matter of written record, available to any man who would take the trouble to read my correspondence with the Government. But what of that? If it wasn't \$15,000 it might just as well have been. A man who will harbor spies and secrete machine guns upon his premises and maintain magazines that have to be raided by naval detectives at regular intervals can hardly complain at such a comparatively trivial charge as profiteering.

If my words seem bitter can you blame me? Could you yourself accept with complacency the treatment which I have been subjected to for the past three months? Could Representative BORLAND? Could any man?

In the report of Mr. BORLAND'S speech, contained in the New York World, I read: "Is the estimate of \$450,000 for the Bannerman guns in the bill?" Representative SNYDER inquired. "Not a dollar of it," thundered Mr. BORLAND, who promised that if Mr. Bannerman didn't accept a fair price the guns would be commandeered."

Commandeered! One would suppose, to read this statement, that the Government had made repeated efforts to purchase these guns from me at some price which they considered fair and reasonable and that their offers had been repeatedly refused. Yet the fact is that this Government has never, since the commencement of the war, made me any proposal with reference to these guns or any other of my stock which has not been promptly and cheerfully accepted and acted upon, and if Government officials had come to me prior to the 1st day of April, 1918, and requested me to make the United States a present of these guns, I believe I should have been strongly inclined to grant their request.

As matters stand, however, at the present time I see no reason why I should not receive for these guns a fair and reasonable price commensurate with their present market value. So long as those in charge of our affairs feel that they can afford to expend approximately \$100 a day of the Government's money for the pay, upkeep, and maintenance of the unnecessary force of men now situated on Polopel's Island I shall remain of the opinion that they can also afford to pay me for my 30 cannon as much as the poor little Republic of Cuba is ready, willing, and anxious to pay.

Very truly, yours,

FRANCIS BANNERMAN.

Mr. SHERMAN. Mr. President, I wish to suggest to the Senator from New York, that along with this case ought to go a statement of the arrest of a woman day before yesterday for wearing an iron cross hatpin which somebody had presented to her. She wore it with no malevolent intent whatever, but it created a suspicion of disloyalty. She was arrested as an alien enemy but was discharged. I think all this matter, whether it be comedy or tragedy, goes to show that some of the petty officials of this country are suffering from a mild form of hysteria.

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

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

The bill was read the third time and passed.

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 joint resolution (S. J. Res. 158) further extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River shall remain in effect, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 12599) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 2104. An act to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States; and

H. R. 12441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

The VICE PRESIDENT laid before Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 158) further extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River shall remain in effect, which were to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to issue permits revocable at will, for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, in quantities which in no event shall exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *Provided*, That this resolution shall remain in force until the 1st day of July, 1919, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked. Any individuals, companies, or corporations violating any of the provisions of said permits, or diverting water from said river above the Falls for the creation of power, except under a permit issued under the authority of this law, shall be guilty of a misdemeanor and be punished by a fine not exceeding \$2,000 nor less than \$500, or by imprisonment not exceeding one year nor less than 30 days, or both in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *Provided*, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same.

And to amend the title so as to read: "Joint resolution authorizing the Secretary of War to issue permits for the diversion of water from the Niagara River."

Mr. LODGE. That bill has been examined by members of the Foreign Relations Committee. The amendments of the House are improvements on the bill. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SHORT-LINE RAILROADS.

Mr. SMITH of South Carolina. I ask the Senator from Virginia if he will not yield to me for the purpose of calling up Senate joint resolution 159?

Mr. MARTIN. I am willing to yield to the Senator to get that measure before the Senate on the same condition that I yielded for the appropriation bill, without the resolution losing its place.

Mr. SMITH of South Carolina. I think it will take a very few minutes. I ask the Senate to proceed to the consideration of the joint resolution (S. J. Res. 159) to extend the time within which the President may relinquish control of any railroad or system of transportation, as provided in section 14 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, to January 1, 1919.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution, which had been reported from the Committee on Interstate Commerce with an amendment, on page 2, line 8, after the words "nineteen hundred and nineteen," to insert:

Provided, however, That the right conferred upon the President to relinquish prior to July 1, 1918, control of all or any part of any railroad or system of transportation without consent of the carrier as provided in section 14 of an act approved March 21, 1918, entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," which right is herein extended to and inclusive of January 1, 1919, shall not be construed to include any railroad engaged as a common carrier in general transportation such as mentioned in section 1 of said act not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with any railroad or railroads of which the President has taken and retained the possession, use, and control; it being the intent of Congress that every railroad not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads which the President has taken and retained the possession, use, or control, or which connects with such railroad and is engaged as a common carrier in general transportation, shall be held and considered as within Federal control as defined in said act, and to be entitled to the benefits of all the provisions of said act so long as the railroad or railroads with which it has heretofore competed for traffic or with which it connects shall be retained under Federal control.

Mr. PENROSE. Mr. President, I should like to address an inquiry to the Senator from South Carolina. It is difficult for me to understand the full scope of the joint resolution by simply hearing it read by the Secretary. I should like to ask whether the purpose of the resolution is to provide for the situation presented by the so-called short-line railroads?

Mr. SMITH of South Carolina. It is just to carry out a defined purpose of section 1 of the act in an amendment offered on the floor of the Senate and accepted.

Mr. PENROSE. I would be glad if the Senator would explain it in a few words, for I have a good many such short-line roads in Pennsylvania and I am in receipt of a good many communications.

Mr. SMITH of South Carolina. The object is this: The Senator from Iowa [Mr. CUMMINS] introduced an amendment when the bill was on its passage to the effect that all lines connecting or competing with a line or system taken over by the Government should be considered under Government control as long as the line with which it connected or competed was under Government control. The interpretation of that by the administration under section 14 of the railroad law was that any or all parts of a given railroad could be relinquished without respect to that amendment of the Senator from Iowa. So, the effect of the situation would be this, that under the present interpretation of the act any short-line railroad could be relinquished at their will, and as we have already closed the money market by an act of Congress and given them the power to route freight wherever they see fit to carry it, it simply amounts to this, that a short line which was relinquished would be left absolutely helpless, whether it was able to live or not. That is the situation.

Mr. PENROSE. What does the joint resolution do?

Mr. SMITH of South Carolina. It makes it obligatory upon them to hold these short lines as long as they connect and compete with lines taken over.

Mr. PENROSE. In the opinion of the Senator from South Carolina, the chairman of the Committee on Interstate Commerce, does this measure meet the complaint of the owners of the short-line roads?

Mr. SMITH of South Carolina. Absolutely.

Mr. PENROSE. In the case of short-line railroads which have not already been taken over, what would happen to them?

Mr. SMITH of South Carolina. This will apply to them.

Mr. PENROSE. The Government will be compelled to take them over also.

Mr. SMITH of South Carolina. It will be compelled to take them over also.

Mr. PENROSE. I am glad that the committee has done that.

Mr. CUMMINS. I offer the following amendment to the committee amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the end of the committee amendment the following proviso:

Provided further, That nothing in this resolution or in the said act of March 21, 1918, shall be construed as requiring the President either to take or retain the possession, use, and control of any street railway, whether the same be owned, controlled, or operated by another carrier company or not, nor to require the President to take or retain the possession, use, and control of any interurban or other similar railroad which does not receive at least 25 per cent of its operating revenue from the transportation of freight, and which, prior to December 29, 1917, did not have through routes or joint rates with one or more steam road carriers.

Mr. CUMMINS. Mr. President, this is to make certain that the roads which were intended to be excepted from Federal control in the original act shall still remain in that position, with the discretion on the part of the President to take them or not to take them. The idea is that roads which do a general business and which connect and compete with other roads and do not do purely an interurban or a passenger business shall be taken over, but those which do a street railway business need not be taken over unless the President sees fit to do it.

Mr. HARDWICK. Mr. President, I merely want to say that I am heartily in favor of the proposal submitted by the Senator from South Carolina in behalf of the Committee on Interstate Commerce. In my judgment, it would not have been necessary to submit this proposition if any reasonable and fair construction had been given to the legislation and to the effect that Congress intended to give to the law.

I am also very heartily in favor for exactly the same reason of the amendment proposed by the Senator from Iowa. I should like to know what would become of the Hudson tube under its operation.

Mr. CUMMINS. That is not difficult to answer. The Hudson tube would not be required to be taken over by the President if he chose to exercise the discretion in another way, but I assume the Government can take it over if the President desires to do so.

Mr. HARDWICK. I was in hopes that the Senator's amendment would be so framed that it would be taken over.

Mr. KELLOGG. Mr. President, I do not know whether there will be a roll call on this joint resolution. I wish to state that I can not vote for it, because the amendment offered in the committee and adopted by the committee, in my opinion, compels the Government to take over every short-line railroad in the United States, and I am not willing to force the Government to take over all short lines, whether they are useful to the

Government or whether they are worth anything or not. I voted against the amendment in the original bill for the same reason. I wished to state my position before a vote is taken on the joint resolution.

Mr. SMITH of South Carolina. Mr. President—

Mr. McKELLAR. Will the Senator from South Carolina yield to me that I may ask a question of the Senator from Minnesota? If they are not taken over, will not the necessary effect be to destroy all the short-line railroads of the country?

Mr. KELLOGG. I do not think so.

Mr. McKELLAR. How else are they going to live under the present conditions, the Government having taken over all the long lines and having left them out entirely without the possibility of getting necessary financial aid to live for a long time?

Mr. KELLOGG. I think they will be given a fair division with the original lines and be allowed to live in the same way they did before the railroads were taken over. They, of course, in common with all other enterprises in the country, are suffering from the fact that the Government is making use of the money.

Mr. McKELLAR. In the one case, that of the larger railroads, the Government takes them over and carries them on through this trial system; and if they are turned back, they will be turned back in better order than they were when the Government took them over. In the other case the short lines will merely be gobbled up by the great lines of the country, and that will be an end to them.

Mr. KELLOGG. The short lines can not be gobbled up by the great lines of the country while they are in the hands of the Government. I think it is the intention of the Railroad Administration to do what they can to help the short lines and to take them over by the Government where they should be taken over, even though it costs the Government more money, where those short lines render valuable service to local communities; but I am not willing to say that the Government must take over every short line in this country, whether it is worth anything or not.

Mr. McKELLAR. Well, the Senator has stated that virtually every long line had to be taken over, and certainly it is proper and right to put them all in the same category, in my judgment.

Mr. PENROSE. If the Senator will permit me on that point, I desire to say that, as I understand, the Government diverts traffic to Government owned and controlled railroads, and practically leaves the competing short lines in a condition with no freight, no income, no credit, and the sheriff approaching them.

Mr. KELLOGG. Of course, I am unable to say to what extent the Government has diverted traffic from the short lines to the long lines.

Mr. PENROSE. Everybody knows it.

Mr. KELLOGG. The representatives of the Railroad Administration before the committee denied that. Some of the gentlemen representing the short lines stated that their traffic had decreased owing to being diverted to the long-line railroads or the Government-controlled railroads. I do not think that it is the intention of the Railroad Administration to divert such traffic; but I think it is their intention to deal liberally with the short lines. Of course I am not the Railroad Administration, and I do not speak for the Railroad Administration.

Mr. POMERENE. Mr. President, before the vote is taken, I want very briefly to announce my position.

Like the Senator from Minnesota [Mr. KELLOGG], I was opposed to what was known as the Cummins amendment when this legislation was before the Senate. If Senators will note the law as passed, that is, as it is construed by certain officials, it requires the Government to take over all short lines which are connected with or are competing with lines which are taken over. Under section 14, to which reference has been made, the Railroad Director was authorized to relinquish such roads, or of any of them that he might see fit to relinquish on or before July 1 of this year. As I understand, the Director of Railroads did not have the time to investigate each of these cases—and there were very many of them—so as to ascertain from the standpoint of the Government whether or not such roads should in fact be kept in control of the Government. He asked simply an extension of the time within which this right or privilege on the part of the Government could be exercised; that is all. It would not, in my judgment, have changed the status of any of these railroads.

The amendment which was presented originally by the chairman of the committee in the form of a joint resolution provided for an extension of the time within which the Railroad Director could exercise this right. It is proposed by the committee to give this right; but at the same time it says in effect,

"You shall not exercise this right with reference to any road which is connected with any line which has been taken over or which competes with it."

Senators ought not to mistake the effects of this proposition. It means practically that every short line in existence is to be taken over, whether or not it is going to be of any value to the country at large. Do not mistake that. It means that every road that has been built by some promoter who knew nothing about railroading, but who did know how to get money out of the people, shall be taken over; that is all. It means that many roads will be taken over; the chief asset of which is the amount of bonds and of stock, whose chief value is their value as waste paper. That is what it means. The entire burden of the financing of these roads is to be placed upon the Government. I, for one Senator, will not go that far.

Mr. SMITH of South Carolina. Mr. President, I hope we may have a speedy vote. I think the Senate has fully made up its mind that this is a complete system; and that when the Government took charge of the railroads we could not have two systems in this country, one privately owned and the other publicly owned, when every man knows the system is a unit; that it is one system; and that we have no right to put into the hands of men other than the courts and this body the railroads—

Mr. POMERENE. Mr. President—

Mr. SMITH of South Carolina. Just a moment—the railroads of this country for them to arbitrarily destroy the property of a road regardless of what local benefit it may be to a community, because it happens not to earn big dividends in the way of remuneration for its operation. We have got to consider the small communities that are served by these little capillaries that furnish the great veins and arteries of traffic. The committee has testimony to the effect that they were being dropped, regardless of anything except that they were not considered at the time necessary for the movement of the great mass of traffic.

What redress have they got? They are a part of the system. We do not say, neither does this proposed law say, that the Government shall enter into any kind of a specific contract. The Government can determine whether these roads have a lot of junk for bonds; the Government will have an opportunity to ascertain whether the stock has been watered, or whether it has not been watered. The redress that these roads will have is the redress that every American citizen has to go to the courts to determine if they and the Railroad Administration may not agree, and not go to the Railroad Administration to know whether or not they are to be destroyed or are to be protected.

Mr. HARDWICK. Let me suggest to the Senator from South Carolina that the most conspicuous example of stock watering and bond control are the large roads of this country, and not the small roads.

Mr. SMITH of South Carolina. Precisely.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. SMITH of South Carolina. I yield.

Mr. SUTHERLAND. I should like to ask the Senator from South Carolina whether he construes that this amendment will take care of the large feeding short lines which feed the trunk lines but which are independent roads, along which there may be large quantities of coal and coke produced, and which are now almost strangled by the conditions which surround them—the trunk lines raising wages and they being unable to meet the competition? The trunk lines have increased rates; and of these rates the short lines get no larger proportion than they did before the Government regulation went into effect.

As I understand this law which is now proposed, one of its conditions is that the short lines must have been competing railroads. These feeders were not competing railroads.

Mr. SMITH of South Carolina. Or connected with them.

Mr. SUTHERLAND. It does not say "connected."

Mr. SMITH of South Carolina. Yes; it says "competing or connecting."

Mr. SUTHERLAND. If the Senator from South Carolina will show me that language, I shall be obliged to him.

Mr. SMITH of South Carolina. The joint resolution refers to a definition contained in section 1 of the law as it now stands.

Mr. SUTHERLAND. If the Senator will read the language here, he will find that it reads—

It being the intent of Congress that every railroad not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads which the President has taken and retains the possession, use, or control or which connects with such railroad—

Mr. SMITH of South Carolina. "Or which connects."

Mr. SUTHERLAND. I see that that language covers that case.

Mr. SMITH of South Carolina. Yes; entirely.

Mr. SUTHERLAND. I wish to say before I yield, in just a moment, that there is one of these short-line railroads in my State which carries 5,000 tons of coal a day, which is produced along the line of the road. The Government has failed to take over that road and has indicated no intention in regard to it. The road has given notice to the shippers on the line that if the Government does not take the road over by July 1 they are going to shut the railroad down, because they are absolutely unable to live under the conditions under which they are forced to operate at this time.

Mr. GORE. Mr. President—

Mr. SMITH of South Carolina. I yield.

Mr. GORE. Another instance illustrating the injustice of this measure has been cited by a Member of the other House. It was stated that there were two trunk lines paralleling each other, about 20 miles apart, and at one point there was an independently owned road connecting directly between the two, a distance of 20 miles—I will say connecting A and B on the two trunk lines. The trunk lines form a junction about 70 miles from A and B at a point I will call C. Under the present system freight is routed from A to B by way of C, a distance of 70 miles from A to C and 70 from C to B, instead of being routed directly across from A to B, a distance of only 20 miles, which, of course, would shrink and shrivel up the smaller road, as is entirely evident.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. POMERENE. Mr. President, I wish to say one word. With all due respect to the chairman of the committee, he has discussed this as though it were a question between Government-owned and private-owned roads. He overlooks the fact that there is no Government-owned road; that it is a question simply between roads temporarily controlled for the time being by the Government and private-owned roads. All of the meritorious roads unquestionably will be taken over, and control will be kept of them; but this joint resolution requires the Government to take over all these roads, whether they are good, bad, or indifferent.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

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

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 20, after the word "railroad," it is proposed to insert the words "or interurban electric railroad."

Mr. CURTIS. Mr. President, I have been told by members of the committee that they think the language is broad enough to include the class of roads referred to in the amendment, but, in any event, the amendment I have offered will make it more definite and certain.

Mr. SMITH of South Carolina. If the Senator will notice the amendment offered by the Senator from Iowa, he will see that it takes care of the very matter the Senator desires to cover.

Mr. CURTIS. If the amendment of the Senator from Iowa does so, and if the Senator will agree to the amendment I have offered, it may be stricken out in conference, if necessary, but I should like to have it go in the joint resolution.

Mr. SMITH of South Carolina. I merely wish to call attention to the fact that this joint resolution will not go to conference. The House, if I may so state, are in a position to act on the joint resolution to-day if we will pass it now, and it will become a law and will save untold hardship if we can pass it this afternoon.

Mr. CURTIS. If, in the judgment of the chairman of the committee and the Senator from Iowa, the amendment of the Senator from Iowa includes the roads to which my amendment refers I will withdraw the amendment.

Mr. CUMMINS. In my opinion the matter is fully covered. It makes no difference whether a railroad is moved by electricity or whether it is moved by steam, the character of the railroad determines whether it is within or without the provisions of the law, and while I would have no objection in the world to the amendment proposed by the Senator from Kansas; yet, in my judgment, it is not necessary, and would tend to delay the passage of the joint resolution.

Mr. CURTIS. On that statement I withdraw my amendment, and offer another amendment, which I send to the desk.

Mr. CUMMINS. The Senator from Kansas will remember that there has been added to the joint resolution, as reported by

the committee, a provision that this shall not be compulsory in the case of any street railway or any interurban railway that does not derive at least 25 per cent of its revenue from the movement of freight.

Mr. BORAH. Mr. President, I should like to ask the Senator from Iowa if, under this joint resolution, we can take in the Mount Pleasant car line?

Mr. CUMMINS. It does not affect that at all. If we could take it in and could improve it any, the Lord knows I would like to take it in.

Mr. THOMAS. I presume it has "taken in" the Senator several times. [Laughter.]

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

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 11, after the word "be," it is proposed to add the words "taken in and," so as to read "carrier in general transportation shall be taken in and held and considered."

Mr. CURTIS. I presume the Senator has no objection to that amendment.

Mr. SMITH of South Carolina. I ask that the amendment be again stated.

The Secretary again stated the amendment.

Mr. THOMAS. Mr. President, the public will be "taken in" anyway, will it not? [Laughter.]

Mr. POMERENE. They are "taken in" all the time.

Mr. PENROSE. They are "taken in" already.

Mr. CUMMINS. I hope the Senator from South Carolina will accept the amendment. The provision will mean after it is amended just what it means now.

Mr. CURTIS. I think so; but it makes the provision more definite.

Mr. CUMMINS. It makes it perfectly clear.

Mr. FRELINGHUYSEN. I should like to ask the Senator from South Carolina a question.

Mr. PENROSE. I will inquire if the amendment offered by the Senator from Kansas has been agreed to.

Mr. CURTIS. May we have a vote on the amendment offered by me?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas.

Mr. SMITH of South Carolina. I hope the Senator will not insist on the amendment, for the reason that any considerable change in the joint resolution will delay its passage, and we desire to get it finished this afternoon.

Mr. CURTIS. I understand that the joint resolution is already engrossed and ready to be signed, and it is feared that if amendments are made it will delay the measure. In view of that fact, I will withdraw the amendment.

Mr. FRELINGHUYSEN. Mr. President I should like to ask a question of the Senator from South Carolina. As I understand, this joint resolution simply extends the time to January 1 when the President may designate which roads he will relinquish control of. Now, if the President on January 1 decides that any short-line road—

Mr. SMITH of South Carolina. No; let me explain to the Senator—

Mr. FRELINGHUYSEN. Is not a competing or connecting line, he can relinquish control of it; it lies within his power to do so.

Mr. SMITH of South Carolina. Yes; after January, 1919; but he can not relinquish any competing line or any line connecting with a line that is under Government control.

Mr. PENROSE. Well, what can he relinquish?

Mr. SMITH of South Carolina. It would have to be an isolated road, for if it competes with any line or connects with any line that is controlled by the Government, ipso facto it comes under Government control.

Mr. THOMAS. I should like to ask, Mr. President, if there is any such isolated line in the United States?

Mr. SMITH of South Carolina. I hope not.

Mr. THOMAS. If there is such a line, it ought to be rounded up and put in a corral.

Mr. KELLOGG. If there is any line which commences in the desert and ends in the desert, and does not approach any other railroad, I presume the President might relinquish it.

Mr. PENROSE. Mr. President, I should like to address an inquiry to the chairman of the committee, the Senator from South Carolina. If it is not violating any state secret, I am curious to know whether the wording of this resolution as amended came from the Treasury Department?

Mr. SMITH of South Carolina. I will state to the Senator that this is the splendid product of members of the committee.

Mr. PENROSE. Sometimes the committee stand sponsor for a parentage for which they are not responsible.

Mr. SMITH of South Carolina. The committee gave birth to this.

Mr. PENROSE. Did the rude draft come from the Treasury Department?

Mr. SMITH of South Carolina. The draft came from members of the committee. It was conceived in their brains and put in this form.

Mr. PENROSE. Was there any substratum of phraseology furnished by the Treasury Department?

Mr. SMITH of South Carolina. Not so far as any of the committee knows.

Mr. PENROSE. I was going to make a passing observation, in which I hoped that I might be able to spare the feelings of the committee; but I am afraid I shall not be able to do so, because I want to state that I have seldom come across a legislative document more filled with obscurities, ambiguities, and incomprehensible sentences; and hence the occasion has arisen for a number of Senators to address these queries to the chairman of the committee, so that they might have in the RECORD a statement of what this obscure legislative proposition really means.

I had hoped that my observations would apply only to the Treasury Department. During the winter I have had occasion to regret that they did not have up there clerks more versed in the elegancies and technicalities of statutory law, and it is with very deep regret that part of my passing reflections must fall upon my colleagues in this Chamber who are members of the committee.

Mr. SMITH of South Carolina. It has done no damage.

Mr. LEWIS. Mr. President, I should like to make an inquiry of the chairman of the committee as to whether it is understood that this amendment to the joint resolution comprehends the street railways and the electric railways that run out of a city making connections for interurban traffic?

Mr. SMITH of South Carolina. That is expressly eliminated by the amendment offered by the Senator from Iowa, which has been adopted.

Mr. LEWIS. I did not hear it. I thank the Senator.

THE VICE PRESIDENT. The question is on the amendment as amended.

The amendment as amended was agreed to.

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

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

Mr. SMITH of South Carolina. I move that the preamble be disagreed to.

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

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN. Mr. President, I ask unanimous consent that the resolution (S. Res. No. 268) relative to the Agricultural appropriation bill, which is now before the Senate, be laid aside until 12 o'clock noon on Wednesday next, the 1st day of July.

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

SENATOR FROM WEST VIRGINIA.

Mr. POMERENE. I ask unanimous consent that the Senate proceed to the consideration of Senate resolution 269, which I send to the desk.

THE VICE PRESIDENT. The Senator from Ohio asks unanimous consent for the consideration of Senate resolution 269, which will be read.

The Secretary read the resolution, as follows:

Resolved: That HOWARD SUTHERLAND has been elected as Senator from the State of West Virginia for a term of six years, commencing on the 4th day of March, 1917, and that he is entitled to a seat in the Senate as such Senator.

THE VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. POMERENE. Mr. President, I may say that the report was presented by me the other day and it was the unanimous report of the committee. I therefore move the adoption of the resolution.

The resolution was unanimously agreed to.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2653. It is a bill that will meet with no opposition, being simply an amendment to the charter of the Medical Society of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2653) to revive with amendments an act entitled "An act to incorporate the Medical Society of the District of Columbia," which had been reported

from the Committee on the District of Columbia, with amendments.

The first amendment was, on page 1, line 8, after the word "successors," to strike out "are" and insert "be, and they"; on line 9, after the word "hereby," to insert "are"; and in the same line, after the word "are," to strike out "incorporated" and insert "constituted a body corporate of the District of Columbia," so as to make the bill read:

Be it enacted, etc., That Drs. George Wythe Cook, Frank Leech, J. W. Chappell, E. G. Seibert, P. S. Roy, R. T. Holden, W. M. Barton, E. Y. Davidson, J. B. Nichols, A. L. Stavely, C. W. Franzoni, H. C. Macatee, D. S. Lamb, A. W. Boswell, and J. Lawn Thompson, and such other persons as they may associate with themselves and their successors be, and they hereby are, constituted a body corporate of the District of Columbia, under the name and title of the Medical Society of the District of Columbia, for the purpose of promoting and disseminating medical and surgical knowledge, and for no other purpose.

Sec. 2. That the Medical Society of the District of Columbia be, and it is hereby, empowered to own, mortgage, and convey such property as may be necessary for its purposes, and to make such rules and regulations as it may require, and which may not be repugnant to the Constitution and laws of the United States.

Sec. 3. That Congress may at any time alter, amend, or annul this act of incorporation of said society.

The amendments were 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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 303) to extend the time within which the President may relinquish control of any railroad or system of transportation, as provided in section 14 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, to January 1, 1919, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 158) further extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River shall remain in effect, and it was thereupon signed by the Vice President.

POST OFFICE APPROPRIATIONS.

H. R. 12599. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, was read twice by its title.

Mr. BANKHEAD. Mr. President, this is a House bill, and under the rule of the Senate it can not be acted upon without reference to the committee, except by unanimous consent.

I do not care to further discuss this question. It has been thoroughly discussed and acted upon twice. I have reference to the provision of the original bill which provided for the continuance of the pneumatic-tube service. The House and Senate conferees agreed to a compromise, in the hope that it would be passed, and it was passed; but the President, in his wisdom, saw proper to veto the bill for the reason that it contained that provision which authorized the continuance of the pneumatic-tube service until the 4th of March and the reference of the matter to the Interstate Commerce Commission.

I am not going to ask to have the bill read. I understand that it is an exact copy of the bill heretofore passed by the two Houses. The Post Office bill, as will be remembered, was considered and passed with this single exception. That bill now comes back to the Senate. It is highly important that the bill should be passed before the 1st of July, in order that the machinery of the Post Office Department may not be disturbed. Of course I will be pardoned if I say that, in my judgment, the passage of the bill in its present shape will create great dissatisfaction and great inconvenience in those cities which have been relying for 20 years upon the pneumatic-tube system for the dispatch of their first-class mail. However, that question is eliminated. Neither the Senate nor the House will be responsible for whatever may happen. Therefore, Mr. President, I ask unanimous consent to consider this House bill without its reference to the committee.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Alabama?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. WEEKS subsequently said: Mr. President, I should like to say one word which I did not have an opportunity to say on account of what seemed to me to be the haste of the proceedings relative to the passage of the Post Office bill.

I do not propose to take any definite time to discuss what has transpired in connection with this bill, but I should not be doing justice to myself if I did not enter my protest against the action which has destroyed several millions of dollars of property and has destroyed the mail facilities in five of the largest cities of this country, and those cities produce a net revenue of sixty-odd millions of dollars a year. There is not, and never has been, a word of testimony against that service from any man who has been getting the benefit of it, but, on the contrary, universal testimony in favor of its continuance.

In the name of those people who have been paying such a large revenue to the Government for all these years, and who wish the service of the pneumatic tubes continued, I enter my protest against the high-handed method which has been adopted in this connection, destroying the property of the companies and destroying the mail facilities of the people who have been enjoying them.

ORDER OF BUSINESS.

Mr. GORE. I move that the Senate proceed to the consideration of House bill 11945.

Mr. PENROSE. Mr. President, I hope the Senator from Oklahoma will not press his motion at this late hour.

Mr. GORE. I will say to the Senator that my purpose was to ask that the formal reading of the bill be dispensed with and then to ask to lay it aside.

Mr. PENROSE. Does the Senator from Oklahoma intend to proceed with the consideration of the measure this evening?

Mr. GORE. I will say to the Senator that my purpose was to have that motion adopted, ask that the formal reading of the bill be dispensed with, and then request unanimous consent to temporarily lay it aside.

The VICE PRESIDENT. Just a moment. The Chair understands that a moment ago the Senate, by unanimous consent, agreed that the unfinished business should go over until 12 o'clock on Monday. The Chair will rule that, without unanimous consent, what the Senator from Oklahoma proposes can not be done.

Mr. PENROSE. I object.

Mr. SMOOT. Of course, it can not be done.

NAVAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SWANSON. Mr. President, I submit a report from the conference committee on the naval bill and ask for its immediate consideration. It will take but a moment.

The VICE PRESIDENT. The conference report will be read. The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 47, 52, and 170.

B. R. TILLMAN,
CLAUDE A. SWANSON,
JOHN WALTER SMITH,
BOIES PENROSE,
H. C. LODGE,

Managers on the part of the Senate.

L. P. PADGETT,
J. FRED C. TALBOTT,
D. J. RIORDAN,
THOMAS S. BUTLER,
WILLIAM J. BROWNING,

Managers on the part of the House.

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

The report was agreed to.

MICHIGAN AVENUE CONDUIT, DISTRICT OF COLUMBIA.

Mr. LEWIS. Mr. President, I ask the permission of the Senate to allow the consideration of a bill that will take but a minute. It merely gives permission to lay a conduit in the

street toward one of the buildings of the Catholic University. I present it at the instance of the Committee on the District of Columbia. It carries no appropriation nor anything of the kind. It merely grants permission to place pipes under a street to convey heat from one part of the University to another.

Mr. PENROSE. Let it be read for information, Mr. President.

Mr. LEWIS. Yes; of course.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (S. 3929), as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission to the Catholic University of America to lay a conduit for the transmission of power from their power house under and across Michigan Avenue northeast between Harewood Road and Brookland Avenue, in the District of Columbia, into and upon the property of the associated professors of St. Mary's Seminary, of Baltimore, Md., known as the Sulpician College, under the regulations and subject to the limitations prescribed in the act entitled "An act regulating permits for private conduits in the District of Columbia," approved May 26, 1900.

Sec. 2. That Congress reserves the right to alter, amend, or repeal this act.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

RECESS.

Mr. UNDERWOOD. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m., Saturday, June 29, 1918) the Senate took a recess until Monday, July 1, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 29, 1918.

The House met at 12 o'clock noon.

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

Our God and our Father, for that friend toward the higher civilization, which has ever characterized us as a Nation, we lift up our hearts in love and praise and beseech Thee to continue that inspiration to grander heights of glory, until we indeed shall become the ideal Nation of the earth, and to Thee we shall ascribe all praise in the name of the Lord Jesus Christ. Amen.

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

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, by Mr. Latta, one of his secretaries, was received.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill of the following title:

H. R. 12441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the following title:

S. 1553. An act to give effect to the convention between the United States and Great Britain for the protection of migratory birds, concluded at Washington, August 16, 1916, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2104) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2104. An act to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States.

EXPEDITING APPROPRIATION BILLS.

The SPEAKER. The Chair wants to make a very short announcement, and that is that so far as he can act as a steering committee he is going to have the right of way given to

these appropriation bills and such things as must be signed to-day or make trouble. The Chair thinks everybody agrees that that should be done. [Applause.]

CONFERENCE REPORT ON SUNDRY CIVIL APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I call up the conference report on the sundry civil bill (H. R. 12441) and ask unanimous consent that the statement be read in lieu of the report.

EXTENSION OF REMARKS.

Mr. BROWNE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BROWNE. To ask that the gentleman from Kentucky yield to me a moment while I ask unanimous consent to extend my remarks in the Record in regard to war legislation.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record in regard to war legislation. Is there objection?

There was no objection.

FARM CONDITIONS.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to briefly extend my remarks on farm conditions—the farm and the farmer.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks on farm conditions. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, are the gentleman's own remarks?

Mr. ASHBROOK. Yes; they are my own remarks, but they include brief resolutions passed by a grange. The whole article will not take up more than a column of the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I desire to call the attention of the House and the administrative authorities to some resolutions adopted by one of the granges in my district, and to be permitted to make just a few brief observations relative thereto.

The success of this terrible war depends not alone on the men in the trenches. Our brave boys can not fight the Huns on empty stomachs. We must feed and clothe them, and do it well. To whom do we look for these mighty resources but to the farm and the man who farms the farm? I believe the American farmer is bending every energy to meet the heavy requirements now upon him, notwithstanding the fact that the farm boys are being called in great numbers to the colors and the harvest is ripe and the laborers are few. I have oftentimes doubted whether or not we are giving the farmer the encouragement justly due him. We fix the price on many of the things he produces, but do we give enough consideration while in the fixing business to the things the farmer must buy in order to produce the necessities of civil and military life?

I was born on a farm and am proud to own and operate the farm my grandfather cleared up and settled a century ago. I think, therefore, that I have first-hand knowledge of farm life and farm conditions. The daylight law does not affect the farmer. You can turn the clock forward or backward by legislation as you like, but it is before sunup until after the sun has sunk in the west with the American farmer. While we are crowding and urging the farmer to produce, produce, and still keep on producing more and more, let us see to it that he gets a fair shake and a fair deal. Inquire what the farmer has to pay for his binder and binder twine and machinery of all kinds. Labor is from two to three times more than in prewar times. The farmer made as much money before the war as he can make now with wool at \$1 per pound and wheat at \$2.50 to \$2.75 per bushel. There is no doubt about the truth of this statement.

I have voted to increase the pay of the laboring man, the Government clerks, the rural carriers, et al., because I believed they were entitled to have their pay increased, but I beg of you, my friends who represent the great industrial centers and know but little about the conditions on the farm, to not forget "Old Rube" back on the farm, who is bending his back to carry the great load upon him. He feels satisfied and happy when he cleans up a thousand or two per annum for investment in his farm, and throws in his own labor and that of his faithful wife and children for good measure. There are no millionaire farmers. Let's fix the other fellow up some and give the faithful farmer and his household a chance to take a half holiday.

But my granger friends tell their own story better than I can tell it for them in the following resolutions:

NEW LONDON, OHIO, June 14, 1918.

WILLIAM A. ASHBROOK, M. C.

DEAR SIR: We ask, Why isn't the farmer entitled to the same interest on his investment as the city man? Industrial enterprises pay 7 per cent on their preferred stock and often more on their common, but the farmer who can get 6 per cent on his investment is mighty lucky.

When a big business concern wants to make an improvement or extension, they are safe in doing so, knowing they can increase the price of their output and soon get back the money expended for improvements. The farmer has to take just what is offered when he sells and pay what is asked when he buys.

Is there any business man under the sun who is denied the privilege of naming his selling price and thereby being sure of at least the cost of production?

We, the members of Ruggles Grange, No. 2119, of Ashland County, Ohio, have—

Resolved, That we should be granted a better price for our products, that we may have a small profit above cost of production. We understand that a fixed price is to be paid on all wool in the hands of producers.

Resolved, That while we recognize the exigencies of war and yield to none in patriotism and love of our country, yet we nevertheless appeal for an impartial hearing before the War Industries Board on the sale and movement of wool from the producer to the consumer, and we request this honorable board to withhold final decision upon this vital subject as to the methods of sale and prices until such hearings are completed.

We ask our lawmaking body to not curtail the selling price of our products without doing the same on articles we must buy, to wit: Machinery, fertilizer, twine, clothing, etc.

It is of great importance that the farmer be able to sell his products at a living profit if he continues to raise wheat and wool or takes a vacation in raising these commodities.

Very respectfully,

E. J. CRITTENDEN,
J. M. FAIR,
M. G. GITON,

Committee on Resolutions.

CONFERENCE REPORT ON SUNDRY CIVIL APPROPRIATION BILL (NO. 723).

The SPEAKER. The Clerk will read the conference report.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Without objection, the statement will be read in lieu of the report.

There was no objection.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, 8, 10, 11, 12, 13, 18, 20, 28, 29, 34, 35, 39, 40, 41, 45, 50, 53, 54, 59, 60, 69, 70, 71, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 7, 9, 17, 19, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 36, 43, 44, 46, 47, 48, 49, 51, 52, 55, 56, 57, 58, 61, 66, 67, and 68, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the sum "\$300,000" in line 9, on page 96, of the bill, amended to read as follows: "Provided, That any license issued under the act of October 6, 1917, may be canceled by the Director of the Bureau of Mines if the person to whom such license was issued shall, after notice and an opportunity to be heard, be found to have violated any of the provisions of the act: *Provided further*, That platinum, iridium, and palladium and compounds thereof are hereby made subject to the terms, conditions, and limitations of said act of October 6, 1917, and the Director of the Bureau of Mines is hereby authorized, under rules and regulations approved by the Secretary of the Interior, to limit the sale, possession, and the use of said material"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Restore the language stricken out by said amendment amended to read as follows: "Four-fifths of the two preceding sums shall be paid out of the Treasury of the United States and the other one-fifth out of the revenues of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,995,285"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For an investigation to be made by the Director of the Reclamation Service of the reclamation by drainage of lands outside existing reclamation projects and of the reclamation and preparation for cultivation of cut-over timberlands in any of the States of the United States, including personal services in the District of Columbia and elsewhere, purchase, maintenance, repair, hire, and operation of motor-propelled or horse-drawn passenger vehicles, and for all other expenses, there is appropriated, out of any money in the Treasury not otherwise appropriated, \$100,000."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the sum "\$5,500,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Protection of the Capitol during the period of the war: For an additional uniformed police force during the period of the war for the protection of the Capitol Building and Grounds, the Senate and House Office Buildings, and the Capitol power plant, and for emergencies, and each and every item incident thereto, \$30,000, one-half to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives: *Provided*, That the appointment to the positions herein provided shall be made by the Sergeants at Arms of the two Houses and the Superintendent of the Capitol Building and Grounds and shall be made solely on account of efficiency and special qualifications."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment strike out the words "until expended" and insert in lieu thereof the following: "during the fiscal year 1919"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "purchase, exchange, care, and maintenance of a motor-propelled vehicle"; and the Senate agree to the same.

SWAGAR SHERLEY,
JAMES F. BYRNES,
F. W. MONDELL,

Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
O. W. UNDERWOOD,
F. E. WARREN,
J. H. GALLINGER,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, namely:

On No. 1: Inserts the paragraph, proposed by the Senate, extending the appropriation for post allowances to diplomatic and

consular officers for the fiscal year 1919, to include diplomatic and consular officers regardless of where stationed, and also to the officers of the United States courts in China.

On Nos. 2, 3, 4, and 5, relating to public buildings: Strikes out the appropriation of \$150,000, proposed by the Senate, for the Honolulu, Hawaii, post office; inserts the appropriation of \$272,000, proposed by the Senate, for the New York assay office; strikes out the appropriation of \$70,000 for the Paris, Tex., post office; and strikes out the appropriation of \$68,200 for additional boilers and equipment for the Bureau of Engraving and Printing.

On Nos. 6 and 7, relating to marine hospitals: Strikes out the appropriation of \$15,000, proposed by the Senate, for repairs to the old marine hospital at Cincinnati, Ohio, and provides \$4,000 for a refrigerating plant at the marine hospital at Mobile, Ala.

On Nos. 8, 9, 10, and 11: Strikes out the appropriations, proposed by the Senate, for the quarantine stations at Cape Charles, Va., Reedy Island, Del., and Savannah, Ga.; increases the appropriation for wire fencing at the Port Townsend, Wash., quarantine station from \$600 to \$1,000, as proposed by the Senate.

On Nos. 12 and 13: Strikes out the authority, proposed by the Senate, permanently placing warrant officers of the Coast Guard on the same basis as warrant officers of the Navy in respect to pay and allowances.

On Nos. 14 and 15, relating to the Bureau of Engraving and Printing: Appropriates \$1,800,000 instead of \$1,731,600, as proposed by the House, and \$2,039,118, as proposed by the Senate, for salaries of employees other than plate printers and plate-printers' assistants, and appropriates \$2,000,000 instead of \$1,930,000, as proposed by the House, and \$2,100,600, as proposed by the Senate, for wages of plate printers and plate-printers' assistants.

On No. 16: Appropriates \$10,500,000 instead of \$10,200,000, as proposed by the House, and \$10,900,000, as proposed by the Senate, for expenses of the Customs Service.

On No. 17: Inserts the language, proposed by the Senate, requiring the report of receipts and expenditures under the appropriation for the Committee on Public Information to contain a list of employees and the salaries paid to them.

On No. 18: Strikes out the increase, proposed by the Senate, in the appropriation to enable the Interstate Commerce Commission to keep informed regarding, and to enforce compliance with, the acts to promote the safety of employees and travelers upon railroads.

On Nos. 19 and 20, relating to the Advisory Committee for Aeronautics: Authorizes, as proposed by the Senate, the use of \$10,300 for printing and binding the bibliography of aeronautics; restores the language, stricken out by the Senate, requiring the Secretary of War to house the committee in Government buildings occupied by the Signal Corps.

On Nos. 21, 22, and 23, relating to the emergency shipping fund: Provides, as proposed by the Senate, that the appropriation for plants for shipbuilding shall be available for ship maintenance or repair; increases from \$50,000,000 to \$75,000,000, as proposed by the Senate, the appropriation for housing; appropriates \$20,000,000, as proposed by the Senate, to carry out the act authorizing the President to take over certain transportation systems in connection with shipbuilding.

On No. 24: Provides, as proposed by the Senate, that the appropriation for the disposition of remains of officers, soldiers, and civilian employees shall be available for the disposition of the remains of retired officers and retired enlisted men who die while on active duty.

On No. 25: Inserts the appropriation of \$10,000, proposed by the Senate, for a ferry line in the vicinity of Seventh and Water Streets to East Potomac Park.

On No. 26: Appropriates \$8,100, as proposed by the Senate, for installing a water main across the new Aqueduct Bridge.

On Nos. 27 and 63: Appropriates \$30,000 for additional protection to the Capitol Buildings and Grounds, as proposed by the House, modified so as to require the appropriation to be disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House, and that appointments to the force shall be made by the Sergeants at Arms of the two Houses and the Superintendent of the Capitol, and shall be made solely on account of efficiency and special qualifications.

On Nos. 28 and 42: Appropriates \$100,000, as proposed by the House, for an investigation of the reclamation of lands by drainage, modified so as to include drainage of lands in public-land States outside of existing reclamation projects and in other States and the reclamation of cut-over timberlands.

On No. 29: Restores the language, stricken out by the Senate, providing for 10 supervisors of surveys, at \$250 per month each, in the Public Lands Service.

On Nos. 30, 31, and 32: Appropriates \$2,500 for a disbursing clerk in the Geological Survey, as proposed by the Senate.

On Nos. 33, 34, 35, 36, 37, and 38, relating to the Bureau of Mines: Inserts the paragraph, proposed by the Senate, authorizing the Director of the Bureau of Mines to cancel licenses issued under the explosives act of October 6, 1917, and provides that platinum, iridium, palladium, and compounds thereof, shall be subject to the terms of that act; strikes out the increase of \$100,000, proposed by the Senate, in the appropriation for the investigation of ores and other mineral substances; strikes out the increase of \$50,000, proposed by the Senate, for mining experiment stations; inserts the paragraph, proposed by the Senate, prohibiting the use of any of the money for a Government fuel yard for the purpose of taking over or interfering with yards or coal dumps that have been used during the past year by coal dealers for supplying the general public; and provides that the appropriations for the establishment of the coal yard shall be paid four-fifths from the Treasury and one-fifth from the revenues of the District of Columbia, instead of half and half, as proposed by the House.

On Nos. 39, 40, and 41, relating to the Reclamation Service: Restores the language, stricken out by the Senate, prohibiting the use of the appropriation for Rio Grande irrigation project for drainage except in irrigation districts formed under State laws, and strikes out the increase of \$20,000, proposed by the Senate, for cooperative and other miscellaneous investigations.

On Nos. 43 and 44: Appropriates \$25,000, as proposed by the Senate, for repairing roads in Yellowstone Park and in the adjoining forest reserves from the Lake Hotel to the Cody entrance.

On No. 45: Strikes out the paragraph, proposed by the Senate, reappropriating the appropriation for 1918 for the Mount Rainier National Park.

On Nos. 46 and 47: Appropriates \$100,000, as proposed by the Senate instead of \$150,000, as proposed by the House, for a bathhouse at the Hot Springs Reservation, Ark.

On Nos. 48 and 49: Appropriates \$20,000, as proposed by the Senate instead of \$15,000, as proposed by the House, for expenses of the department of manual arts of the Howard University.

On Nos. 50 and 51, relating to the Department of Justice: Restores the language, stricken out by the Senate, directing the Department of Justice to expedite the final determination of suits to set aside conveyances of allotted lands for the removal of restrictions on allotted lands belonging to the Five Civilized Tribes and increases the appropriation for law books from \$90 to \$112.50, as proposed by the Senate.

On Nos. 52, 53, 54, and 55, relating to the United States courts: Appropriates \$660,000, as proposed by the Senate, instead of \$620,000, as proposed by the House, for the salaries of district attorneys and expenses of their offices; provides a maximum of \$3,000, as proposed by the House, instead of \$3,500, as proposed by the Senate, for regular assistant district attorneys; appropriates \$175,000, as proposed by the House, instead of \$200,000, as proposed by the Senate, for assistants to the Attorney General in special cases.

On No. 56: Appropriates \$90,000, as proposed by the Senate, for a lighthouse depot in Alaska.

On Nos. 57 and 58, relating to the Bureau of Fisheries: Appropriates \$400,000, as proposed by the Senate, instead of \$375,000, as proposed by the House, for the propagation of food fishes, and inserts the appropriation of \$5,000, proposed by the Senate, for the establishment of an auxiliary station on Lake Champlain.

On No. 59: Strikes out the appropriation of \$32,000, proposed by the Senate, for additional land for the Bureau of Standards.

On No. 60: Appropriates \$2,450,000, as proposed by the House, instead of \$2,000,000, as proposed by the Senate, for the Immigration Service.

On Nos. 61, 62, and 63, relating to the employment of labor in connection with the war: Inserts the language, proposed by the Senate, making the appropriation available to aid in the standardization of wages paid by the Government; provides that appropriations for payment of wages shall not be available to pay wages in excess of the standardization determined upon by the War Labor Policies Board; and appropriates \$5,500,000 instead of \$1,500,000, as proposed by the House, and \$7,590,000, as proposed by the Senate.

On No. 64: Inserts the paragraph, proposed by the Senate, continuing the unexpended balance of the appropriation heretofore made for the Joint Committee on Interstate and Foreign Commerce.

On No. 65: Inserts the language, proposed by the Senate, modified so as to provide for a motor-propelled vehicle for the Botanic Gardens.

On Nos. 66 and 67, relating to the Senate Office Building: Appropriates for maintenance and furniture for the Senate Office Building, as proposed by the Senate.

On No. 68: Appropriates \$41,000, as proposed by the Senate, for the Senate kitchens and restaurants.

On No. 69: Strikes out the appropriation of \$20,000, proposed by the Senate, for the restoration of the historical frieze in the Rotunda of the Capitol.

On Nos. 70, 71, and 72, relating to the office of superintendent of documents: Strikes out the two additional clerks at \$900, proposed by the Senate; strikes out the increase in pay, proposed by the Senate, for 24 clerks from \$840 to \$900 each.

SWAGAR SHERLEY,
JAMES F. BYRNES,
F. W. MONDELL,

Manager on the part of the House.

Mr. JOHNSON of Washington rose.

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

Mr. JOHNSON of Washington. I want to see if I can secure time to ask a question of the chairman in charge of the bill (H. R. 12441) in connection with the sundry civil bill.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for an hour.

Mr. SHERLEY. If the gentleman will wait, I would like to make a statement to the House, and then I will yield.

Mr. JOHNSON of Washington. Certainly.

Mr. SHERLEY. Mr. Speaker, the Senate amended this sundry civil bill, considering its size, perhaps less than any other sundry civil bill has been amended in a great many years. There were 72 amendments. With the exception of three of them, there was none of major importance, considering the matters that we are dealing with in the bill.

They added in round figures about \$53,000,000 to the bill. Of that amount \$45,000,000 was represented in two items in connection with the shipping program, \$25,000,000 being an increase in appropriations and authorizations for the housing of employees incident to their work and \$20,000,000 being for transportation purposes in connection with the housing program. There was also added in connection with the program of the Labor Bureau an increase from \$1,500,000 to \$7,000,000 in connection with the employment of labor.

Those increases made a total of about \$52,000,000. The other increases were scattered over a number of items and amounted to not a great deal, the detail of which is set out in the statement and in the report.

The House conferees agreed to the Senate amendment touching the shipping program. In point of fact, the need for these increases had been brought to the attention of the Committee on Appropriations too late to be considered in connection with the bill, but they were of sufficient importance for the committee to suggest that they be taken up in the Senate committee, where a statement as to the needs could be made and where, if the Senate thought it necessary to make the appropriations, the matter could then be dealt with in conference. The Senate did feel that the increase of \$25,000,000 for housing and \$20,000,000 for transportation in connection with the housing was warranted.

In point of fact, the testimony before the committee showed that they had already allotted more than the amount of money that had been given them, and that they had not solved the problem and could not solve it for the money that was allowed as the bill passed the House. They also were in doubt as to whether the language that authorized them to deal with this housing program permitted the dealing with it by an increase in the facilities for transportation, and yet it had developed that that was one of the economical and desirable methods.

What was meant by that is this: There are a number of places where, by aiding transportation companies in affording transportation facilities for laborers, they brought into the usable field areas where housing could be obtained that otherwise could not be used by the employees in connection with the work at the shipping plants.

In regard to the labor situation, I would like to state that there has been a very unfortunate condition the country over, known to everybody who has kept up at all with the industrial program that this country was facing. We have had to revolutionize in many particulars the industrial activity of this country. We have had to divert labor that in peace time was employed in work which was much to be desired, and yet which in war times was not permissible if the work of the Nation was to be done in the prosecution of this war. That has resulted in throwing out of adjustment all the old-time conditions in connection with the demand and supply of labor, and with the disruption of the old status grew up a situation of com-

petitive bidding on the part of different departments of the Government and different industries of the country which resulted repeatedly in increasing the price of labor and in causing undue movement and turnover in labor.

Labor agents were going over the country seeking to obtain labor needed by their respective industries, and in order to obtain it outbidding the people where the labor was employed. The result was that there were any number of instances in which war activities had labor taken away for some other war activity, and then in turn outbidding the men who had first outbid them they brought that labor back, and we had the spectacle of dozens and dozens of agencies in this country, some of them governmental agencies, maintaining expensive bureaus to obtain supplies of labor and interfering most seriously with the production of the country by this constant shifting of labor from one center to another. The matter became so acute that it was necessary to take some drastic action by the Government. That action has been taken. The President has issued a proclamation requesting all of the manufacturers of the country after August to desist from endeavoring on their own initiative to obtain laborers, requesting that they apply only to the Government for the labor that may be necessary; and with that order has come a centralization into one source of the entire activities of the Government touching the recruiting of labor. Instead of the ordinance people and the shipping people and numerous other bureaus undertaking to have labor agencies, it has all now been centered in the Department of Labor. Part of that program had come into existence at the time that the hearings were held before the Committee on Appropriations of the House, and for the purpose of establishing governmental agencies looking to the employment of labor and the distribution of it as it might be needed, the sum of \$2,000,000 was asked at that time before that committee. The committee reported in favor of \$1,500,000, and that amount was acquiesced in by the House and was carried into the bill. After the hearing was had before the House committee, and prior to the hearings before the Senate committee, it was determined not only to centralize the procurement and distribution of labor for governmental purposes in one department, but there was determined upon the cessation on the part of individual manufacturers of any effort to obtain labor.

That meant a tremendous enlargement of the field of activities that had to be occupied by the Department of Labor in connection with the mobilization and distribution of labor. Accordingly, they asked an additional amount of \$7,600,000, which amount was allowed by the Senate committee and approved by the Senate. The matter then went into conference. The conferees have agreed on a sum of \$5,500,000. It was strenuously insisted on the part of the Senate conferees that the entire amount requested was needed. I believe the House conferees have an appreciation of this problem. It is in some respects the greatest problem that confronts this Nation, and upon its correct solution depends absolutely the full carrying out of the plans of the Government in the prosecution of this war.

Mr. MILLER of Minnesota. Will the gentleman yield there?

Mr. SHERLEY. If the gentleman will permit, I should like to conclude my general statement and then I will be glad to yield.

The House conferees would not in any way minimize the importance of the work to be undertaken, and we have agreed to that part of the Senate amendment which carries some legislation looking to the enforcement of the determination that will be arrived at by the War Labor Policies Board touching the amounts of money that should be paid. That will be found in this language:

Provided, That no money now or hereafter appropriated for the payment of wages not fixed by statute shall be available to pay wages in excess of the standard determined upon by the War Labor Policies Board.

The reason for that is not only to provide agencies for getting labor but to see to it that when a scale is agreed upon as a result of the activities of the War Labor Policies Board it shall not then be disregarded by any department of the Government in any way, so as to provide absolutely that the bidding of department against department shall cease and that the zeal of men to accomplish their particular work shall not carry them away from a national policy, to the detriment of the work of other departments and of other men.

Touching the amount of money that was needed by the Department of Labor in establishing agencies, there was, of course, room for difference of opinion, and, as I stated, the Senate insisted that the full amount of \$7,600,000 should be allowed. We believed that it was impossible to spend that amount of money wisely at once in connection with this work, and that if we were mistaken in that view the situation could be readily met by Congress at its next session, but that to give now the

total amount asked was to invite an expenditure that in every instance would not be wise. It is one thing to establish agencies; it is another thing to consider that it is necessary to have an agency started everywhere with paid employees for the carrying out of the work. My own belief is—and I hope it will be the policy of Mr. Densmore, who has charge of this employment department—that there can be obtained in every State of this Union men of very great capacity who will gladly give their services in connection with the carrying out of this most important work in their respective States, just as they have done it in connection with the Food and the Fuel Administrations, and that thereby we will get men of a caliber, experience, and talent that can not be hoped for at salaries which the Government could or would pay, and that then, under these men, can be put such paid employees as are necessary to do the merely clerical work in connection with the carrying out of the program. We therefore insisted upon a reduction of the amount. We might have been willing to go lower than the amount stated, but the amount that has been fixed was the one finally agreed upon between the conferees of the two Houses after several days of very strenuous discussion touching the matter.

Mr. NOLAN. Will the gentleman yield?

Mr. SHERLEY. I yield first to the gentleman from Minnesota [Mr. MILLER], and then I will yield to the gentleman from California.

Mr. MILLER of Minnesota. I should like to inquire in reference to the standardization of wages. I have gathered from the gentleman's very clear and full statement that the activities of this branch of the Department of Labor extend over three things: First, the procuring and regulating of employees for Government work; second, the procuring and regulating of employees for private manufacturing concerns; and third—and this the gentleman has not touched upon, but it is suggested by the language of the bill—the standardization of wages. It is proposed by this that the War Labor Policies Board shall have the power, if it finds wages paid in any particular place not high enough in their judgment, to have hearings and raise the wages?

Mr. SHERLEY. It would have the power to fix the wage that should be paid by any governmental agency engaged in governmental work, the idea being that where the work was similar in character, instead of leaving the wages to vary, as they have in the past, to standardize them.

Mr. MILLER of Minnesota. If that is to be done, and I am willing to admit that it is highly important work and ought to be done, the idea of it is an extremely difficult thing to carry out, and the board having it in charge should be composed of the highest type of men. Can the gentleman inform the House as to the character of the men which will compose it?

Mr. SHERLEY. The board is composed of representatives of the Shipping Board, the Secretary of War, the Secretary of the Navy, the Railroad Administration, and the Agricultural Department.

I say to the gentleman that Mr. Densmore, who has charge of these employment agencies in the mobilization of labor, has nothing directly to do with the War Labor Policies Board, except that it is expected that through his agency he will be able to give to the board information as to rates of wages, conditions of labor, and supply of labor to aid them in the administration of their problem.

Mr. MILLER of Minnesota. If the board is to have charge, as indicated by the gentleman, of labor in Government work and practically of private manufacturers, that pretty nearly gives Government control of the labor of the country.

Mr. SHERLEY. Of course they have no power to determine by any legislation here or elsewhere the wage that shall be paid by private establishments. They can indirectly effect it, of course. The President has no power under the proclamation to compel the private manufacturers to secure such labor as they desire through governmental agency.

But the President has requested it by proclamation, and I have no doubt that the patriotism of the employees generally will cause them to acquiesce in the proclamation issued. He has of course indirect power. The Government by virtue of its control over priority, over fuel, over material needed by the manufacturers, can interfere with manufacture by denying them the fuel or material they want, and they could very easily be compelled to acquiesce in the policy of the Government. In point of fact, there is no doubt in my mind that we have reached the point where there will have to be a very marked curtailment of the activities of manufacturers engaged in non-essential manufactures.

I called attention on this floor a few days after the war was declared to the fact that "business as usual," which was

the cry that went up in England when the war broke out, which was the cry that was echoed here in America, was a vicious cry, and that it could not be permitted to be the policy of the Nation if we were to do the real work of winning this war.

The industrial capacity of America is not equal to the burden of carrying on the tremendous work of the Nation in prosecuting this war, and at the same time carry on a lot of industries that were perfectly proper in normal peace times, but which now can only exist at the expense of the efficiency of the Nation. The only mistake we have made has been a mistake in delay in enforcing that policy, just as we are going to be forced to the other policy of heavy taxation, that I at the same time spoke of, if we are to preserve the credit of this Nation. [Applause.]

Mr. MILLER of Minnesota. One question more. The result of this would be that the Government board would practically fix the wages of labor throughout the United States.

Mr. SHERLEY. I hope that will be true.

Mr. MILLER of Minnesota. I agree with the gentleman.

Mr. NOLAN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. NOLAN. The gentleman from Minnesota asked the question if this would not be a standardizing of wages in the war industries. The chairman is aware of the fact that in the shipyards the wages are standardized from the Pacific to the Atlantic coast?

Mr. SHERLEY. Yes.

Mr. NOLAN. And along that line the effort is to standardize wages.

Mr. SHERLEY. It is an extension of that idea.

Mr. NOLAN. One other question: In relation to the State agencies for cooperation, the gentleman is aware of the fact that quite a number of men are directors in the United States employment that are not under salary?

Mr. SHERLEY. There are some, but as far as possible we ought to obtain in each State men of the first caliber of ability to administer this important work in these respects.

Mr. NOLAN. I call attention to the fact that in California we have a State employment service which is cooperating with the United States employment service.

Mr. SHERLEY. That is one reason why we did not think that they needed \$7,500,000. This is as much money as is being given to the entire Food Administration, and is considerably more money than is given to the Fuel Administration.

We thought it was a false perspective that could lead to a belief that so much money was required for this work at this time.

Mr. NOLAN. Although the gentleman understands that their work is being extended into almost every avenue?

Mr. SHERLEY. I do so understand it.

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

Mr. SHERLEY. Yes.

Mr. MAPES. The gentleman has touched on what I was going to ask. I would like to ask him, more definitely, whether it is the intention of this War Labor Policies Board to standardize or attempt to standardize, by moral suasion or otherwise, the wages of men employed in private factories throughout the country?

Mr. SHERLEY. I think it is, and I think it is necessary if the scheme is to go through. If you are to have private establishments paying a higher wage, and by a higher wage bidding against the Government, to that extent you are going to have interference with Government work.

Mr. MAPES. This board will attempt to increase the wages where the board thinks the wages are too low and to lower them where it thinks the wages are too high?

Mr. SHERLEY. Perhaps I can answer that by saying they propose to standardize the wages.

Mr. MADDEN. They will not lower them.

Mr. SHERLEY. I hope they will standardize them both ways where the facts warrant it.

Miss RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Miss RANKIN. Will this board attempt to standardize the wages of Government employees when those wages have been fixed by statute?

Mr. SHERLEY. It could not. Where the wages have been fixed by statute, the statute controls.

Miss RANKIN. And could the board go into bureaus and departments and standardize the wages there?

Mr. SHERLEY. I presume, where those wages are the result not of statute but of agreement, it could; but I say in answer to the lady's inquiry that that is not the real problem confronting the Government. It is a negligible problem compared with the real problem of wages in industry.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. JOHNSON of Washington. I am sure that the entire membership of the House appreciates the hard and heavy work done by the Committee on Appropriations. The statement just made by the chairman with regard to the Labor Utilities Bureau is of great importance, and is of interest to all of us. It will be read with interest by the people of the entire Nation. The Committee on Appropriations has had much work to do in connection with the war. It has had to name appropriations without stint for actual war work, and it has had to stand firm against demands for appropriations on account of "near" war work. And then it had to examine all the other requests for appropriations for the general expenditures of the Government—a much wider range than the public generally understands. This will be made quite clear when I ask the chairman, after he has just finished the statement he has made, in regard to a minor item, amendment numbered 45, inserted by the Senate, providing that the unexpended balance of the appropriation of \$75,000 made in the sundry civil appropriation act for the fiscal year 1918 for Mount Rainier National Park shall be made available for the fiscal year 1919.

Mr. SHERLEY. The reason the House did not carry that item was because the testimony before the committee was that prior to the 1st of July the park authorities would have expended the money. The Senate was misinformed as to that.

Mr. JOHNSON of Washington. That is, the park board found a chance to expend the money prior to the 1st of July of this year?

Mr. SHERLEY. Yes.

Mr. JOHNSON of Washington. There is another amendment, No. 28, to which I desire to direct attention, the insertion of the words "and cut-over timberlands" in regard to an appropriation of \$100,000 respecting investigations concerning the reclaiming of swamp lands.

Mr. SHERLEY. The difference between the Senate and the House was this: The House inserted language, which I explained at the time the bill was pending, for the purpose of having an investigation made by the Reclamation Service touching lands that by drainage could be made usable, and concerning which it might be desirable to have drained in order to give to returning soldiers a field of useful activity. The Senate committee cut that out, but on the floor an amendment was offered and agreed to substantially the same as the House amendment, except that it made clear that such investigation and survey should be not only of lands that might be reclaimed by drainage, but also of cut-over lands, and provided that the survey should be under the Secretary of the Interior. The House agreed to the Senate amendment with this change only: That it should be, as it had been in the House provision, under the head of the Reclamation Service.

Mr. JOHNSON of Washington. Let me call attention to the fact that a large part of the cut-over lands and, of course, all of those owned by the Government are in the forest reserves, and the forest reserves are under control of the Department of Agriculture.

Mr. SHERLEY. There is nothing here that interferes with the survey of those lands, and all that is provided is a survey.

Mr. JOHNSON of Washington. And it can be carried into the forest-reserve projects?

Mr. SHERLEY. It can be anywhere in the United States.

By unanimous consent, Mr. JOHNSON of Washington was granted leave to extend his remarks in the RECORD.

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

Mr. SHERLEY. Yes.

Mr. WALDOW. Do I understand the gentleman correctly to make the statement that the bill carries \$53,000,000 in addition to the amount carried by the bill as it passed the House?

Mr. SHERLEY. I could not give to the gentleman the amount exactly, because I have had very little time to verify my memory, but the Senate added approximately \$53,000,000, and we have cut out of that something like \$3,000,000.

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

Mr. SHERLEY. Yes.

Mr. STAFFORD. I direct the attention of the chairman of the committee to amendment No. 33, which has to do with the Bureau of Mines. We have heard much in the House recently of the need of controlling platinum. I notice that the second part of this amendment places platinum and the compounds of platinum, under the terms, conditions, and limitations of the act of October last, under the Bureau of Mines. Will the gentleman explain the real purpose and need of that special provision?

Mr. SHERLEY. Platinum is a very necessary mineral in connection with the manufacture of high explosives, and in some of the processes used platinum is a necessary agent for the reduction of nitrogen into such inactive form as makes it usable in connection with explosive manufactures. It was believed that the law should be plain to embrace within its scope platinum and its derivatives and compounds.

Mr. Speaker, there is one other matter I desire to call to the attention of the House, because it was a subject of some controversy when the bill was before the House, and that is the appropriation in connection with wages that are to be paid plate printers and other employees in the Bureau of Engraving and Printing. The House increased the appropriation for the purpose of increasing the wages in regard to the employees other than plate printers \$91,600. The Senate gave the entire amount which had been sent as a supplemental estimate by the Treasury Department after the agitation on the part of the employees touching the wage. The conferees have agreed to an additional increase of \$69,400, making a total increase of \$160,000 for employees other than plate printers. As to plate printers, the House agreed to an increase of \$100,000 in appropriation for the purpose of increasing their pay, and the Senate increased it considerably. The conferees have added \$70,000 to the House sum, so that there is now an increase of \$170,000 for such purposes, making a total of \$330,000 of increase as against \$669,718, which was submitted in the supplemental estimate of the Bureau of Engraving and Printing. I can only repeat what I said on the floor, that in my judgment the House amount was a sufficient amount to increase the pay of the lower-paid employees to \$2.24 a day, exclusive of the \$120 general increase. The amount now carried will enable them to be paid very considerably more than that amount.

Mr. SANFORD. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. SANFORD. I notice by amendment No. 63 that the Senate provided \$30,000 for extra Capitol policemen, and provided that the appointments shall be made solely on account of efficiency and special qualifications, and shall not be in patronage. Do I understand that the House conferees insisted that the Capitol police jobs shall be in patronage?

Mr. SHERLEY. They did not.

Mr. SANFORD. I see in the conference-report agreement those words were stricken out.

Mr. SHERLEY. I will tell the gentleman why. We provided that the appointment of those extra police should be under the Sergeant at Arms of the respective Houses and the Superintendent of the Capitol, Mr. Elliott Woods. They have been employing such extra police for some time past under a special fund that has been in charge of Mr. Elliott Woods, and men have been appointed solely on the ground of efficiency. That policy is to be maintained, and the only reason we struck out the language was that we did not feel that the provision should carry legislative language that seemed to be a reflection upon the respective bodies. For myself I do not believe that any one of those men ought to be or will be appointed for any other reason than his efficiency, and I am pronounced in the belief that they ought not to be and will not be made the subject of patronage on the part of membership of either the House or the Senate, and I do not think it was seemly to carry that sort of language in the report.

Mr. SANFORD. Does the gentleman think, and does the committee think, that it is unseemly for the respective bodies to run their business on the patronage system? For instance, the Capitol police always have been run under the patronage system.

Mr. SHERLEY. The question of the regular police is not involved in this amendment at all. I will say to the gentleman there is nothing here that is going to be done that looked to doing anything more than obtaining necessary efficient employees for the protection of the Capitol at this time.

Mr. SANFORD. That will be a new departure, absolutely.

Mr. SHERLEY. That statement involves a number of matters that we might discuss had we more time, both in regard to the present situation and that which obtained in the days when the gentleman's party was in control.

Mr. DEWALT. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. DEWALT. The large industrial centers of the country being so vitally interested in regard to this question of the turnover of the employment of labor, I would like the gentleman to state whether I am correct in my figures, namely, that the Senate amendment, to wit, \$7,600,000, was cut by the conference committee to \$5,500,000.

And there was a tentative understanding, as I gathered from the gentleman's remarks, that if this Employment Service Bureau hereafter should by affirmative proof show that their

necessities were larger they would be listened to patiently as well as affirmatively.

Mr. SHERLEY. Of course, we are not going to have closed minds on this or any other thing. We are inviting this bureau to exercise the economy which should characterize all bureaus, and believe that they have all the money that is needed; but if we are mistaken in that fact I hope we will be big enough to readjust our minds to that fact.

Mr. ROBBINS. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. ROBBINS. I am very much interested in the housing proposition, and I listened with great interest to the gentleman's statement. In this second allotment to be made under the appropriations under this bill is there any change in the method of applying and distributing to the various industrial communities of the country greater housing accommodations for war purposes?

Mr. SHERLEY. This relates only to the Shipping Board problem. The committee has pending in connection with the deficiency bill an estimate of \$100,000,000 for the Department of Labor in connection with the housing problem generally outside of the Shipping Board's field.

Mr. ROBBINS. I was very much concerned lest this would not reach the interior points.

Mr. SHERLEY. There is pending before the committee an estimate submitted by the Department of Labor, and advocated by Mr. Eidlitz, of \$100,000,000.

Mr. ROBBINS. And that will take care of these industrial centers in the interior of the country?

Mr. SHERLEY. That is what it is intended for.

Mr. Speaker, how much time have I used?

The SPEAKER. Thirty-five minutes.

Mr. SHERLEY. I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MILLER of Minnesota. May I make an inquiry of the gentleman? I understand the lady from Montana is very anxious to have 10 minutes on a matter in which she is deeply interested.

Mr. SHERLEY. I hope to be able to yield to the lady, although not that much time, but as much time as I can. I am under promise to expedite this bill, and minutes are precious in these closing days, and I know that she will appreciate that.

Mr. GILLET. I would like to have five minutes.

Mr. SHERLEY. I have no desire to deny time. I hoped not to take all the time that I have taken in making my statement.

Mr. MILLER of Minnesota. I still think the lady from Montana should have 10 minutes.

The SPEAKER. The gentleman has only 25 minutes remaining.

Mr. SHERLEY. I yield to the gentleman from Wyoming [Mr. MONDELL] 15 minutes.

Mr. MONDELL. Mr. Speaker, when the sundry civil bill was brought into the House I called attention to the very extraordinary character of this legislation. It provides for the activities of the Federal Government, as I then said, from the Virgin Islands to the Philippines, from Panama to the farthest reaches of the North Pacific. Its items relate to the activities of the Federal Government in all of the territory between these widely separated points where the flag floats and where the Federal Government exercises control. The bill is unusually large; necessarily so, in these times of war. But in making up the bill originally every activity of the Federal Government other than those vital to the war and its successful prosecution was trimmed as closely as the committee was justified in trimming it, not to do actual harm and injury to any necessary work in progress. In view of this fact, in view of the fact that the committee were under obligations to keep all of the appropriations for activities not absolutely essential to the prosecution of the war as low as possible, I think the work of the committee and the judgment of the House in support of it are fully sustained in the fact that this bill, carrying a multitude of items of great importance, was amended in so few particulars by the Senate. After a perfectly friendly and harmonious conference the House yielded only on a few items, the more important of which had to do with matters with regard to which the House was not fully informed at the time the bill passed, and relative to which the House committee believed there was a probability of the necessity of considerable increases. The major increases, amounting to \$45,000,000, as has already been stated by the chairman of the committee, relate to housing and transportation activities of the Shipping Board. When the bill passed the House it seemed altogether probable that larger sums than those allowed in the House bill would be necessary for these purposes.

After the bill passed the House there came the President's order enlarging the activities of the newly formed Bureau of Employment in the Department of Labor. As one of the House conferees, I shared the opinion of my colleagues that, while there was clearly a necessity for increased appropriations to meet the new activities, the sum that had been requested was unnecessarily large. We did not feel it wise to invite extravagant expenditures at the beginning of the expansion of this very important work, and I am of the opinion that the sum agreed upon will be abundant for the work during the fiscal year. If it is not, Congress will be in session and can make further provisions.

The hearings both in the House and in the Senate relative to the condition of labor in the country emphasized the evils that have been wrought by the constant competition of one Federal activity against another in bidding for labor. This had not been in the interest of labor in the main, for while it had raised wages temporarily at certain points, many of those employments were temporary and a large part of the time of certain classes of labor was spent in joy riding from one place of employment to another. So that it is very doubtful if labor received as large a reward during the period covered by these pullings and haulings hither and yon as it would have received had it remained at its original employment. The worst offenders in this matter were not the Government bureaus themselves, much as they offended, but the so-called cost-plus contractors. They had absolutely no conscience. It was apparently entirely immaterial to them what a work cost, what salaries were paid, how high the expense of an operation ran. A project estimated to cost \$21,000,000, like the Hog Island shipyard, for instance, will eventually cost \$55,000,000, at least, and others of these activities in proportion.

Mr. HUMPHREYS. Does that mean without any amplification in the original project?

Mr. MONDELL. I think there is some amplification in the Hog Island project that would perhaps account for two or three millions of that sum. I should say that one might say very conservatively that the increase was from \$21,000,000 to \$51,000,000 or \$52,000,000 for the original plan. This enormous increase was largely due to failure on the part of the contractors to conduct their enterprise in a businesslike way and in their reckless bidding against all others in the attempt to secure labor. This competitive bidding went on in many instances when these enterprises actually had more men on their work than they could keep properly employed. In the case of Hog Island it was reported by officials in charge on behalf of the Federal Government that during a very considerable period of time there was not over 25 to 30 per cent of labor efficiency; that for certain periods not over a third of the men were given an opportunity to work. They were there in such numbers and material was so delayed and the work so badly organized that they could not be given employment. It was largely these cost-plus contractors that kept labor drifting and shifting from one part of the country to the other, without benefit to labor and to the very great detriment to the interests of the country. This has ceased to a certain extent, owing to orders that have been issued touching those matters, and we hope that it will be further cured through the activities of this bureau.

I do not anticipate that these gentlemen will accomplish as much as they hope for or expect, but it is well that their hopes are high and that they expect to accomplish a very great deal. Otherwise they would accomplish but very little, for the task is an enormous one, and I hope it will be performed to the benefit of the country. While we support this appropriation, we of the minority can not overlook the fact that this Labor Employment Bureau can be made a mighty engine to help in making the country safe for Democratic candidates.

If we were disposed to be captious and suspicious we might with reason claim that the hope of political advantage through the appointment of thousands of "deserving Democrats" to carry on active political work at public expense was one of the controlling reasons for asking for these large appropriations.

I do not make that charge; and yet I realize that there is great temptation to use these great lump-sum appropriations which are granted and the tens of thousands of men who will be appointed under them for political purposes. Notwithstanding this danger, we of the minority are faithfully supporting these activities of the Government, realizing that whatever political activity there may be in connection with them will be for the benefit of the Democrats.

We have now the great organizations of the Federal Food and Fuel Administrations, the Committee on Public Information, the increased activities of the Agricultural, Interior, Commerce, and other departments, nation-wide and liberally endowed, and to these we now add the nation-wide Labor Employment Bureau.

All these could be utilized tremendously for political purposes. I fear they will be to a large extent, but we support them, notwithstanding, as a part of a general plan believed to be helpful in the winning of the war.

If anything further were necessary to prove the unwavering fidelity of the Republican Members of Congress to every object and purpose claimed or hoped to be useful in the prosecution of the war, it is found in their support of vast appropriations to be used in building up great nation-wide organizations like the Bureau of Public Information and the Food, Fuel, and Labor Employment Bureaus, which can and may be used to further the political interests of the party in power. I would support these activities so far as I believe them essential, though I believed they would be used to a certain extent for political purposes; but I suggest to my Democratic friends that they may easily overdo these things. I do not believe the people will tolerate an extensive use of appropriations and patronage for political purposes in this time of war if they become fully aware of it.

Now, Mr. Speaker, there are some items in this bill relating to the Bureau of Engraving and Printing, with regard to which there has been some difference of opinion and some controversy. The House subcommittee took up the matter of increased wages for the low-paid employees of the bureau. No estimates had been made contemplating any increase. I do not say that in criticism of anyone. But that was the situation with regard to the original estimates. Estimates to cover increased wages were invited, and a hearing of the employees was had. The House gave the bureau in the items covering these employments what they believed was a sufficient sum to advance the low-paid employees in the amounts which it had been suggested they were entitled to.

There were some who did not believe the sum allowed was sufficient to cover the increased wages. The Senate allowed the full amount of the estimates. That not only meant the full amount of the original estimates, which might or might not have been reasonable, but also the full amount of the supplemental estimates, and of course the committee was forced to take into consideration the whole matter. It was claimed that, while the amount allowed by the House might provide for, and probably would provide for, advancing all of the low-paid employees, it was doubtful if it would also allow an advance above these lowest-paid employees in the various grades running up to the highly skilled employees. In order to make it quite certain that a reasonable sum should be available for that purpose, the House conferees agreed to some considerable increases in both of the two items affecting these employees; increases which, in my opinion, with the repay work, are abundant to provide the increases that have been suggested and to give to these employees whose pay has been unquestionably too low a very considerable increase. The House expects those increases to be made, and believes there are abundant sums provided for making those increases.

Mr. Speaker, other than these items to which I have referred, the amendments of the Senate are in the main not particularly material. The conferees of the House were in full agreement in all the matters in conference, as they were originally in the making up of the bill. We believe that the sundry civil bill, as now presented to the House, takes care of every war industry provided for in the bill abundantly, provides for every other useful activity of the Government appropriated for in the bill reasonably, and will afford abundant funds with which to pay the increased salaries and wages contemplated in certain cases and keep the wheels of Government running smoothly, so far as they receive lubrication from this bill.

The SPEAKER pro tempore (Mr. Sisson). The gentleman's time has expired.

Mr. SHERLEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. Gillett].

Mr. Gillett. Mr. Speaker, the lady from Montana takes up so little of the time of the House and I take so much that I suggest that the gentleman from Kentucky yield to her my time.

Mr. SHERLEY. I yield the lady five minutes.

The SPEAKER pro tempore. The lady from Montana is recognized for five minutes.

Miss RANKIN addressed the House. [See Appendix.]

Mr. SHERLEY. Mr. Speaker, I desire to say just this in reply: Any basis of estimate upon repay work that places it at \$40,000 is so necessarily erroneous as to make the calculation all out of line, and that must be apparent to anybody who knows the expenses of the Government now as compared with the expenditures heretofore.

How much time have I remaining, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER of Minnesota. Could unanimous consent be given for five minutes, not to be taken out of the hour, so as to leave the gentleman from Kentucky four minutes?

Mr. SHERLEY. In the closing days when we have so much to do I do not think it is fair to the House to enlarge the time for the discussion of a matter that is settled. I do not understand that the lady from Montana [Miss RANKIN] desires to make any motion, so that this discussion leads nowhere. I will ask the gentleman from Massachusetts [Mr. GILLETT] if he desires any time out of the four minutes remaining?

Mr. GILLETT. Yes; if I may have it.

Mr. SHERLEY. I yield the remainder of my time to the gentleman from Massachusetts [Mr. GILLETTE], reserving a quarter of a minute to myself in which to make a motion.

Mr. GILLETTE. Inasmuch as very often in past years when coming out of conferences on this sundry civil bill, which covers all the various interests of the country, I have had occasion to criticize the Senate for what I thought was their loading up of the bill with matters for their personal and local interests rather than for the good of the whole country, I wish to say that I am very happy that in this instance I can, on the contrary, commend them, and state that they have departed from what I sometimes thought was their custom, and they have recognized the emergency of war times and have to a large extent ignored their individual interests, so that this bill deals mainly with the interests of the whole country and is not blotted with the perquisites of individual Senators. I wish to say a few words about what, it seems to me, is the most serious and far-reaching item in this whole bill, this appropriation for the marshaling of the labor of the country. I doubt if the Members of the House appreciate what a tremendous innovation that is touching all our industrial forces. If it is carried out as the Senate hearings indicate is the intention of the Labor Industries Board, it really means that all the labor of this country is going to be held in the grasp of this board. As a member of the minority I am not blind to the political possibilities of such a tremendous engine, reaching all over the country, with its branches in every State and in every considerable city, and influencing all labor; but I appreciate that we have shut our eyes, or at least we have taken our chances already on many such opportunities, and I am ready here to hope again that the administration will not take the advantage which is so completely put in their power to make it a political engine. But whether they do or not, I believe some such organization is indispensable for war production, and no matter what its political results I favor it. But aside from the political possibilities, the operation of this new bureau excites some apprehension. It is incumbent upon us to try it; but it strikes me that the great difficulty is going to be, not in the employment feature of the provision, but in the wage feature of it, in the standardization of wages. While the provision preventing wages to be paid in the different departments above the amount fixed by this bureau controls the Government offices, it does not in the slightest degree affect private individuals, and there, it seems to me, will come the difficulty. Of course, the Government itself has had the power to remedy that in the past, but it has not been done. We have seen constantly one bureau here in Washington bidding against another for labor. I remember an instance when the Navy Department took men from the Superintendent of the Capitol, paying bricklayers \$8 a day where they had been paid \$6 a day. That is simply a specimen of the way different departments have bid against one another. Of course, it was inevitable. Each department feels the urgency of its work and is a little reckless as to how it shall carry it out. It does not consider much the relative importance of the work of other departments, but bends all its energies to get its own work accomplished, and the others do the same, and so there has ensued reckless competition and bidding against each other for labor. The administration has seemed powerless to prevent that, even right here in Washington, and my fear is that when it starts out to prevent it throughout the country by private as well as Government employers, it will find it has tackled a problem too vast for it effectively to cope with. But I believe something of this sort must be done. I have not been able to think out a better plan, and so I indorse this with best wishes for its mastery of a most difficult and intricate problem.

Mr. SHERLEY. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain correspondence with Col. Myron M. Parker, of Washington, in regard to certain statements made in debate on the floor here.

Mr. JOHNSON of Kentucky. Reserving the right to object, I ask the gentleman from Vermont to include in his request that I also be permitted to insert a letter from Mr. Brownlow, one of the Commissioners of the District of Columbia, and some remarks by myself, to be printed alongside of the matter that the gentleman from Vermont will print in the RECORD.

Mr. GREENE of Vermont. That is only fair, Mr. Speaker, and I am quite content to have such an understanding.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, is this matter of such a public character that it ought to be printed in the RECORD?

Mr. GREENE of Vermont. That is my purpose in asking to have it printed.

Mr. STAFFORD. I assume that the gentleman from Vermont would not take up the time of the House or the pages of the RECORD with any private affair relating to the Green Mountain State. I will inquire of the gentleman from Kentucky, if the gentleman from Vermont can not furnish the information, whether the correspondence which he seeks to put in the RECORD is of such a public character that the Membership of the House will be interested in it?

Mr. JOHNSON of Kentucky. It is a matter of a public nature. I made some remarks the other day, and in those remarks I mentioned the name of Col. M. M. Parker. He has written a letter to the gentleman from Vermont asking that his letter be inserted in the RECORD. I am perfectly willing that that shall be done if I can follow with a letter from the Commissioner of the District, with some remarks of my own.

Mr. STAFFORD. It is a matter of crimination and recrimination of remarks that have heretofore taken place.

Mr. GREENE of Vermont. Mr. Speaker, I started to explain at the outset that this refers to a matter in debate on the floor involving a former constituent of mine who has no Representative in Congress and who desires to have his explanation made a part of the RECORD.

Mr. STAFFORD. If I had heard the gentleman's original remark, I would not have arisen to reserve an objection, but he was speaking in that subdued tone that he sometimes uses, and I did not hear him.

The SPEAKER. Is there objection to the request of the gentleman from Vermont and the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina was given leave to extend his remarks in the RECORD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1919, and for other purposes, had further insisted upon its amendments still in disagreement, and asked a further conference with the House on the disagreeing votes of the two Houses thereon and had appointed Mr. SMITH of Maryland, Mr. ROBINSON, and Mr. GALLINGER as the conferees on the part of the Senate.

EXTENSION OF TIME OF FEDERAL CONTROL OF RAILROADS.

Mr. GARRETT of Tennessee. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk began the reading of House resolution 407.

Mr. GARRETT of Tennessee (interrupting). Mr. Speaker, if I may interrupt, this is a privileged resolution, and yet I understand that the gentleman who objected to unanimous consent yesterday in the consideration of this joint resolution reported from the Committee on Interstate and Foreign Commerce has now no objection to it. So, in order to save time, I ask unanimous consent that it shall be in order to consider immediately House joint resolution 303.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of House joint resolution 303. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the resolution.

The Clerk read the resolution, as follows:

Joint resolution (H. J. Res. 303) to extend the time within which the President may relinquish control of any railroad or system of transportation, as provided in section 14 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, to January 1, 1919.

Whereas it was provided in section 14 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, "that the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation, further Federal control of which the President shall deem not needful or desirable"; and

Whereas it has been found that it can not be determined by July 1, 1918, whether certain railroads and systems of transportation under Federal control are needful or desirable for the successful operation of the railroads during Federal control: Therefore be it

Resolved, etc., That the time within which the President may relinquish control of all or any part of any railroad or system of transportation, further Federal control of which the President shall deem not needful or desirable, as provided in section 14 of said act, be, and it is hereby, extended to, and including, January 1, 1919.

With the following committee amendment:

Add, at the end of the resolution, the following:
Provided, however, That the right conferred upon the President to relinquish prior to July 1, 1918, control of all or any part of any railroad or system of transportation without consent of the carrier, as provided in section 14 of an act approved March 21, 1918, entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," which right is herein extended to and inclusive of January 1, 1919, shall not be construed to include any railroad engaged as common carrier in general transportation such as mentioned in section 1 of said act, not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with any railroad or railroads of which the President has taken and retained the possession, use, and control, it being the intent of Congress that every railroad not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads which the President has taken and retains the possession, use, or control, or which connects with such railroad and is engaged as a common carrier in general transportation shall be held and considered as within Federal control as defined in said act and to be entitled to the benefits of all the provisions of said act so long as the railroad or railroads with which it has heretofore competed for traffic or with which it connects shall be retained under Federal control."

Mr. RUCKER took the chair as Speaker pro tempore.

Mr. SIMS. Mr. Speaker, the two preambles to this resolution state the reasons given by the administration for asking for this extension of time. While it says "railroads," its practical application will be to the so-called short-line railroads that were brought under Government control by what was known as the Cummins amendment, an amendment offered in the Senate to the railroad-control bill and which amendment when the bill reached the House was concurred in by a vote of the House. Consequently, as far as the Cummins amendment is concerned, it did not go to the Committee on Interstate and Foreign Commerce.

The Railroad Administration states that inasmuch as practically every one of the short lines differs in conditions from every other short line, depending upon its relation to the trunk lines or connecting lines, it is necessary to consider the special facts and circumstances in the case of each one of these lines. The time they have had has been used up in doing that which was absolutely necessary to do in order to have a standard form of contract for all railroads under Federal control and they have not had the time necessary to investigate each one of the short lines. They say that the general policy of the Railway Administration has been, as shown by the testimony of Mr. Payne, who was before the committee, to relinquish all railroads that were simply plant facilities. They have relinquished a number of short lines with the consent of the owners of those short lines. But the Railway Administration feel, and so construes the law, that it ought to relinquish all railroads that are not necessary for war purposes, not necessary for the Government to control, in order to better promote the prosecution of the war. And it has asked this further time to consider each individual case and to try, if possible, to have a contract in every case so as not to have to finally resort to the courts to decide what may be demanded as a compensation, and that if these lines are kept by force of law within Government control the lines will have the whip hand of the administration in making these contracts; that they will be under Government control and be where they can not be relinquished at the option of the Government whenever it is found it is not to the advantage of the Government to retain them. I have tried to explain the attitude of the administration in wanting further time. It was said by Mr. Payne, who represents the Railway Administration, that in so far as they have investigated these short lines it believes that if all the short-line railroads that were taken over by virtue of the Cummins amendment were retained it would be a great loss to the Government aggregating in the neighborhood of \$20,000,000 per annum, and the administration feels that it ought not to retain them at such an expense to the taxpayers.

On the other side, the short-line people by their representatives have been before the committee and have stated in no uncertain language and in no doubtful terms that by virtue of the Government status, the control, whether exercised or not, has greatly reduced their gross earnings in the time that they have been within Government control. Some of them say that their gross earnings have run down 50 per cent; that the Railway Administration through the local officials have been in its treatment hostile, and has in some instances issued an absolute embargo order against freight being shipped over their roads,

while others have refused to route freight over their roads where it was for their advantage not to do so.

Therefore, the short lines, by their representatives, contend that if they are relinquished now without any protecting provisions and not having the same benefits of roads which are retained under Federal control, that many of them will have to cease operation and that the communities they serve will be very greatly damaged, and they state in detail a great number of items of damage that will accrue to them, claiming that it will practically ruin some of the local communities that they serve. They insist that a great injustice will be done them, and that even though there is ultimate loss to the Government they should be retained until their connections are released, or the roads with which they are in competition are relinquished. An amendment was offered in the committee by a member of the committee, as set forth in the resolution as reported.

Mr. FAIRFIELD. Mr. Speaker, will the gentleman yield.

Mr. SIMS. Yes.

Mr. FAIRFIELD. What is the status of a line that has already been relinquished or might be before this resolution is agreed to?

Mr. SIMS. That is a very pertinent question, and one as to which, so far as this resolution is concerned, I do not wish to vouchsafe an opinion. When Mr. Payne was before the committee I asked the question, whether if this resolution was passed unamended, and they relinquished a railroad or it had already been relinquished, would they, under the law, have the right to bring back into Government control that relinquished railroad, supposing it was not thought to be necessary at the time of the relinquishment, but it was ascertained afterwards that it might be needed by the Government—whether the Government then, without further legislation, could resume Federal control. He answered that the matter was something about which legal minds differed; that the act of 1916 referred alone to systems of transportation, and if we relinquished these roads and took them from under the operation of the Cummins amendment, not being systems of transportation within the meaning of the original act, it was contended by some legal authorities that the President would not have the power to again resume control under the act of 1916, and having been relinquished under this act, it was a doubtful question, while others contended that the administration would have the right to resume control of any road that was once in the control of the Government.

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

Mr. SIMS. Yes.

Mr. SNOOK. I want to say that when the chairman propounded that question to Mr. Payne, the latter part of the short-line amendment was not then being considered. That was afterwards proposed in the Senate. That part beginning with the word "it," on line 4, page 4, was not in the amendment when Mr. Payne's attention was called to the fact.

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

Mr. SNOOK. Yes.

Mr. WALSH. Is the language of the resolution incapable of being interpreted to carry out the intent of the latter part of it as expressed in the language beginning on page 3, line 4, where it sets forth what the intent of Congress is in passing the resolution? If that language was not in there, would not anyone know what the intent was upon reading the resolution?

Mr. SIMS. Answering for myself I would think there would be no question about it.

Mr. WALSH. We have had about forty-seven different varieties of legislative language used during this session, and if you are going to put a concluding paragraph to each act or resolve stating what the intent of Congress is, it seems to me to be the height of absurdity. We better draft our language so that everybody will know what it is. I want to ask the gentleman if he can not interpret this resolution to mean just what it is stated is the intent of Congress without so expressing it.

Mr. SIMS. As the gentleman from Texas [Mr. RAYBURN] offered this amendment in the committee, I prefer that he make reply to the gentleman from Massachusetts, and I yield to him.

Mr. RAYBURN. Mr. Speaker, I think the language is absolutely clear without stating that it is the intent of Congress, and I also think that the language in the original act was clear in section 1, where it says:

That every railroad not owned, controlled, or operated by another carrier company, and which has heretofore competed for traffic with a railroad or railroads of which the President has taken the possession, use, and control, or which connects with such railroads and is engaged as a common carrier in general transportation, shall be held and considered as within "Federal control," as herein defined.

And that when the House agreed to that amendment that there was no question but that all of these lines that connected

with or competed with another carrier would be taken in, but they have not been.

Mr. WALSH. For the reason that they consider the word "railroad" to mean a system.

Mr. RAYBURN. Not at all. The intent of Congress, I think, was expressed in that, but over here in section 14 they did a very peculiar thing. They vested in the President power to turn them loose before the 1st day of July, and this amendment says that he can not do that if he retains the control of the carrier with which it connects or competes.

Mr. WALSH. I would like to ask the opinion of the chairman of the committee which reports the resolution if it would in any way vitiate this resolution if the phraseology expressing the intent of Congress is stricken from the resolution.

Mr. SIMS. Answering offhand, I would not think it would; but, as I did not offer the amendment, and am not responsible for it, I do not want my interpretation to be regarded as conclusive.

Mr. WALSH. But the gentleman is proposing it, and he has the resolution in charge. He is responsible for the resolution as presented to the House.

Mr. SIMS. The committee adopted the resolution.

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

Mr. SIMS. Yes.

Mr. CANNON. Does the gentleman from Massachusetts agree that the intent that is declared is unnecessary because the proposed amendment otherwise speaks for itself, and that the intent is evident as contained in the bill?

Mr. WALSH. I understand; but from my reading of the resolution without that as with it, it is giving the authority which is expressed in the intent. It is just mere surplusage, and if to every law we pass we are going to hitch on five or a dozen or two dozen lines saying what the intent of Congress is we are going to be kept busy.

Mr. CANNON. If the gentleman will permit, considering the history of this legislation and the difference of opinion that has been expressed as to what the law now is, does not the gentleman think, from his standpoint it being mere surplusage, that it leaves nothing open for construction, so the declaration of intent leaves nothing for construction?

Mr. WALSH. Then we ought to put in another paragraph and say what the intent of Congress was in putting in a paragraph declaring what the intent of Congress was, and so on.

Mr. CRAMTON. Will the gentleman yield?

Mr. SIMS. I will.

Mr. CRAMTON. I desire to ask the gentleman from Tennessee whether it is true, if he knows, that the Railroad Administration yesterday and to-day have rushed out a great number of notices to the short-line railroads notifying them they are cut loose from the national system?

Mr. SIMS. Relinquished?

Mr. CRAMTON. Relinquished.

Mr. SIMS. I have no knowledge on that subject.

Mr. CRAMTON. If that is true, if such notices in numbers are being rushed out yesterday and to-day in the face of the adoption of this resolution, would it not be patent it was the desire of the Railroad Administration to avoid the terms of this resolution?

Mr. SIMS. Mr. Speaker, I think that is an argumentative question and does not need a reply. These relinquishments which the gentlemen have heard of as being sent out may be every one of them confined to railroads not doing a general transportation business and not having connection—

Mr. CRAMTON. I do not know, and I am quite curious in reference to the question raised by the gentleman from Indiana [Mr. FAIRFIELD] whether by rushing out notices of that kind they can avoid the effect of this resolution.

Mr. SIMS. I could not answer any further than I have.

Mr. MONDELL. Will the gentleman yield?

Mr. SIMS. I promised to yield to the gentleman from Wisconsin, a member of the committee.

Mr. MONDELL. If the gentleman does not care to yield at this moment, I will wait until the members of the committee have been heard.

Mr. SIMS. How much time have I consumed?

Mr. SAUNDERS of Virginia. Will the gentleman yield before that in order to answer one question?

The SPEAKER. The gentleman has used 17 minutes.

Mr. SIMS. I yield to the gentleman from Virginia.

Mr. SAUNDERS of Virginia. The question I want to ask is related to the question asked by the gentleman from Indiana and that is, what would be the effect upon the short-line railroads which were relinquished prior to the adoption of this resolution? I understood the gentleman from Tennessee to state that such short-line railroads as have been relinquished have

been relinquished by agreements with the owners of those roads?

Mr. SIMS. Very largely; but I do not think it includes all of them; but I am speaking from recollection.

Mr. SAUNDERS of Virginia. There are some that have been relinquished over the protest of those short lines?

Mr. SIMS. Over their own protests. Mr. Speaker, how much time does the gentleman from Wisconsin desire?

Mr. ESCH. I think only five minutes.

Mr. SIMS. I yield five minutes to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Speaker, the urgency of this resolution impels me to limit the time I shall occupy in explanation. Now, unless this resolution speedily goes over to the Senate it can not be passed prior to the 1st day of July, when certain provisions of the Federal control act become operative. We had supposed when we enacted the Federal control act, including the Cummins amendment to section 1, that the status of the short-line roads had been clearly defined and fixed. It seems, however, that up to date they do not as yet know their status. In fact, but very few lines that have made applications to be brought under Federal control have had them adjudicated. There have been about 40 short lines which have been released upon their own request. There have been a less number that have been relinquished without their consent. There are about 750 short lines in the United States. They cover 30,000 miles of trackage. The capitalization of those railroads amounts to \$2,000,000,000. From those facts you can realize the importance of the problem that is presented. These short lines desire to have a chance to live. We by this legislation wish to give them that chance by saying that they shall be retained under Federal control so long as the lines with which they compete or the roads with which they connect are retained under Federal control. When the trunk line has been relinquished the short line goes with it. The short lines do not object to that situation—

Mr. CRAMTON. Will the gentleman yield at this point?

Mr. ESCH. Yes.

Mr. CRAMTON. Will the gentleman give us his view as to the case of the railroad coming within the class he is describing but which has heretofore without its consent and over its protest been relinquished? Will the amendment and resolution be of any benefit to such lines?

Mr. ESCH. Where the line has been relinquished?

Mr. CRAMTON. Yes; over its protest.

Mr. ESCH. And against its protest?

Mr. CRAMTON. Yes.

Mr. ESCH. In my opinion such roads, once having been relinquished, might apply to the President for reinstatement under the provisions of section 9 of the Federal control act, which provides as follows:

And the President, in addition to the powers conferred by this act, shall have and is hereby given such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred. The provisions of this act also apply to any carrier to which Federal control may hereafter be extended.

The question was put to Mr. Payne, the counsel for the Railroad Administrator, as to whether the power granted in the language I have just read would not permit the agencies of the Government to retake such lines. He did not wish to express an opinion, because he said that it might come up to him in his capacity as legal advisor of the administrator, but he said if for purposes of carrying out the war it became necessary to retake such roads, he would not hesitate to so advise the Director General.

Mr. GILLETT. Will the gentleman yield?

Mr. ESCH. I will.

Mr. GILLETT. Would it not be true that the most that that would provide would be that the President in his discretion could take it if he wished, but the road would have no right to insist on being taken, so that the roads really would not have the same right as the roads under this resolution would have?

Mr. ESCH. The roads that have been relinquished without their consent are comparatively few in number and are such that they could not be directly useful in the conduct of the war and would be able, perhaps, to conduct their business in a successful manner whether under Government control or not. Now, the purpose of the legislation is to give these short lines, as I said, a chance to live. If it were not for the war, if it were not for the Federal control of carriers, these short-line roads would have continued their existence as before. But the taking over of the trunk lines by the Federal Government has handicapped practically every short-line carrier. It has rendered it almost impossible for some of them to live, because of the reduction in the amount of freight which is given to them to carry, because of the financial difficulties, the difficulties in financing

their short-time certificates, securing extensions of their loans from the banks and from other money institutions.

We asked the question whether these short-line railroads, in view of the fact that they would have maturities on the 1st of July, could not go to the War Finance Corporation and get relief. We were told efforts were made by some short lines to get such relief, and such relief had been refused.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. ESCH. So that avenue of financial relief seems to have been closed to the short-line carriers. They could not go to their local banks and get extensions, because extensions to the limit have already been granted of four months and of six months. What are they to do when these certificates become due and they can not finance themselves? Some of these short lines have been struggling along by assuring their creditors that the Federal Government would soon take care of the situation and, by placing them under Federal control, enable them to have opportunity for securing advancements and financial protection.

Mr. DEWALT. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. DEWALT. Will the gentleman please refer to the fact that in the meanwhile the securities of these short-line railroads have depreciated remarkably, and therefore they can not raise money on those securities?

Mr. ESCH. The gentleman has stated a fact that has come to the knowledge of the committee and only reinforces what I am saying in reference to the necessity of taking care of these short lines by extending the period for six months within which their situation can be thoroughly examined and their status finally determined.

Mr. DILLON. Will the gentleman yield a moment to me?

Mr. ESCH. Yes.

Mr. DILLON. I suggest also to the gentleman that none of these short-line roads have been able to obtain a dollar under the finance-corporation bill.

Mr. ESCH. I have just made that statement. The testimony before the committee is to the effect that, notwithstanding a short line is the direct or shortest route for traffic, the Federal administration has routed the freight over the longer road because the longer road was already under Federal control. That resulted in diminution of the traffic of the short line, and as the short line must live by reason of its freight traffic, local and interline, it is seriously damaged by reason of the operation of the Government itself. I know it has been stated here, and it was the statement of the Secretary of the Treasury, when he opposed taking over the short lines, that the Government did not want to take over crippled railroads any more than the Secretary of War wanted to take over cripples for war service. That is true as a statement, but when the Government does the crippling, as it does with reference to these short lines, by routing freight over other lines and discriminating against them so far as freights are concerned, then it is a moral obligation, if not a legal one, for the Federal Government to come to the support of the short lines.

Mr. DEWALT. Will the gentleman yield?

Mr. ESCH. I will.

Mr. DEWALT. Will not the gentleman state that the original purpose of this legislation was, and the amendment proposed by the short-line people was, that there should be a distribution of freight to them, as they were formerly accustomed to, and a distribution of cars, and that has been taken away from them?

Mr. ESCH. That has resulted in very serious damage to them from a financial standpoint. They have offered a tentative contract to the Director General, and under the terms of that contract they do not ask to have a guaranty of 6 per cent on their capitalization as has been charged in certain quarters. They simply wanted a contract made with the Government which would assure them a larger division of the freight rate, which would insure a fair share of the cars and of the motive power. This to date has been denied many of these short lines, and it has come to a very critical condition with reference to many of them. And unless this relief is extended I look to see many of them in financial straits and some of them placed in bankruptcy, and some of them may have to be scrapped.

Mr. FESS. Will the gentleman yield?

Mr. ESCH. I yield.

Mr. FESS. I would say to my friend that I have some sympathy with the administration in not wanting to take over any institution that might be a losing one financially. Can we take it from what the gentleman has said that we can attribute, in part at least, the hard financial situation of these short lines to the act of taking over all the railroads over which they themselves had no control?

Mr. ESCH. Yes; in a very large degree. And it is because it is beyond their control that they come to Congress and ask this relief.

Mr. DEWALT. Will the gentleman yield further?

Mr. ESCH. Yes.

Mr. DEWALT. I wish the gentleman would state to the committee as a further persuasive argument that these short lines, so called, have been largely, if not exclusively, built by local capital, and that local capital now holds their bonds and vested securities.

Mr. ESCH. Yes. These bonds are not held to any large extent in Wall Street. They are held in the communities which originally built the roads. The small merchant, the small capitalist, the local bank, and local company hold these securities, and they have already depreciated in value, and unless they are given this protection they will still be more largely diminished in value, to the hurt of thousands who hold these bonds and securities.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. GRAHAM of Illinois. Are there any of these short-line roads that were not taken over by the Railroad Administration—by the Government?

Mr. ESCH. We can not get any statistics. We have asked for full information, but it is very difficult to pin the administration down so that it would name the roads.

Mr. GRAHAM of Illinois. The reason why I ask the question is that some weeks ago I addressed an inquiry to the Railroad Administration about a certain short-line road that ran through territory in my district. Up to this time I have received no answer as to whether that road is or is not under Federal control. Now, the first part of your resolution, as I understand it, provides that the Government can not relinquish control of these roads, and the latter part of it says that the intent of the act is that all competing roads or short-line roads should be under control of the Government. The question to my mind is whether there are any roads that were not taken over by the Government that would come within the meaning of the first part of the resolution.

Mr. ESCH. I think our committee assumed that they were all taken over, and it was our intent that they should be all taken over under the Cummins amendment to section 1 of the railroad control bill.

Mr. GRAHAM of Illinois. And if they were not taken over, under the latter part of the resolution they would be?

Mr. ESCH. Yes.

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

Mr. ESCH. Certainly.

Mr. DEWALT. Is it not a fact that in the hearings before the committee it was also disclosed that tentative agreements were offered to the short lines, and that the threat was held out—if I may so call it—that unless the short lines agreed to the proposed bargain they would then be relinquished?

Mr. ESCH. Yes. That appeared in the testimony.

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

Mr. ESCH. Yes.

Mr. FAIRFIELD. As I understand it, the intent here is to make mandatory the taking over of the short lines that compete and connect with the other roads?

Mr. ESCH. Yes; mandatory.

Mr. FAIRFIELD. Now, then, if in the meantime, before this resolution could pass this House and the Senate, a number or any one of the short-line railroads could be dropped and there would be no recourse unless an amendment here would make it mandatory to take over those that had already been dropped?

Mr. ESCH. Some of them wanted to be dropped.

Mr. FAIRFIELD. I mean those who cared to be carried.

Mr. ESCH. I think there are so few cases of that kind, where their status has been finally determined by the Director General's office, that we would not need to offer an amendment to this resolution to cover that.

Mr. FAIRFIELD. I am a little apprehensive, because I know of one that has just been hanging by the merest thread for some little time, and the thread might be severed at any moment and we would find ourselves without any relief. Already a line 70 miles in length in my district has been abandoned and is liable to be scrapped. It was built by the local people, and we can not finance it now because of the demands of the Government for all the finances to be concentrated here. I really think it is an important point.

Mr. ESCH. Some criticism has been made of the form of the resolution because it closes with a statement of the express intent of Congress with reference thereto. It is because we

were not getting an interpretation of the Federal-control act in consonance with the Cummins amendment to section 1 that we thought we would make it so plain that there could be no doubt as to the will and wish of Congress with reference to the short-line roads.

Mr. SIMS. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. RAYBURN].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. RAYBURN. Mr. Speaker, the gentleman from Tennessee [Mr. SIMS] and the gentleman from Wisconsin [Mr. ESCH] have so thoroughly covered this question that I feel that anything I might say would be surplusage now. But a situation has developed with reference to the short-line railroads that I think is sufficiently alarming to warrant us in taking some definite action with reference to it.

It was the intention of the Railroad Administration before our act was passed, and has been since that time, not to retain control of the short-line railroads, and they based their action, since the law was enacted, on that clause that gave the Director General, through the President, the power to release those roads before the 1st day of July. According to my way of looking at this question—and it was my way of looking at this question when it first came up—there were two alternatives. One was that if all the short-line railroads of the country were taken into this system it would make a considerable charge against the Treasury of the United States to operate and maintain them under Federal control. The other was, if the short-line railroads were not taken, it amounted to murder to them, so far as that is concerned.

Now, I think that the small sum—the way we speak of sums at this time—of \$20,000,000—and that is the estimate that Mr. Payne, the counsel for the railroad directorate makes, as the charge that would be placed upon the Treasury of the United States for taking over these small competing lines—that sum at this time—\$20,000,000—compared with the destruction of nearly \$2,000,000,000 worth of property, is a small thing indeed in comparison. Not only that, but these people who own the short-line railroads have a great interest in them. They have invested their money in them. They have labored for years and years to build up those short-line railroads. But their interest is not as great or compelling with me as the proposition that people have moved in along these short-line railroads, have established farms, have built up towns and small cities in many instances, have built up factories, and that business must go on if those people do not go into bankruptcy; and they certainly will go into bankruptcy if the Government, since it has taken over the roads with which they compete and with which they connect and which are retained under Federal control, relinquishes control of the short lines.

Now, I believe it was the intent of Congress when it passed the railroad-control act that these short-line railroads were going to be taken into this system. The Railroad Administration is not administering the law from that viewpoint. Hence the amendment that we put on in the committee, which I believe makes it absolute, without any fear whatever, that as long as the line with which these short lines connect and compete are retained under Federal control, these short lines themselves will be retained under Federal control also.

Now, the question came up here a moment ago as to whether a railroad that had already been released from Federal control could come back into the system if this amendment were adopted. I think, whether we adopt this amendment or not, that if we had allowed the President to go on and release the short-line railroads at any time up to the 1st of July there is no question but that the Government could have taken them back under Federal control any time during the life of this law. Now, with this amendment I do not think there is a question in the world but that the lines that have been released before the 1st day of July will be automatically taken back into this system, because the language, it seems to me, is as plain as the English can be written. It goes on to say that the right of the President to relinquish before July 1, and so forth, shall not be construed to include any railroad engaged as a common carrier in general transportation, such as is mentioned in section 1 of said act, not owned, controlled, or operated by another common carrier. It seems to me that that language makes it absolutely certain that these railroads come back automatically under Federal control where they have been released, and that it keeps under Federal control the railroads that have not been released.

Mr. FESS. Is it the gentleman's opinion also that the bad condition of the short-line roads is due largely to recent legislation, by which the Government has taken over the railroads?

Mr. RAYBURN. There is no question about that. The gentleman from Tennessee [Mr. SIMS] remarked upon that—about

routing freight over other lines that they had definitely taken under Federal control.

Mr. FESS. If that condition were brought about by any private management we would be inclined to give relief here by legislation, would we not?

Mr. RAYBURN. There is no question about it.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. I yield five minutes to the gentleman from Ohio [Mr. SNOOK], a member of the committee.

Mr. SNOOK. Mr. Speaker and gentlemen, I had the pleasure of addressing the House upon this subject when the railroad legislation was first before Congress. At that time I expressed the opinion that there was some doubt in my mind as to the proper treatment that these short-line railroads should receive; but since the enactment of the law for Federal control I have had occasion to study the question at first hand by talks with those administering railroad affairs, by observing how it worked when applied to a railroad in our own district, and by talking with other men who have been interested in the short-line railroads. We find this to be a fact: When the Government took over the trunk lines it placed the administration of all the railroad affairs in the hands of men who have heretofore been dealing with trunk-line affairs, and therefore the freight that formerly was routed over the short-line roads was nearly all diverted to the trunk lines. We also find by a study of the question and by talking with the men interested in the short lines that there has been a loss in the receipts of nearly every short-line railroad of from 50 to 75 per cent. That has been the result on the short lines that have not been taken over by the Government.

It shows that if we continue our present policy it will result in the destruction of nearly all these railroads, because they can not survive a loss of 50 per cent of their income, which was all too small to begin with. Although shippers may route their freight over these short-line railroads, the management disregards that routing and ships the freight over the trunk lines, where formerly it was accustomed to be shipped over these short lines.

Then we find another thing that stands in the way of their successful operation, and that is the thing to which the gentleman from Wisconsin has referred. That is the question of finance. The Government has taken over the other lines and left these lines without the protection offered by the law providing for governmental control; therefore they are unable to secure financial aid. These two things, the loss of business and the loss of power to secure financial aid when their obligations are falling due, make it almost certain that they can not be longer operated and that they will be compelled to cease operation and be sold for scrap. Now, what does that mean? There are 765 of them. Many of them run through the very best country in America. It means that the people living along these lines, who have established elevators and manufacturing plants and towns and cities, will be without railroad facilities. We are spending millions of dollars a year to improve the rivers and harbors of the country; we have spent millions in the improvement of the Ohio River in the last 25 years. I am convinced that the loss to the people of my State in one year will be greater if the traffic on the short-line roads is suspended than would be caused by the loss of all the traffic carried on the Ohio River in 10 years. [Applause.]

I want to call attention to the fact that the gentleman from Massachusetts has made some criticism of this amendment, especially of the last paragraph.

In view of the construction that the Railroad Administration put upon the original act, to my mind it is absolutely necessary that the last paragraph of this amendment be retained if we expect to accomplish what we are setting out to do. Judge Paine, on page 9 of the hearings, was asked the question whether he thought the short-line railroads were taken over under the original act. I did not have time to read all he said, but he replied in substance that a short-line road not forming a part of a system of transportation may properly be held not to be included within the purview of an act which gives the President the power to take over systems of transportation. This shows that the Railroad Administration is inclined to take the position that under the terms of the law as it now stands there is doubt on this subject, and is also inclined to hold that it is not compelled by this act to take over the short-line railroads. So this makes it necessary to write into the law something that will make it plain, that those administering the law will understand that it is the intention of Congress that these railroads, whether they have heretofore been taken over and relinquished or whether they are now being operated under Federal control, are to be retained and given the benefit of all the provisions in the original railroad act. I believe when Congress adopted the Cummins amendment, when the original act was passed, it was

the belief of most Members that this settled the short-line question. But we see that it did not settle it. The attitude which those in authority assume in my judgment makes it necessary to adopt that part of the amendment which reads as follows:

It being the intent of Congress that every railroad not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads which the President has taken and retains the possession, use, or control, or which connects with such railroad and is engaged as a common carrier in general transportation, shall be held and considered as within Federal control as defined in said act and to be entitled to the benefits of all the provisions of said act so long as the railroad or railroads with which it has heretofore competed for traffic or with which it connects shall be retained under Federal control.

The reasons for the adoption of this amendment are many. The fact that the Government is prescribing what may be shipped and how and when any commodity may be transported, and over what routes all shipments shall be made has worked to the advantage of the railroads under Government control and has deprived those not under control of so much of the business they formerly enjoyed that many of them find it impossible to continue operation under such conditions.

I wish to call the attention of the House to several statements on the question made by Mr. Ben B. Cain to our committee during the hearings on this subject. Mr. Cain made a very clear statement of the reasons why this amendment should be adopted, and the quotations which I make from his statement I regard as being especially in point:

We thought that the reasons were sufficient. First, there was the practical reason. We believed that these railroads do serve a useful purpose in the winning of the war. The transportation machine is not alone useful for the purpose of moving men and ammunition. The man in the front-line trenches or behind the cannon over yonder is not the only man necessary for the winning of this war. Behind the Army are the men and the women and children at home. We believe that the short roads should be retained under the absolute control of the Director General, so that they may be utilized and their activities directed as the men in uniform under the direction of the War Department are moved here and there in the great struggle in which we are engaged. And so we said to the Director General upon practical grounds, in order that these short-line properties might function as units in the great transportation machine, that they ought to be preserved; they ought to be put under the power of the Director General for these reasons: That he might exercise the right, as to prescribing priorities of shipment, the right of directing embargo, the right of pooling railroad equipment regardless of ownership, the necessity of coordinating the handling of labor conditions, the importance of precluding the possibility of a conflicting and destructive jurisdiction between State and National railroad commissions and the Federal Railroad Administration, and the necessity of the elimination of waste in the Nation's resources.

And then we gave another reason which applies to the roads themselves, and that is the credit or the financial reason. We said to him in this letter: "Financing has been made impossible. Government loans have preempted banking facilities of the Nation, with the bare exception of commercial transactions based on paper discountable under the rules of the Federal reserve banks. Short-line railroad securities in the amount of thousands of dollars are maturing each month, which under present conditions it is impossible to liquidate. State, private, and national banks all over the country are holders of these securities, so that credit has been interned in this manner, and directly and indirectly the peoples of the Nation are suffering."

Then, in conclusion, let me call your attention to a word picture, in which Mr. Cain clearly shows what a calamity will fall on every rural community that is deprived of the service of one of these short-line railroads and left without railroad facilities:

In conclusion, gentlemen, permit me to say to you that there are people along these roads that are in as much suspense as the roads themselves. Eight years ago, when I started to build that road in Texas, I followed the engineer through cattle ranches that had never known a plow and knew but little of civilization. I had not let the contracts and started grading before the covered wagon began to make its appearance along the line, and here and there a man unloaded his family and his all, and struck his tent and began his little house or lived in that tent and opened his farm. One hundred miles of territory that had theretofore been devoted almost exclusively to the cattle business became a somewhat thickly settled agricultural country, because the land was new and unoccupied and because the territory was good. Tenant farmers who had accumulated nothing in the more thickly settled sections of the State and other States came there and bought that land on credit, and I saw, when the wagons would come by, women and children, some of them 14 and 15 years old, and all of their bedding with them; the cow trailing along behind the wagon and the dog under the wagon—all that they had; but they came to a new country determined to build up and own instead of being tenants. And those boys who were 15 or 16 years old went in and took hold of that opportunity with their father and mother and the other children, and helped pay for these homes. Some of them have been paid for and they own them—the first time they ever owned property in their lives.

I saw those boys, drafted into the Government service. Some of them came to me and said, "We can not leave the old folks; they haven't quite paid for the farm, and we want to stay here. Can't you help us keep from going into the Army for a time anyhow?" I said, "I can not help you, boys; it is your duty to go to the front." Those boys left those homes, and when the mother followed them to the front gate to kiss them good-bye, and they looked back at that home that they had helped pay for, and they went out to defend a condition and a country that had made these things possible, they expected their country would take care of what they were leaving behind them. They are over yonder in khaki, and when they come back, if the home is desolate, if the folks have suffered, and the land they left worth \$30 and \$40 an acre is reduced to \$15 or \$10 an acre, what are we going to say?

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from South Dakota [Mr. DILLON], a member of the committee.

Mr. DILLON. Mr. Speaker and gentlemen of the House, I simply want to call attention to the Cummins amendment, and read it to you:

That every railroad not owned, controlled, or operated by another carrier company, and which has heretofore competed for traffic with a railroad or railroads of which the President has taken the possession, use, and control, or which connects with such railroads and is engaged as a common carrier in general transportation, shall be held and considered as within "Federal control," as herein defined, and necessary for the prosecution of the war, and shall be entitled to the benefit of all the provisions of this act.

Under the Cummins amendment there is not a short-line railroad in the country that is not included under the provisions of the act. That was the intent of Congress when we passed the law.

I now call your attention to the relinquishment clause, which reads as follows:

That the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation, further Federal control of which the President shall deem not needful or desirable; and the President may at any time during the period of Federal control agree with the owners thereof to relinquish all or any part of any railroad or system of transportation.

Under the release clause the Director General says he has the right to turn back any short-line road. The committee thought that the right to do so was not granted by the original act. The Congress never intended to grant such arbitrary power to the Railroad Director. The short lines can not exist without connections with the trunk lines, and this Congress ought not to pass a law that will push them into bankruptcy, for that is what it means for all of these short lines. Communities and towns have been built up along these lines and they ought not to be destroyed. The original intent of Congress was as clear as could be made, that if the short line goes out the connecting lines must go out with it, so that no injury shall be done to any short-line road. It appeared from the examination of Mr. Payne, the solicitor of the Director of Railroads, that the Government intends to hold this right of relinquishment over the short lines and could easily be used as a bludgeon over the short lines by which he could say, "You agree to this contract, or we will eliminate you without any notice," without any hearing upon the part of the line. This, it seems to me, would be an act of manifest injustice to every short-line railroad in the country. It ought not to be done. I favor this resolution. I think it is properly drawn and it ought to have the support of every Member of the House. [Applause.]

Mr. SIMS. Mr. Speaker, I yield three minutes to a member of the committee, Judge DEWALT.

Mr. DEWALT. Mr. Speaker, this resolution as now presented contains two distinct ideas. The first is that which was proposed by the administrator of the Railroad Bureau, namely, an extension of time for the relinquishment from the date stated in the original act up to January 1, 1919. That was the resolution as originally proposed by the administrative bureau. The short lines then came in and pleaded for relief, and they introduced an amendment to the resolution. That amendment is the second idea in the resolution. That is simply this, that no short line shall be released until the main or trunk line with which the short line competes or with which it connects is also relinquished. In other words, it places the short line on a parity with the main or trunk line. This proposition further takes into view the capitalization of two billion of dollars as represented by the short lines. It takes into consideration altogether 765 short lines, because that is the number in the United States. One hundred and sixty-five of those lines have already been taken over and the remainder are in a chaotic state, not knowing whether they will be taken over or be relinquished, and the purpose of this resolution is to confine the administrative functions of the Railroad Bureau to this fact, and this alone, that this chaotic condition, so far as the short lines are concerned, must be removed and that they can not be relinquished until the trunk lines with which they compete or with which they are connected are also relinquished. That is the sum and substance of the whole thing. [Applause.]

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, this resolution is very important and necessary, but it is a sad commentary as to the condition into which this Congress has sunk that it should be necessary. The meaning of the act which was heretofore passed was perfectly plain. It is also plain that it has been disregarded. Whatever may be said as to whether there was or has been an actual violation by the Railroad Administration of the law as laid down by this Congress, there can not be the slightest question that the Railroad Administration knew perfectly well that the spirit of the law and the intent of Congress was being violated.

Notwithstanding the law—I believe the law was explicit as to its terms, and surely it was plain as to its meaning and intention, that the short lines should not be relinquished—yet they have proceeded to relinquish them over their protest.

Nor is that all. As gentlemen who have been speaking on the subject before me and others have said, they have proceeded in defiance of the directions of the shipper to route freight over certain other lines in order to kill off the short lines. There can be no question in the minds of any gentleman but that that is illegal and that short lines are being ruined by this practice. I could go on and review other matters to show you that the Railroad Administration has been disregarding and violating the law, but the few moments that have been allotted me are insufficient.

Gentlemen said repeatedly, when we granted great powers to the Railway Administration—powers not only unprecedented in this country but almost unprecedented anywhere—that there was no fear that they would be abused, that no official would overstep reasonable bounds or use them in an oppressive manner, but here we have a positive example of what the Railroad Administration intends to do in the way the short lines have been treated. If there is anybody that ought to be fair, it is those officials who have been placed in charge of the management of the railroads. If there is any institution that ought to be just it is the Government of this country which is represented by them. But they have absolutely ignored the law and have attempted to defy Congress. Then my friend from Massachusetts [Mr. WALSH] possibly not understanding the situation, has asked why the committee has been so particular to append to this resolution a statement of the express purpose and intent of Congress in enacting it.

It is simply in order that these gentlemen can not without effrontery exceeding anything they have already shown say they do not understand this law and that they will construe it in opposition to its plain import and meaning. We want to make this so plain that the wayfaring man can not err therein. We intend that there shall be no further pretense that the law is not understood. Unless I completely misunderstand the purpose of this Congress, it has determined positively that the short lines shall be taken over. To do otherwise would be a blunder so astounding that it is utterly incomprehensible how any man or set of men could make it. It is claimed that these lines are not profitable. The same claim could be made with reference to every short branch or feeder which the great systems own and which it is not proposed to discard. These lines of track by themselves may not be profitable, but as feeders to the great lines they are profitable. In the same way they are profitable to the country at large, which can not afford to dispense with them even if it was willing to commit the moral wrong of destroying the communities through which they run, communities which have been built up on the faith and assurance of the laws as they then stood, which permitted these short lines to exist.

Mr. Speaker, it would be nothing short of a crime to now compel these short lines to be torn up, their property to be junked, the communities through which they run to be left without transportation, and it would be an act of folly that surpasses anything ever done in the history of this country. To prevent such action this resolution should be adopted.

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, when the Congress passed the act of March last, it was very manifestly the legislative intent clearly expressed, that the Railroad Administration should take over the short lines, coordinate them with the trunk lines, and operate the entire system of roads, great and small as a unified whole. It was an intolerable thought to this body that these short lines as a result of Government administration of the trunk lines should either in whole, or in part, languish and die. These roads are as essential to the smaller communities, as the trunk lines to the great centers of wealth and industrial activities. Yet this result of cessation, or bankruptcy, will be the lot of many short lines, unless action is taken to-day. It has been established by the statements made on this floor unchallenged, and uncontradicted, that unless the pending resolution is agreed to, reaffirming in unmistakable terms the legislative intent of the act of March, there are many short lines, in many communities that will be forced to discontinue their operations to the very great prejudice and loss of those communities.

The amendment to this resolution reaffirms the legislative intent, and makes certain that which we thought was already certain.

I agree with the gentleman from Massachusetts [Mr. WALSH] with respect to the general principles relating to the preparation and construction of statutes, but confronted with the situation

developed under the interpretation impressed upon the act of March last, this body should reaffirm and declare anew the intent of the original act in the most positive and emphatic fashion. The gentleman from Massachusetts suggests that the declaration of intent in the resolution is surplusage. Possibly, but by all means should it be retained in the resolution. With that language retained there is no possibility that the meaning and purpose of the original act can be misunderstood. It is a plain and emphatic declaration on our part that the Government shall take over the short lines and operate them so long as it operates the trunk lines with which they connect, or compete.

That is what we meant by the original act, and that is the meaning that we now reaffirm. If there is any form of words other than that in the resolution by which our intent can be more definitely and positively expressed, then I am in favor of using that language in this resolution. As I have stated, this resolution simply says to the Railroad Administration that so long as the trunk lines with which these short lines connect continue to be administered and operated by the Government, then in the public interests the Government operation of the short lines shall continue for the same period.

I have listened in vain during the progress of this debate for some one to point out why the policy proposed with reference to the short lines is not a just and proper policy. No suggestion to that effect has been made. No one has risen in this debate to intimate that we, having in mind the interests of the entire Nation, should establish a system of railroad administration under which the trunk lines alone are to be operated, and the vast aggregate of smaller lines, with a mileage of 30,000 miles, and an aggregate value of something like \$2,000,000,000, with their vast potentialities of benefit to the communities which they serve, should be left to their own devices under the new conditions created by Government administration of the trunk lines. It is freely admitted that such a policy will mean ruin for many of the short lines, and destructive losses to the communities which they serve.

Mr. Speaker, I think it would be most unfortunate to strike out a single line or word from this resolution of reaffirmation and redeclaration of a legislative intent that we thought had been heretofore expressed in terms of sufficient clarity.

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

Mr. SAUNDERS of Virginia. Yes.

Mr. FAIRFIELD. In the gentleman's judgment, will this take over those lines that may have been relinquished before this bill becomes a law and make it mandatory?

Mr. SAUNDERS of Virginia. I am not entirely clear upon that point.

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

Mr. SAUNDERS of Virginia. Yes.

Mr. DEMPSEY. Why would it not be advisable to add at the end of the resolution the following:

And regardless of and despite any order of relinquishment heretofore made or of any other act which may have heretofore been done by or for the United States as to such control.

Mr. SAUNDERS of Virginia. I am not in charge of this joint resolution, but so far as I am concerned, I frankly say that I see no reason why the amendment suggested should not be accepted.

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I want to address myself to the last clause of the joint resolution, the one which provides that the Railway Administration shall continue to hold and operate the short-line railroads as long as the railroads with which they are competing are held in Federal control. A question has been raised here as to whether the short-line railroads which have heretofore been relinquished will be recovered into the Federal control in case of the passage of this resolution. In my judgment there is very strong ground for saying they would be, and I base that upon this language—

shall be held and considered as within Federal control as defined in said act.

That is, by the very language of this resolution, we define the intent of Congress to be that the railroads thus defined and described shall be held and considered to be within Federal control. So that I trust that that sets at rest that question. The short-line railroads are mainly railroads that have been constructed by local capital and are operated in response to local demands. If they are not taken over by the Federal Government, they have absolutely no opportunity to survive. That seems to be generally agreed. The routing of all the through traffic controlled by the Railroad Administration will pass over trunk lines, and even if the shipper should desire to favor the short-line railroads and to take the trouble to route his freight

over the short-line railroads it might still be within the power of the Railroad Administration for public reasons to change that routing.

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

Mr. BORLAND. Yes.

Mr. SNOOK. They are now doing that very thing.

Mr. BORLAND. The gentleman says they are now doing that very thing. So the short-line railroad has no opportunity whatever to protect its through traffic or its share of its through traffic, and it has little opportunity to protect its local traffic. It has only one outlet, its connection with the trunk lines, and they are under the jurisdiction of the Federal control and the short-line railroad is embarrassed, of course, by such regulations as the Federal administration may make. Now, the clear intent of the Congress was that the taking over of the trunk-line railroads should not operate to destroy these local competing roads, and it would be the greatest violation of public policy if we allow that taking of the trunk-line railroads to operate to destroy just and legitimate competition which has been built up in response to a local demand. I am somewhat at a loss to know how under the present trend of railroad legislation in this country we are going to secure independent lines of railroads. How can independent lines be built? Here they have been built in many cases from local capital, and under that can not sustain themselves in opposition to the combined competition of the Railroad Administration, and they must go down. Now, suppose they perish. What opportunity is there in the future for the building of an independent line of road to compete with the present trunk line? It is a very serious question in our transportation system.

Another question is this, gentlemen: We have not an abundance of transportation facilities in this country. We are short of transportation facilities. It is perfectly possible for the Railroad Administration to make full use of these short lines by routing over them the surplus amount that they can carry, to the exclusion of the trunk lines.

VETO MESSAGE OF THE PRESIDENT (H. DOC. NO. 1206).

The SPEAKER. The Chair lays before the House a message from the President of the United States.

Mr. STAFFORD. Mr. Speaker, I believe that this message involves a matter of considerable interest to the membership of the House, and I believe a quorum should be present here to receive this important message.

Mr. CANNON. Can not the message be withheld temporarily until we can dispose of this resolution?

The SPEAKER. The Chair will state this: He is in no rush about laying this message before the House, but the Post Office Committee wants to meet at half-past 3 and see what they are going to do about reporting another bill. The Chair did not understand what the gentleman said.

Mr. STEENERSON. Mr. Speaker, it seems to me possibly the committee ought not to take any action until the message is disposed of.

The SPEAKER. Well, all the disposition that is necessary to make at this time is to have the message read, and then the gentleman from Tennessee or somebody else will make a motion to refer the message and the bill itself to the Committee on the Post Office and Post Roads.

Mr. STEENERSON. But the Constitution provides that the House shall proceed to vote on the question—

The SPEAKER. The Chair understands that. It may proceed to-day, next week, or next year. It has been ruled on over and over again. It does not mean you shall immediately take it up. The Chair has read that section of the Constitution until he knows it by heart, and has read all the decisions. It may lie on the Speaker's table if they want to or take it to the committee if they want to. It need not be reported back if the committee does not want to do so.

Mr. STEENERSON. Well, the message will be read, and then we will take such steps as are desirable.

The SPEAKER. Of course.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does the Chair mean to state that while the vetoed message is pending upon a bill such as this that the House can proceed to consider and pass an identical bill with the exception of that part which is the subject of veto?

The SPEAKER. The Chair does not know what the committee will report back except in the light of experience. The Chair does not understand the point the gentleman makes.

Mr. WALSH. The point I sought to make is this: Whether the House can proceed to consider a bill just identical in language and effect to that which has been vetoed while the veto is pending upon a particular part—

The SPEAKER. Oh, no; you have got to vote on the veto.

EXTENSION OF TIME OF FEDERAL CONTROL OF RAILROADS.

Mr. RAYBURN. Mr. Speaker, I understand the time has expired of the hour which was controlled by the gentleman from Tennessee. I ask if we could not vote on this?

The SPEAKER. The gentleman has seven minutes more. [Cries of "Vote!"]

The SPEAKER. If the gentleman wants to move the previous question on the resolution and amendments thereto the Chair will withhold the President's message for a few moments.

Mr. STAFFORD. Mr. Speaker, I withdraw the point of no quorum.

Mr. SIMS. Mr. Speaker, I promised gentlemen a little more time, but in view of the situation I move the previous question on the resolution and amendments thereto to final passage. Before making that motion I want to ask unanimous consent to strike out all of the preamble except the last two words on page 2, "be it."

The SPEAKER. The preamble is the last thing that is voted on.

Mr. SIMS. I move the previous question on the passage of the resolution and amendments thereto.

The SPEAKER. Does the gentleman ask to strike the entire preamble from the resolution?

Mr. SIMS. Except the last two words, "be it."

The SPEAKER. The gentleman from Tennessee asks unanimous consent to strike from the preamble everything except the last two words, "be it." Is there objection?

Mr. McCLINTIC. I object, Mr. Speaker.

Mr. SIMS. Then, Mr. Speaker, I move the previous question on the resolution, preamble, and amendments.

Mr. McCLINTIC. I ask unanimous consent for one minute.

Mr. SIMS. I am perfectly willing and anxious for the gentleman to have it.

Mr. STAFFORD. Will the gentleman yield as to the form of the amendment which he has suggested to be eliminated from the preamble? I do not recall in the passage of a resolution the words "be it" preceding the word "resolved."

Mr. SIMS. Well—

Mr. STAFFORD. I do not believe that is proper practice.

The SPEAKER. That is absolutely a matter of taste.

Mr. STAFFORD. It is more than a matter of taste because it is included in the amendment.

Mr. SIMS. Mr. Speaker, I want to ask unanimous consent that the gentleman from Oklahoma may have permission to speak for one minute.

The SPEAKER. You do not have to ask unanimous consent.

Mr. SIMS. I yield to the gentleman one minute.

The SPEAKER. The gentleman has the control of time in his own hands. The gentleman from Oklahoma [Mr. McCLINTIC] is recognized for one minute.

Mr. McCLINTIC. Mr. Speaker, when legislation was enacted into a law authorizing the Director General to take over the railroads of the country I am sure it was not the intention of Congress to discriminate against short lines. Everyone knows the necessity of short-line railroads, as, to a large extent, they are pioneers when it comes to developing new territory. In every section of the country where you find this kind of railroads you will see splendid towns and the territory which they go through developed in a way that compares favorably with the territory adjacent to trunk lines. If the Government should discriminate so as to cause these roads to not receive the same consideration that will be given the trunk lines, then it is only a matter of time when they will slowly perish. I mean by this if they are not allowed to have the same advantages in the way of traffic arrangements, terminal facilities, and other benefits, it will be impossible for them to receive a sufficient amount of business so as to enable them to be self-sustaining.

The argument has been advanced that some of these short-line railroads are now being operated at a loss. Even if this were true, it can not be disputed that they are rendering to the citizens of the country depending upon same a service that can not be estimated in dollars and cents. If our Government would refuse to operate such enterprises or departments that are being maintained at a loss, it would be necessary that we suspend some branches of the Government in less than 30 days. When you measure the good that is given to a territory and the citizens living therein in comparison with the small loss that might be brought about in the operation of a short-line railroad, it is only a drop in the bucket compared to the loss that goes on from year to year in some of the other enterprises that are being maintained for the benefit of the people and the various communities at large.

In the district I have the honor to represent there is a short-line railroad called the Clinton & Oklahoma Western. Along this road are several splendid, new, hustling little cities. The

people who have gone out there have pioneered, eager for the opportunity of developing that section in order that they may have a home which will enable them to live in peace and happiness. When it was reported that the Government would not extend its protecting arm over these short lines, then they began to be alarmed, and I have in my office more than 500 appeals asking that no action be taken that would destroy their rights and privileges. It so happens this little short-line railroad is making money. It has at its head an efficient set of officers, who are conducting their affairs along business lines. They have made pleasant, agreeable traffic arrangements, and now they say to me, "If we are to be deprived of our privileges, then it is only a matter of time until our road must be operated at a loss."

I am sure this is one of the most important resolutions that has ever been brought before this body for consideration. I know it is necessary that Congress show to this department of our Government its real intention when it comes to handling matters of this kind. Some time ago it was reported that this department of our Government would not allow a certain railroad over 700 miles long, which goes through the district I have the honor to represent, to receive the benefits that would be given to other railroads. Immediately appeals were made to me from practically every town along its right of way, and I secured such information as was available and filed the following statement with Mr. McAdoo, the Director General of Railroads, asking that no unjust discrimination be made against the Kansas City, Mexico & Orient Railroad:

STATEMENT BY MR. MCCLINTIC TO HON. WM. G. McADOO, DIRECTOR GENERAL OF RAILROADS.

KANSAS CITY, MEXICO & ORIENT RAILROAD.

Every new railroad, as a rule, has to go through certain periods which cause its promoters to suffer from a financial standpoint. These conditions are brought about in various ways, and the same thing holds true with the Kansas City, Mexico & Orient Railroad Co. According to the records, this railroad has gone through two periods of receivership, the first being caused by a financial depression, which resulted in its being placed in the hands of a receiver on March 7, 1912, and it remained in this condition until July 6, 1914. Later, and on April 16, 1917, it was again placed in the hands of a receiver; and this is the condition of the road at the present time.

FACTS CONNECTED WITH THE ROAD.

The Orient Railroad is at this time operating trains from Wichita, Kans., to Alpine, Tex., a distance of 737 miles. It has opened up a large territory that can not be served by any other transportation company, and many prominent towns, in addition to large sections of agricultural country, are dependent upon this road entirely for transportation facilities. The rolling stock consists of 61 locomotives, 22 passenger cars, and 1,726 freight cars. The road is fairly well graded, and 70-pound steel rails are used throughout. In addition to this equipment, adequate steam shovels, bridge-repairing equipment, and a splendid roundhouse and repair shop are available at Wichita.

BUSINESS OF THE ROAD.

Notwithstanding the fact that the Orient Railroad has been handicapped because it was not built into Kansas City and other terminal points, it has maintained through schedules and taken care of all the business entrusted to it in an efficient manner. In 1916 it carried 409,776 net tons originating on its own lines and 741,175 tons received from connecting lines, making a grand total of 1,150,952 tons, or 75,225 full carloads. In 1917 there was a reduction of tonnage originating on its own line, caused by the unprecedented droughts in practically all of the territory served by the road. The amount of tonnage originating for this year is 356,592 tons, and that received from connecting lines 831,128 tons, making a grand total of 1,187,721 tons, or 70,700 carloads. According to the information that has been given the authorities, this road has a sufficient amount of power and capacity to take care of more than double the business that it is at present handling; and with the present prospects for a good crop throughout the section of the country that it serves it can easily be seen that the road has passed through its most critical period and that in a very short time the added tonnage it will receive will be sufficient to enable it to pay more than the cost of operating expenses.

Judge Pollock, of Kansas, who is on the Federal bench, has had jurisdiction over the receivership of this road. He is probably as well posted as to the existing conditions as any other man in the country. Recently he granted permission to those in charge of this road to issue two and a half million of three-year receivership certificates, and from the information I have one and a half million of these have been subscribed for. The present financial conditions confronting the world have made it practically impossible to secure large amounts of money for construction purposes, and for this reason it has not been possible to complete this road to Kansas City, Mo., or to other places where connections are needed. The people of Texas are very much interested in seeing the Government retain supervision over this road, and resolutions have been passed by both branches of the Texas Legislature under date of March 16, 1918, asking that no discrimination be made against the Kansas City, Mexico & Orient Railroad Co.

NEW TERRITORY OPENED.

The Kansas City, Mexico & Orient Railroad was graded through many sections of Oklahoma and Texas for a number of years prior to the time it was completed. This resulted in the people starting many new enterprises years before the road was completed, thereby opening up much new territory for settlement. The building of this road has resulted in the establishment of many large irrigation plants in Texas; in fact, it can be said that the largest irrigated areas in some counties in Texas are those which are supplied by this road. In other sections, which depend entirely upon this road for transportation facilities, the live-stock industry is such that if this road should be discontinued it would bring about irreparable injury to the country and a great financial loss to those who are interested in this business.

There are some important towns with a population of 1,000 or more that depend entirely upon this road for its supplies. As an illustration, I respectfully call attention to the town of Canton, Okla., which has a population of approximately 1,000. This railroad in 1916 furnished to this town 251 carloads of various kinds of supplies, and in 1917, 348 carloads. When it is taken into consideration that the Post Office Department, the express companies, and many other kinds of business have at this time a satisfactory system of taking care of every condition, it can easily be seen that any movement that would cause this road to be discontinued would disturb the harmonious condition that exists and bring about untold hardships on the people who depend upon this railroad for transportation facilities.

CONCLUSION.

Under Government control the Orient Railroad has already demonstrated its usefulness in many ways. It has been handling 60 cars per day from Sweetwater, Tex., to Wichita, Kans., and many tons of freight have been diverted at different points for the use of the Government. Recent rains have caused thousands of heads of cattle to be brought into certain sections of Texas, which are taken care of by this railroad, and with good crop prospects in practically all of the territory, it can easily be seen that if no discrimination is made that the added business it will receive in the very near future will cause it to be able to take care of its financial obligations in a most satisfactory way.

I feel that no more meritorious railroad is now being operated than the Kansas City, Mexico & Orient. The construction of the system has resulted in the opening of large sections of the country, and thousands of people to-day are dependent upon it for the necessities of life. It has been a pioneer in blazing the way for civilization, and now, inasmuch as it has apparently reached the place where it can soon be operated without financial loss, it is hoped that the Government will not feel justified in making an order that will cause the same to be discontinued.

If the information given in this connection does not cover every phase of the situation, I respectfully ask that no action be taken until a committee representing the Government can inspect this road, the section of the country it goes through, and the industries that are dependent upon it for a livelihood.

Respectfully submitted.

JIM MCCLINTIC.

I am sure it is the desire of those in charge of this branch of our Government to deal fairly with all questions coming under their jurisdiction, and when this resolution is enacted into law then there will be no doubt as to what is the intention of Congress when it comes to dealing with matters of this kind. Mr. Speaker, I am hoping this measure can be enacted into law at the earliest date possible, as the entire country, more or less, is interested in this subject, and when it is known that the Government does not intend to make any discrimination in favor or against any of our industries then the people will have no cause for complaint.

MR. SIMS. Mr. Speaker, I ask unanimous consent to strike out the entire preamble.

THE SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to strike out the entire preamble. Is there objection? [After a pause.] The Chair hears none.

The question is on ordering the previous question.

The previous question was ordered.

THE SPEAKER. The question is on the engrossment of the House joint resolution.

MR. RAYBURN. Mr. Speaker, there is a committee amendment.

THE SPEAKER. The first vote, then, is on the committee amendment.

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

THE SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

VETO MESSAGE—POST OFFICE APPROPRIATION BILL (H. DOC. NO. 1206).

THE SPEAKER. The Clerk will read the veto message of the President.

MR. STAFFORD. Mr. Speaker, I make the point of order there is no quorum present.

THE SPEAKER. The gentleman from Wisconsin makes a point of order there is no quorum present, and evidently there is not.

MR. GARRETT of Tennessee. Mr. Speaker, I move a call of the House.

The motion was agreed to.

THE SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Austin	Britten	Campbell, Pa.	Classon
Baer	Brodbeck	Candler, Miss.	Coady
Bell	Brumbaugh	Cantrill	Collier
Bland	Burroughs	Cartier, Mass.	Copley

Costello	Hayes	McKinley	Scully
Crago	Heaton	McLemore	Sells
Curry, Cal.	Hefintz	Mann	Shackelford
Dale, N. Y.	Hensley	Martin	Sherley
Davidson	Holland	Mason	Sherwood
Davis	Hood	Montague	Slayden
Denison	Houston	Moore, Pa.	Slemp
Dent	Howard	Morin	Small
Dies	Husted	Mudd	Snell
Doremus	Hutchinson	Nelson	Snyder
Drukker	James	Norton	Stedman
Edmonds	Johnson, S. Dak.	Olney	Stephens, Nebr.
Emerson	Juil	O'Shaunessy	Stevenson
Estopinal	Kahn	Overstreet	Strong
Ferris	Kearns	Palge	Sullivan
Flood	Kelley, Mich.	Parker, N. J.	Switzer
Foss	Kennedy, Iowa	Powers	Talbott
Frear	Kless, Pa.	Ramseyer	Templeton
Freeman	Knutson	Rayburn	Vare
Gallivan	Kreider	Reavis	Voigt
Glass	LaGuardia	Roberts	Walker
Goodall	Langley	Robinson	Walton
Gould	Lehlbach	Rodenberg	Ward
Graham, Pa.	Lesh	Rose	Watson, Va.
Gray, N. J.	Lever	Rowe	Welling
Gregg	Littlepage	Rowland	Whaley
Griest	McAndrews	Russell	White, Ohio
Hamill	McCormick	Schall	Wingo
Hamilton, N. Y.	McKenzick	Scott, Iowa	Wise
Harrison, Miss.		Scott, Pa.	Zelman

The SPEAKER. On this roll call 294 Members, a quorum, have answered to their names.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to disperse with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Chair lays before the House the message from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I am taking the liberty of returning H. R. 7237, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, without my signature, because the bill contains a provision which I venture to think it would be wisest to omit. I refer to the provision with regard to the rental of pneumatic tubes.

I am convinced that there is no moral or legal obligation resting on the Government to continue the use of these tubes by rental. At the time they were installed they may have had some value as a postal facility, but that was before the volume of mail had reached the enormous proportions which it has to-day and before the development of the use of motor vehicles. These developments have made the tubes practically obsolete, quite unnecessary, and in fact a hindrance to the efficient operation of the Postal Service. This is illustrated by the fact that in 1913 it was estimated that 5,373,147 letters were dispatched daily by the use of the tubes, while in 1917 only 2,837,638, or approximately one-half that number, were dispatched by that means. If this ratio of reduction continued, few, if any, letters would now be sent in that way. Less than 50 per cent of the letter mail, or 5 per cent of the entire volume of mail, handled at the stations using the pneumatic-tube service is transported by the tubes.

There seems to be an impression that if the tubes were abandoned these letters would be delayed. This is an unfounded impression, because practically all of this mail could be handled at less cost and more expeditiously by other means.

There are many reasons why the present pneumatic-tube systems are not efficient devices for the transmission of mail. Among these reasons is their limited capacity, which makes it impossible to use them to meet conditions of emergency. Furthermore, experience has demonstrated that the tubes are unreliable because of breakdowns and stoppages. During such breakdowns they cease operation for hours and even for days together, and it is often necessary to dig up the streets to obtain the mail clogged in the tubes. When these breakdowns occur it is necessary immediately to substitute vehicular service, which results in a confusion of schedules and disorganization of the transportation and delivery service and delay in the forwarding of large numbers of letters. Not only are letters delayed in this way, but because of defects in the tubes, carelessness on the part of operators, and accidents of various sorts the tubes soil or damage many thousand letters and in some instances destroy them.

The Post Office Department has found it necessary because of the unreliability and inefficiency of the tubes to divert a large quantity of mail formerly dispatched by their use to automobiles wherever close connections are required. It has been found that later closings of the mail can be arranged and closer

connections assured by this means. I am informed that this is true even in the congested sections of New York City.

Some of the principal objections to the tubes, in addition to those I have already enumerated, are their unsuitability to carry many special-delivery parcels; the necessary relaying of containers at way stations involving a loss of time and requiring that all intermediate stations be kept open with attendants on duty; their inability to dispatch mail to intermediate stations during continuous transmission between any two points; their unsuitability to the dispatch of mail to the point where it is received by or taken from the railroad companies without additional handling; and the impossibility of preventing dampness and oil in the tubes at certain times, which results in damage to the mail.

It will be noted that the tubes when working at their best perform only one step in the transmission of the mail from the sender to the addressee, and the advantage of their use is largely theoretical. This conclusion was reached by Stone & Webster, among others, a firm of engineers employed by the congressional commission which recently investigated this matter. In speaking of the services performed by the tubes, they state— but being only one step in the movement of the mail and being preceded and succeeded by other steps in which, by the exigencies of economical mail handling, intermittent movement is necessary, the advantage of the tubes is often lost, and at times the tubes become entirely inadequate to handle a bulk of mail which has been accumulated in some preceding step.

I have been guided in my conclusions by those who have expert postal knowledge and who seem to me the safest judges as to whether these tubes constitute a desirable postal facility. In the act of April 21, 1902, the Congress, realizing that the Postmaster General could not be expected to be an expert on postal affairs, prohibited him by law from issuing an advertisement for pneumatic mail service until a commission of postal experts had given their approval. When the last rental contract expired, such a commission was appointed in accordance with this law. Its report as well as subsequent reports by experts on the value of this service is before me, and no one who reads these reports can escape the impression that the conclusions reached by these experts are sound and that the use of the tubes should be abandoned.

I am informed that during the past 10 years many efforts have been made to extend the present system of pneumatic tubes, but that these extensions have invariably been advised against by the departmental commissions of postal experts who investigated the matter, and that the reports of these experts invariably called attention to the development of the automobile as a factor which would have to be considered at the close of the present rental contracts. The postmasters of various cities where the tubes are in use have spoken against them and urged that they be abandoned.

These reasons seeming to me conclusive and compelling, I have not felt at liberty to acquiesce in this feature of the bill, which I herewith reluctantly return.

WOODROW WILSON.

THE WHITE HOUSE,
29 June, 1918.

Mr. STEENERSON. Mr. Speaker, I move that the House on reconsideration do agree to pass the bill notwithstanding the objection of the President.

The SPEAKER. I wish the gentleman would send the motion to the desk.

Mr. STEENERSON. And on that motion I demand the previous question.

The SPEAKER. The Clerk will report the motion of the gentleman from Minnesota.

The Clerk read as follows:

By Mr. STEENERSON: I move that the House on reconsideration do agree to pass the bill notwithstanding the objections of the President.

Mr. MOON. Mr. Speaker, on that motion I move the previous question.

The SPEAKER. The gentleman from Minnesota has already moved it. The gentleman from Minnesota [Mr. STEENERSON] moves the previous question on this motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. STEENERSON].

Mr. MADDEN. Mr. Speaker, does not that require the yeas and nays?

The SPEAKER. Of course. The Chair will order them just as quick as he can get to it. The gentleman from Minnesota [Mr. STEENERSON] moves that the Post Office bill be reconsidered and passed, the President's objections to the contrary notwithstanding. On that the Constitution requires that the yeas and

nays be called. The Clerk will call the roll. Those in favor of passing this bill over the President's veto, which is the popular phrase, will, as their names are called, vote "yea," and those opposed will vote "nay."

The question was taken; and there were—yeas 114, nays 186, answered "present" 3, not voting 127, as follows:

YEAS—114.

Austin	Fairfield	McLaughlin, Mich.	Smith, C. B.
Bowers	Fess	McLaughlin, Pa.	Smith, T. F.
Browning	Flynn	Magee	Steenerson
Burroughs	Focht	Maher	Stiness
Butler	Fordney	Mapes	Sweet
Caldwell	Francis	Meeker	Swift
Campbell, Kans.	Fuller, Ill.	Merritt	Tagne
Cannon	Garland	Miller, Minn.	Temple
Carew	Gillett	Mott	Tilson
Chandler, N. Y.	Good	Nolan	Timberlake
Classon	Goodall	Oliver, N. Y.	Tinkham
Cooper, W. Va.	Green, Iowa	Parker, N. Y.	Towner
Cramton	Greene, Mass.	Peters	Treadway
Currie, Mich.	Greene, Vt.	Phelan	Vestal
Dale, Vt.	Hadley	Platt	Volstead
Dallinger	Hawley	Pratt	Waldo
Darrow	Hersey	Purnell	Walsh
Delaney	Ireland	Ramsey	Wason
Dempsey	Johnson, Wash.	Riordan	Watson, Pa.
Denison	Kennedy, Iowa	Robbins	Wheeler
Donovan	Kennedy, R. I.	Roberts	White, Me.
Dooley	Kraus	Rogers	Williams
Dunn	La Follette	Sanders, Ind.	Wilson, Ill.
Dyer	London	Sanders, N. Y.	Winslow
Elliott	Longworth	Sanford	Wood, Ind.
Ellsworth	Lufkin	Stegel	Woods, Iowa
Elston	Lundeen	Sinnott	Young, N. Dak.
Esch	McArthur	Sloan	
Fairchild, B. L.	McFadden	Smith, Mich.	

NAYS—186.

Alexander	Dominick	Johnson, Ky.	Ramseyer
Almon	Doolittle	Jones	Randall
Anderson	Doughton	Kenting	Rankin
Anthony	Drane	Kelly, Pa.	Rayburn
Ashbrook	Dupré	Kettner	Reed
Aswell	Egan	Key, Ohio	Romjue
Ayres	Eagle	Kincheloe	Rouse
Bankhead	Evans	Kinkaid	Rubey
Barkley	Fairchild, G. W.	Kitchin	Rucker
Barnhart	Farr	Larsen	Sabath
Beakes	Ferris	Lazaro	Saunders, Va.
Beshlin	Fields	Lea, Cal.	Scott, Mich.
Black	Fisher	Lee, Ga.	Sears
Blackmon	Flood	Linthicum	Shallenberger
Blanton	Foster	Little	Sherley
Booher	French	Lobeck	Shouse
Bozland	Fuller, Mass.	Loneragan	Sims
Brand	Gallagher	McAndrews	Sisson
Browne	Gandy	McClintic	Small
Buchanan	Gard	McCulloch	Snook
Burnett	Garner	McKeown	Stafford
Byrnes, S. C.	Garrett, Tenn.	Madden	Stegall
Byrnes, Tenn.	Garrett, Tex.	Mansfield	Steele
Caraway	Glynn	Mays	Stephens, Miss.
Carlin	Godwin, N. C.	Miller, Wash.	Stephens, Nebr.
Carter, Okla.	Goodwin, Ark.	Mondell	Sterling, Ill.
Cary	Gordon	Moon	Sterling, Pa.
Chandler, Okla.	Graham, Ill.	Moore, Ind.	Sumners
Church	Gray, Ala.	Morgan	Taylor, Ark.
Clark, Fla.	Griffin	Neely	Taylor, Colo.
Clark, Pa.	Hamilton, Mich.	Nicholls, S. C.	Thomas
Claypool	Hamlin	Nichols, Mich.	Thompson
Cleary	Harrison, Miss.	Oldfield	Tillman
Connally, Tex.	Haskell	Oliver, Ala.	Van Dyke
Connell, Kans.	Hastings	Osborne	Venable
Cooper, Ohio	Haugen	Overmyer	Vinson
Cooper, Wis.	Hayden	Padgett	Watkins
Cox	Heflin	Park	Weaver
Crisp	Helm	Polk	Webb
Crosser	Helvering	Porter	Welty
Decker	Hilliard	Pou	Wilson, La.
Denton	Hollingsworth	Price	Wilson, Tex.
Dewall	Huddleston	Quin	Woodward
Dickinson	Hull, Iowa	Ragsdale	Wright
Dill	Humphreys	Rainey, H. T.	Young, Tex.
Dillon	Igoe	Rainey, J. W.	
Dixon	Jacoway	Raker	

ANSWERED "PRESENT"—3.

Hardy	Harrison, Va.	Sanders, La.
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NOT VOTING—127.

Bacharach	Dies	Helntz	La Guardia
Baer	Doremus	Hensley	Langley
Bell	Dowell	Hicks	Lehbach
Bland	Drukker	Holland	Leshner
Britten	Edmonds	Hood	Lever
Brodbeck	Emerson	Houston	Littlepage
Brumbaugh	Estopinal	Howard	Lynn
Campbell, Pa.	Foss	Hull, Tenn.	McCormick
Candler, Miss.	Frear	Husted	McKenzie
Cantrill	Freeman	Hutchinson	McKinley
Carter, Mass.	Gallivan	James	McLemore
Coady	Glass	Johnson, S. Dak.	Mann
Collier	Gould	Juul	Martin
Copley	Graham, Pa.	Kahn	Mason
Costello	Gray, N. J.	Kearns	Montague
Crago	Gregg	Keboe	Moore, Pa.
Curry, Cal.	Griest	Kelley, Mich.	Morin
Dale, N. Y.	Hamill	Kiess, Pa.	Mudd
Davidson	Hamilton, N. Y.	King	Nelson
Davis	Hayes	Knutson	Norton
Dent	Hcaton	Kreider	Oliver

O'Shaunessy	Russell	Snell	Walker
Overstreet	Schall	Snyder	Walton
Paige	Scott, Iowa	Stedman	Ward
Parker, N. J.	Scott, Pa.	Stevenson	Watson, Va.
Powers	Scully	Strong	Welling
Reavis	Sells	Sullivan	Whaley
Robinson	Shackleford	Switzer	White, Ohio
Rodenberg	Sherwood	Talbott	Wingo
Rose	Slayden	Templeton	Wise
Rowe	Slemp	Vare	Zihlman
Rowland	Smith, Idaho	Voigt	

So the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. ROWLAND and Mr. KREIDER (for) with Mr. CANTRILL (against).

Mr. HICKS and Mr. WARD (for) with Mr. ESTOPINAL (against).

Mr. MOORE of Pennsylvania and Mr. OLNEY (for) with Mr. HARRISON of Virginia (against).

Mr. BACHARACH and Mr. LEHLBACH (for) with Mr. TALBOTT (against).

Mr. SNELL and Mr. SNYDER (for) with Mr. CANDLER of Mississippi (against).

Mr. ROSE and Mr. ROWE (for) with Mr. DENT (against).

Mr. HUSTED and Mr. CARTER of Massachusetts (for) with Mr. HULL of Tennessee (against).

Mr. VARE and Mr. GRIEST (for) with Mr. HEATON (against).

Mr. EDMONDS and Mr. EGAN (for) with Mr. MARTIN (against).

Mr. HAMILTON of New York and Mr. GRAHAM of Pennsylvania (for) with Mr. HARDY (against).

Mr. PAIGE and Mr. GOULD (for) with Mr. REAVIS (against).

Mr. COSTELLO and Mr. TEMPLETON (for) with Mr. HOWARD (against).

Until further notice:

Mr. BELL with Mr. ZIHLMAN.

Mr. WISE with Mr. BLAND.

Mr. WINGO with Mr. BRITTEN.

Mr. BRODBECK with Mr. COPLEY.

Mr. BRUMBAUGH with Mr. VOIGT.

Mr. WHITE of Ohio with Mr. CURRY of California.

Mr. WHALEY with Mr. TREADWAY.

Mr. WELLING with Mr. SWITZER.

Mr. CAMPBELL of Pennsylvania with Mr. STRONG.

Mr. COADY with Mr. SMITH of Idaho.

Mr. COLLIER with Mr. SCOTT of Pennsylvania.

Mr. WATSON of Virginia with Mr. FREEMAN.

Mr. WALTON with Mr. SCOTT of Iowa.

Mr. WALKER with Mr. EMERSON.

Mr. SULLIVAN with Mr. FREAR.

Mr. STEVENSON with Mr. DRUKKER.

Mr. STEDMAN with Mr. FOSS.

Mr. GLASS with Mr. SLEMP.

Mr. GALLIVAN with Mr. DOWELL.

Mr. HAYDEN with Mr. MCKINLEY.

Mr. SHERWOOD with Mr. PARKER of New Jersey.

Mr. SHACKLEFORD with Mr. DAVIS.

Mr. SCULLY with Mr. DAVIDSON.

Mr. SCHALL with Mr. GRAY of New Jersey.

Mr. ROBINSON with Mr. KNUTSON.

Mr. RUSSELL with Mr. LANGLEY.

Mr. DOBEMUS with Mr. HAYES.

Mr. DALE of New York with Mr. HUTCHINSON.

Mr. LESHNER with Mr. MCCORMICK.

Mr. LEVER with Mr. MCKENZIE.

Mr. LITTLEPAGE with Mr. MASON.

Mr. LUNN with Mr. MORIN.

Mr. HAMIL with Mr. MUDD.

Mr. HOLLAND with Mr. NELSON.

Mr. MONTAGUE with Mr. JAMES.

Mr. O'SHAUNESSY with Mr. JULI.

Mr. OVERSTREET with Mr. NORTON.

Mr. KEHOE with Mr. KAHN.

Mr. DIES with Mr. KEARNS.

Mr. HENSELEY with Mr. KELLEY of Michigan.

Mr. HOUSTON with Mr. KIESS of Pennsylvania.

Mr. HOOD with Mr. KING.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. SANDERS of Louisiana. Mr. Speaker, I have a pair with Mr. RODENBERG. I voted "no." I wish to withdraw that vote and answer "present."

Mr. LEVER. Mr. Speaker, I wish to vote "no."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. LEVER. I was not, Mr. Speaker; I was over in the Senate.

The result of the vote was announced as above recorded.

The SPEAKER. Two-thirds failing to vote to pass this bill the President's objection to the contrary notwithstanding, the bill is dead.

Mr. MOON. Mr. Speaker, I move that the President's veto message be referred to the Committee on the Post Office and Post Roads.

The SPEAKER. The gentleman from Tennessee moves that the President's veto message be referred to the Committee on the Post Office and Post Roads. The question is on agreeing to that motion.

The motion was agreed to.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the veto.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the veto. Is there objection?

There was no objection.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

Mr. POU. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 406.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of S. J. Res. 158, entitled "Joint resolution further extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from Niagara River shall remain in effect," under the general rules of the House.

Mr. FLOOD. Mr. Speaker, will the gentleman from North Carolina yield to me?

Mr. POU. I do.

Mr. FLOOD. Mr. Speaker, in order to save time, I ask unanimous consent that this resolution be taken up without the rule. It is absolutely necessary to pass it to-day, and I do not believe there will be any objection to taking it up by unanimous consent.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, if the resolution is taken up for consideration, will time be given for making inquiries as to the reasons why the House committee has departed from the prior authorizations in phraseology, extending the authority, and did not agree to the joint resolution as it passed the Senate which carried that authority into effect, and changed the language from that which has heretofore been carried in the extension of these grants?

Mr. FLOOD. Certainly, Mr. Speaker. It is not my purpose to cut off any inquiries which might be made within the hour.

Mr. STAFFORD. And with the opportunity to offer amendments in case anybody wishes to do so?

Mr. FLOOD. Yes.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent, notwithstanding the rule that has been reported, for the present consideration of Senate joint resolution 158. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. FRENCH, by unanimous consent, was granted leave of absence for the remainder of the afternoon to make addresses to soldiers at the dedication of the Young Men's Christian Association hut at Camp Humphreys.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the joint resolution with the committee amendment, which is as follows:

Senate joint resolution 158.

Strike out all after the enacting clause and insert the following: "That the Secretary of War be, and he is hereby, authorized to issue permits revocable at will for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, in quantities which in no event shall exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *Provided*, That this resolution shall remain in force until the 1st day of July, 1919, and no longer, at the expiration of which time all permits granted hereunder shall terminate unless sooner revoked. Any individuals, companies, or corporations violating any of the provisions of said permits or diverting water from said river above the Falls for the creation of power, except under a permit issued under the authority of this law, shall be guilty of a misdemeanor and be punished by a fine not exceeding \$2,000 nor less than \$500, or by imprisonment not exceeding one year nor less than 30 days, or both, in the discretion of the court; and each and every day on which such violation occurs or is committed shall be deemed a separate offense: *Provided*, That where such violation is charged against the company or corporate body the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same."

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] is recognized for one hour.

Mr. FLOOD. Mr. Chairman, this resolution gives the Secretary of War authority for a year to grant revocable permits for the diversion of water from the Niagara Falls, above the Falls,

to the extent that that diversion is authorized under the treaty with Great Britain, namely, 20,000 cubic feet per second. Under what was known as the Burton Act 15,600 cubic feet of water was authorized to be diverted. Congress passed a resolution in January, 1917, authorizing the Secretary of War to issue permits for the diversion of the remaining 4,400 feet. The Burton Act and the resolution that we passed later extending the Burton Act have expired by limitation. There is no authority of law now for the diversion of that 15,600 cubic feet. The joint resolution authorizing the diversion of the remaining 4,400 feet of the treaty water was extended by a resolution of June 3, 1917, to run to July 1, 1918, but with certain limitations. The limitations being that the companies using this water to develop power should not install more machinery than they then had for its use.

The authority of the Secretary of War to permit the diversion of this water under that resolution expires on the 1st day of July of this year, which is Monday. The resolution passed by the Senate authorized an extension of these permits for one year, but on the same terms as the resolution of January, 1917. The House committee reported this resolution as an amendment to the resolution, and the difference is that the power companies can install additional machinery if necessary to consume the water authorized to be diverted. This resolution also applies to the whole of the treaty water instead of only to the 4,400 cubic feet.

The gentleman from Wisconsin [Mr. STAFFORD] indicated that he wanted to know our reasons for these changes. These are the changes the Foreign Affairs Committee made in the Senate resolution.

Mr. STAFFORD. As I understand it, if the gentleman will permit, the resolution that came over to the House from the Senate was in similar language to the resolution passed on January 19, 1917, which continued the prior authorization under the act of June 30, 1917, up to to-morrow.

Mr. FLOOD. The day after to-morrow—that is right.

Mr. STAFFORD. That Senate resolution was predicated upon the idea that these revocable permits issued by the Secretary of War should terminate when Congress should pass legislation regulating and controlling the diversion of the water. This whole question of the granting of the right to use this water, and particularly granting the right to use water in excess of that which the machinery then installed was capable of using, was always predicated upon the idea that Congress would pass some legislation which should supersede it. Now the amendment reported by the House committee does not make it contingent upon Congress passing any general legislation covering the use of water power, but grants a revocable permit that will expire a year hence, June 30, 1919. Therefore, if the water power bill that has recently been introduced should be enacted into law, these users of water power at Niagara Falls would be exempt from the provisions of that law until a year hence, whereas it has always been the policy of Congress merely to grant these temporary rights subject to the decision of Congress whenever it should pass some general law applying to water powers throughout the country.

Mr. FLOOD. No; the gentleman has not got that exactly right. This authorizes the Secretary of War to issue revocable permits for a year. He can revoke those permits any day he sees fit.

Mr. STAFFORD. Oh, yes; but heretofore the right to continue under these permits was terminable as soon as Congress should pass a general law that would apply to water power, the Secretary of War to the contrary notwithstanding, as to whether he would exercise his discretion; but now you are surrendering that right and leaving it only to the discretion of the Secretary of War to determine whether within a year he will revoke the permit or not.

Mr. FLOOD. There was nothing in the original resolution that differed in the respect the gentleman is talking about from this resolution. The original resolution simply gave the Secretary of War the right to issue revocable permits from the date of the passage of the resolution in January to June 30, 1917, but it did not have anything in it about the permit expiring when legislation was enacted by Congress. There was nothing in the resolution about that. The policy of this resolution is exactly the same as the policy of the original resolution, with the two exceptions I have mentioned. The gentleman will remember we passed the resolution of January, 1917, with the exception that between that time and the 1st of the next July we would enact permanent legislation on this question. The House did pass a well-considered measure dealing with this question comprehensively and permanently, but that measure failed to go through the Senate, and as a result of that we passed another resolution extending the authority of the

Secretary of War to issue permits for one year longer, until the 30th of June, 1918. But the policy was exactly the same as that of this resolution, with this exception: These resolutions did not permit the installation of more machinery. They authorized the use of the water, but the users could not use any more water than they then had machinery to consume. Now, it has developed that instead of using the 20,000 cubic feet of water that this country has the right to permit the use of, they are using only between 18,000 and 19,000 cubic feet per second, and there is something between 1,500 and 2,000 cubic feet per second of that water going to waste. These companies are willing to take their chances on installing more machinery and using this water and making 30,000 or 40,000 additional horsepower of electrical energy that is in great demand to make machinery and other articles that are necessary in the prosecution of the war, and so, in consideration of that fact, we eliminated from this resolution the limitation that they should not install any more machinery to use this water than they now have.

Mr. LONDON. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from New York.

Mr. LONDON. Has the Secretary of War asked for the passage of this resolution in this form?

Mr. FLOOD. The Secretary of War desires it in the very form that the House committee reported it.

Mr. LONDON. In other words, it is desired to remove all limitations?

Mr. FLOOD. Yes. That is the only difference between this resolution and the resolution of 1917, except that this resolution applies to the whole 20,000 cubic feet of water per second, as it ought to, instead of the 4,400 cubic feet.

Mr. WALDOW. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. WALDOW. Is it not true that the Secretary of War at the present time, under the authority vested in him, has the power to grant permission to companies to make improvements so that they can use the entire diversion of water?

Mr. FLOOD. I understand that a company is at work deepening and broadening its canal so that all the water can be used.

Mr. STAFFORD. Will the gentleman acquaint the committee, because the report is a vacuum so far as giving reasons and arguments for the legislation—

Mr. FLOOD. We thought the committee knew so much about the matter that it was not necessary to put it all in the report.

Mr. STAFFORD. Like the reports generally from the Committee on Foreign Affairs which have been of a vacuistic character—

Mr. FLOOD. I do not think the gentleman ought to say that about the reports from the Committee on Foreign Affairs. They have generally been full and complete. I call the gentleman's attention to the report on the war resolutions, the last appropriation bill for the Consular and Diplomatic Service, and I could call his attention to many others where the reports have been very full. This resolution does not call for a lengthy report.

Mr. STAFFORD. I can cite instance after instance where the reports from the Committee on Foreign Affairs have contained no reasons or arguments. But we will lay that aside. I am going to inquire why the committee saw fit to leave out, in the amendment as reported by his committee, the restriction that was carried in the Senate resolution that permits would be only in force until Congress should enact legislation regulating and controlling the diversion of water generally.

Mr. FLOOD. Where does the gentleman find that?

Mr. STAFFORD. On page 2, lines 4 to 6, the Senate resolution says:

unless the Congress shall before that date enact legislation regulating and controlling the diversions of water from the Niagara River or from boundary streams generally, in which event this resolution shall cease to be of any further force or effect.

That contemplates the passing of some water-power legislation that unquestionably will cover the water power in Niagara River.

Mr. CHARLES B. SMITH. No; it does not.

Mr. FLOOD. General water-power legislation does not embrace the boundary-line waters.

Mr. STAFFORD. As reported by the special committee, it may not.

Mr. FLOOD. They were not under the rule authorized to consider boundary waters.

Mr. COOPER of Wisconsin. This is a treaty question.

Mr. STAFFORD. The gentleman from Wisconsin says this is a treaty question, but the resolutions from time to time have been introduced because they were all of an expedient character and granted the use of power until the Congress should fix some permanent policy which would apply to Niagara Falls,

Mr. FLOOD. That is the purpose of this very resolution, and I will say that the Committee on Foreign Affairs has taken evidence for weeks and have been considering a measure dealing with this question permanently and thoroughly, and we have not got through with it yet.

Mr. STAFFORD. When the gentleman's committee does get through with it and it is taken up for consideration, why should not this temporary legislation be superseded by it, as intended by the Senate amendment?

Mr. FLOOD. That would be unobjectionable. I thought the gentleman said it was in the original resolution passed by Congress.

Mr. STAFFORD. To be frank with the gentleman, I did say that, but I was in error.

Mr. FLOOD. If the gentleman desires to offer an amendment of that kind, it will be perfectly satisfactory to all the members of the committee.

Mr. STAFFORD. One more question. The gentleman may have taken evidence on the subject, but the Canadian water-power companies are hard pressed at the present time to supply the necessary power that is demanded in Canada for manufacturing plants on the Canadian side.

Mr. FLOOD. That is true.

Mr. STAFFORD. Can the gentleman inform the committee whether these companies are utilizing any greater amount of water diversion than they were using prior to the outbreak of the war?

Mr. FLOOD. They are establishing new machinery for using more water but they have not completed the installation yet.

Mr. STAFFORD. Under the treaty with Great Britain whereby the two countries are to limit the amount of water diversion, how much was Canada authorized to use? I know that our country was authorized to use 20,000 cubic feet a second.

Mr. FLOOD. Canada was authorized to divert 36,000 cubic feet a second and we were authorized to divert 20,000 cubic feet a second.

Mr. STAFFORD. Can the gentleman inform the House how much of the 36,000 cubic feet per second is being used by the Canadian hydroelectric companies?

Mr. FLOOD. They are installing machinery to use it all, but at this time they are using a little less than 30,000 cubic feet a second.

Mr. STAFFORD. I understand there are two companies utilizing 15,600 cubic feet per second, and they seek to have the privilege of taking the residuum of the 20,000 cubic feet.

Mr. FLOOD. The Committee on Foreign Affairs has heard of several companies that are considering this new general legislation. No other company has the machinery to generate power now. No other companies would be benefited by this resolution except the two companies because the other companies have no machinery and no plants.

Mr. STAFFORD. These two companies are engaged directly or indirectly in furnishing power in the making of supplies of a war character.

Mr. FLOOD. No; they make electric power out of this water.

Mr. STAFFORD. But this power is used by manufacturers, one of which is the Carborundum Co.

Mr. FLOOD. Yes; the War Department has ascertained how much power the companies can generate, and they have distributed that power among the industries that are making material necessary for the prosecution of the war.

Mr. STAFFORD. I presume the House would be interested in knowing just the scope of the regulations the Secretary of War has prescribed under the revocable permits that he was authorized to grant for the use of power. Can the gentleman inform the House as to those regulations, whether there are any regulations as to the price to be charged to the consumer by the generating power companies?

Mr. FLOOD. That question is under the public-service commission of the State of New York, and the Secretary of War did not undertake to deal with it.

Mr. STAFFORD. So the Secretary of War has not attempted to regulate the price of power that will be paid by the consuming public?

Mr. FLOOD. No; but I will say to the gentleman that this power is all consumed by corporations that need just as little protection as these two generating companies need. They can take care of themselves; and some of them have contracts with these companies running for a long period of years, such as the aluminum company to furnish them power at \$8 per horsepower.

Mr. STAFFORD. Then, as I understand the gentleman, all of the power that is generated by these two companies is sold to two large corporations.

Mr. FLOOD. No; not to two, but to quite a number.

Mr. STAFFORD. I understood the gentleman to say two large corporations were able to take care of themselves.

Mr. FLOOD. I said a number of corporations. I mentioned only one. I have a list of them here. There is the carbide company, the metallurgical company, the chemical company, the alkali company, and different carbon companies. There is quite a list of them.

Mr. STAFFORD. Has the gentleman got the rate per kilowatt at which the hydropower is sold?

Mr. FLOOD. No. It varies because some of these companies get power from the generating companies under contracts that were entered into years ago when electric power was not in such demand. They made contracts for very low prices, and, as I stated, some of them get the power for \$8 per horsepower and some of them have to pay as high as \$40.

Mr. STAFFORD. Then the gentleman has no objection to an amendment of similar import to that embodied in the Senate resolution?

Mr. FLOOD. None in the world.

Mr. MILLER of Washington. Mr. Speaker, can the gentleman tell me whether any of this increase of power will go to the use of any of the Niagara brewing companies?

Mr. FLOOD. No.

Mr. STAFFORD. They are all being converted into near-beer companies, and I take it the gentleman from Washington would not object to its being used for that purpose.

Mr. SABATH. And for Coca-Cola.

Mr. MILLER of Washington. I am very glad the gentleman from Milwaukee, the home of the amber fluid, can advise me on this.

Mr. SABATH. The gentleman needs advice.

Mr. MILLER of Washington. I am glad I have found the oracle to whom to appeal.

Mr. DILL. Mr. Speaker, the gentleman from Virginia says that Canada was using 36,000 cubic feet from Niagara River. Is any of the power produced by that water being transmitted into the United States?

Mr. FLOOD. Yes; some of it; but it is being cut off as fast as possible.

Mr. STAFFORD. Mr. Speaker, I move to amend, in line 16, on page 2, by inserting the phraseology which is found in lines 4, 5, 6, 7, and 8, page 2, as follows:

unless the Congress shall before that date enact legislation regulating and controlling the diversions of water from the Niagara River or from boundary streams generally, in which event this resolution shall cease to be of any further force or effect.

I question, however, whether that is the best place to insert that amendment.

Mr. COOPER of Wisconsin. I think it ought to come in after the word "revoked," in line 20.

Mr. STAFFORD. Then, Mr. Chairman, I modify the amendment by having the phraseology just read inserted after the word "revoked," in line 20, changing the period to a comma.

The SPEAKER pro tempore (Mr. WENB). The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, after the word "revoked," strike out the period and insert a comma and the following language: "unless the Congress shall before that date enact legislation regulating and controlling the diversions of water from the Niagara River or from boundary streams generally, in which event this resolution shall cease to be of any further force or effect."

Mr. COOPER of Wisconsin. Mr. Speaker, I suggest to the gentleman that the words "or from boundary streams generally" ought to be omitted. I do not think we want the waters of the cataract of Niagara in any way taken away from the jurisdiction of the Committee on Foreign Affairs, acting in pursuance of a treaty with a foreign country.

Mr. FLOOD. I will say to the gentleman that in the formation of the Water Power Committee and the rule that provided for it there was taken from its jurisdiction or there was never given to it the jurisdiction of the waters of Niagara River and other boundary streams, so that the Niagara River and other boundary streams are left to the Committee on Foreign Affairs.

Mr. STAFFORD. Mr. Speaker, I withdraw from the amendment the words "or from boundary streams generally" and modify it further by inserting the word "and" before the word "unless."

The SPEAKER pro tempore. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 2, line 20, after the word "revoked," strike out the period and insert a comma and the following language: "and unless the Congress shall before that time enact legislation regulating and controlling the diversions of water from the Niagara River, in which event this resolution shall cease to be of any further force or effect."

Mr. LONDON. Mr. Speaker, I move to strike out the last word, for the purpose of asking the gentleman from Wisconsin [Mr. STAFFORD] a question. Assuming that Congress has enacted legislation and that this resolution had ceased to be of any force, that would not in itself revoke a license issued for the period of one year?

Mr. STAFFORD. This resolution is predicated upon the idea that Congress has not passed any legislation, but the amendment that is now being considered is that this resolution be superseded upon Congress passing some general legislation regulating the water flow at Niagara.

Mr. LONDON. But I question—

Mr. FLOOD. The permits issued by the Secretary of War are revocable at will.

Mr. LONDON. Are these permits revocable at will?

Mr. FLOOD. Yes; this gives the Secretary of War authority to issue permits for 12 months, and they are revocable at his will.

Mr. LONDON. And they will be for one year, but they may be revoked at any time prior to the expiration of the year?

Mr. FLOOD. Yes.

Mr. RAKER. Mr. Speaker, I want to call the gentleman's attention to this last amendment. In reference to this proviso, commencing line 16:

Provided, That this resolution shall remain in force until the 1st day of July, 1919, and no longer, at the expiration of which time all permits granted hereunder shall terminate unless sooner revoked.

Now, you put in this proviso—

Mr. STAFFORD. A further limitation.

Mr. RAKER. No; there is a question whether it is a further limitation.

And unless the Congress shall before that date enact legislation regulating and controlling the diversions of water from the Niagara Falls from the Niagara River, etc.

It is a question or not whether that will not extend these permits beyond that period. What you are trying to do is to put a limitation to the expiration, namely, July 1, 1919.

Mr. STAFFORD. If Congress passes legislation regulating the control of the Niagara River, that legislation will supersede these permits of a year notwithstanding the Secretary of War does not exercise his discretion to revoke the same within that year.

Mr. RAKER. That does not seem to be certain, because that proviso without the amendment being in there is sufficient that the permit would end and cease.

Mr. STAFFORD. Mr. Speaker, to make it clear I wish to modify my amendment from the conjunctive to the disjunctive and ask that the word "or" instead of the word "and" be placed at the beginning of the amendment.

The SPEAKER pro tempore. Without objection, the modified amendment will be reported.

Mr. DEMPSEY. Will the gentleman yield for just a suggestion? The purpose of the removal of this restriction is to induce power companies to install additional machinery with which to develop this additional power for war purposes. Suppose the legislation should be such—and it is conceivable—that other power companies than the two power companies who are to take water under this resolution should obtain this water, and the companies look at it that way and say: "It is a question whether we are justified in going to the expense of installing this additional machinery to develop this power when it may be taken away from us within a year." The Government might lose much of the advantage this resolution seeks to obtain for it.

Mr. MADDEN. The gentleman presupposes that the Congress—

Mr. DEMPSEY. That is very easily possible. You have not any conception of the situation. I simply say it is a practical matter, and it is not only possible but it is very likely. These companies have already expended \$500,000 without any guaranty that they have this extension. Whether they are going to continue to expend money when legislation may be enacted which may take the power away from them is a very questionable thing, and there is need for this power.

Mr. COOPER of Wisconsin. Does the gentleman believe these companies have expended a half a million dollars without some understanding? They have not expended \$500,000 unless they felt perfectly sure it would not be thrown away.

Mr. STAFFORD. Can the gentleman conceive of a situation where Congress would pass legislation which would prevent this necessary power when it is to be used for war purposes in order to prevent its being used for the benefit of the country—

Mr. DEMPSEY. I can see no other purpose of the amendment suggested by the gentleman except it is limited in this way I have suggested.

Mr. STAFFORD. Except Congress ought to have the regulatory power in case it wished to exercise it.

Mr. DEMPSEY. As I understood the gentleman from Virginia, these permits are always granted by the department, revocable absolutely at will. It is going to be absolutely within the control of the Secretary of War, in any event, and it does not seem to me that it ought to be done by this legislation.

Mr. STAFFORD. We have had this question up, and this is a most reasonable amendment in order to safeguard the interests of the Government.

Mr. SABATH. The gentleman does not suppose that there is any danger on the part of the Congress refusing to pass an amendatory resolution?

Mr. FLOOD. I yield one minute to the gentleman from California [Mr. RAKER].

Mr. RAKER. In this last amendment, suggested by the gentleman from Wisconsin [Mr. STAFFORD], if this proviso is carried that it is revocable, and if not revoked ends on the 1st of July, 1919, the Government is clearly safe. There is not any doubt if within a month or within two months Congress enacts legislation controlling the waters of the river of Niagara, fixing the rules and regulations and the length of the term of the lease and the privileges to be granted, the Secretary of War has the power to immediately terminate that lease, and they would then come under the law. So there would be no question of complication.

Mr. FLOOD. May I make a suggestion to the gentleman from California?

Mr. RAKER. Yes.

Mr. FLOOD. Congress will likely pass that general legislation in six or eight months.

Mr. LONDON. Will the gentleman yield to me one minute?

Mr. FLOOD. I yield one minute to the gentleman from New York.

Mr. LONDON. I do not like this legislation. Somehow they bring in all this water-power legislation at the end of a session, at the very last moment, and you do not get a chance to discuss it at all. You do not know what it is all about. I sent for a copy of the hearings and there have been no hearings, although it is a water-company matter, and some water-power legislation has had the effect of smearing over the men who have been battling with it. I do not think it is a fair thing to bring in this legislation at the last moment. That is the only thing I have to say about it.

Mr. FLOOD. Well, Mr. Speaker, if you want to break up an aggregation of industries that are supplying the necessities for this war, I would say you would want to oppose this legislation. Now, the gentleman from New York [Mr. LONDON] is entirely wrong about no hearings. We have had hearings for weeks.

Mr. LONDON. I asked for a copy and they told me there were no hearings on this resolution.

Mr. FLOOD. There were not on this resolution, but on the permanent measure before the committee; and this resolution is merely an extension of the law, and that we have passed twice before for the purpose of allowing those people to go on and utilize this water that would otherwise go to waste in order to make electric energy and carry on the war activities.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. WEBB). The Chair would like to ask the gentleman from Wisconsin where he wishes the disjunctive "or" instead of the conjunctive "and"?

Mr. STAFFORD. It is the first word in the amendment, so that it shall read "or unless the Congress shall before that date," and so forth.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

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

The SPEAKER pro tempore. The question now is on adopting the House committee amendment to the Senate joint resolution.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FLOOD, a motion to reconsider the vote by which the resolution was passed was laid on the table.

The SPEAKER resumed the chair.

POST OFFICE APPROPRIATIONS (H. REPT. NO. 725).

Mr. MOON. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads I introduce a bill making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes. And in this connection I want to ask the permission of the House—

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 12599) making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. MOON. Mr. Speaker, with the consent of the House I desire to make a brief statement, and then make a motion in reference to this bill.

The House, of course, is aware that the President vetoed the Post Office and Post Roads bill on account of the pneumatic-tube provision of the bill, and the House, I am glad to say, sustained the veto. It is also aware that the House and the Senate reached, in a conference on the bill H. R. 7237, an agreement on all of the other amendments and incorporating the legislation that is provided for in the Senate and agreed to in the House, as shown in the conference report. In other words, the bill was agreed upon by both bodies. Now, the bill which I have introduced by the direction of the committee—and I want to say it was by a unanimous vote of the committee, a quorum being present—is identical with the original bill, H. R. 7237, as agreed on, except, of course, the pneumatic-tube provisions are left out. It is very important that we pass this legislation. It is very fully considered, and is agreed to by both Houses in the conference report in the bill mentioned.

There are provisions of that bill that are new law, providing for increases in the salary of rural carriers and for railway mail clerks and post-office clerks, and the classification of clerks and fourth-class postmasters, and a number of other provisions which you gentlemen are familiar with, and which I need not repeat.

Mr. Speaker, in view of the fact that the measure should pass before the end of the fiscal year ending June 30, by direction of the Committee on the Post Office and Post Roads, unanimously given, I ask the unanimous consent of the House to take up this bill now, with an agreement that all of its provisions shall be in order, that the bill be considered in the House as in Committee of the Whole, that the first reading of the bill be dispensed with, and that there shall be no debate upon the bill, and that the previous question shall be considered as ordered after the reading of the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take this bill up immediately in the House as in Committee of the Whole, dispense with the first reading of the bill, have no debate, make in order everything that is in it, and have the previous question ordered on it, and pass it. Is there objection?

Mr. STEENERSON. Mr. Speaker, I hope there will be no objection to that.

Mr. WALSH rose.

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

Mr. WALSH. Reserving the right to object, Mr. Speaker—and I do not intend to object—I think the gentleman inadvertently said that the President had vetoed the tube provision of the bill. He vetoed the entire bill, and based his veto on the tube provision.

Mr. MOON. The gentleman is entirely correct about that. That is what I meant, of course.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? It is a very large order, to be sure. [Laughter.]

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12599) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GILLETT. Mr. Speaker, I suppose that the bill ought to be read. We have dispensed with the first reading.

The SPEAKER. The Chair thinks so, too. The Clerk will read the bill.

The Clerk read the bill, as follows:

A bill (H. R. 12599) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

OFFICE OF THE POSTMASTER GENERAL.

For gas, electric power and light, and the repair of machinery, United States Post Office Department equipment shops building, \$4,500.

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 30 inspectors, at \$2,400 each; 20 inspectors, at \$2,250 each; 32 inspectors, at \$2,100 each; 20 inspectors, at \$2,000 each; 30 inspectors, at \$1,900 each; 90 inspectors,

at \$1,800 each; 60 inspectors, at \$1,700 each; 60 inspectors, at \$1,600 each; and 65 inspectors, at \$1,500 each; in all, including increases hereinafter provided, \$968,100.

For per diem allowance of inspectors in the field while actually traveling on official business away from their homes, their official domiciles, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed \$4 per day: *Provided*, That the Postmaster General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their homes or their designated domiciles for a period not exceeding 20 consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more, except the 32 inspectors receiving \$2,100 each, \$350,000.

For compensation to clerks at division headquarters, 15, at \$1,800 each; 15, at \$1,600 each; 20, at \$1,400 each; 30, at \$1,200 each; 10, at \$1,000 each; and 10, at \$900 each; in all, including increases hereinafter provided, \$154,100.

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in connection with the postal service of Alaska, and for the traveling expenses of 4 clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, \$43,850.

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes, \$45,000.

For necessary miscellaneous expenses at division headquarters, \$7,500.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers: *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *And provided further*, That of the amount herein appropriated not to exceed \$5,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals, \$25,000.

For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases and matters affecting the postal revenues, \$6,000.

For travel and miscellaneous expenses in the Postal Service, office of the Postmaster General, \$1,000.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

For compensation to postmasters, \$25,000,000.

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding \$4,000 each; 50, at not exceeding \$3,000 each; 10, at not exceeding \$2,500 each; 10, at not exceeding \$2,000 each; 15, at not exceeding \$1,900 each; 50, at not exceeding \$1,800 each; 100, at not exceeding \$1,700 each; 170, at not exceeding \$1,600 each; 215, at not exceeding \$1,500 each; 175, at not exceeding \$1,400 each; 360, at not exceeding \$1,300 each; 600, at not exceeding \$1,200 each; 550, at not exceeding \$1,100 each; 350, at not exceeding \$1,000 each; 130, at not exceeding \$900 each; 70, at not exceeding \$800 each; in all, including increases hereinafter provided, \$4,075,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

For compensation to clerks and employees at first and second class post offices:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 10, at not exceeding \$3,200 each;

Auditors, and superintendents of mails, 15, at not exceeding \$3,000 each;

Assistant superintendents of mails, superintendents of delivery, and superintendents of mails, 23, at not exceeding \$2,700 each;

Assistant superintendents of mails, cashiers, superintendents of delivery, and superintendents of mails, 30, at not exceeding \$2,600 each;

Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, and superintendents of stations, 35, at not exceeding \$2,500 each;

Assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, finance clerks, stenographers, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 60, at not exceeding \$2,400 each;

Assistant superintendents of mails, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, finance clerks, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, and superintendents of stations, 70, at not exceeding \$2,200 each;

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, examiners of stations, finance clerks, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of registry, superintendents of second-class matter, superintendents of inquiry, and superintendents of stations, 190, at not exceeding \$2,000 each;

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 180, at not exceeding \$1,800 each;

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 190, at not exceeding \$1,700 each;

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 425, at not exceeding \$1,600 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,050, at not exceeding \$1,500 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 2,600, at not exceeding \$1,400 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, special clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 7,100, at not exceeding \$1,300 each.

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 18,360, at not exceeding \$1,200 each.

Assistant superintendents of stations, clerks, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 7,700, at not exceeding \$1,100 each.

Assistant superintendents of stations, clerks, clerks in charge of stations, stenographers, superintendents of carriers, and superintendents of second-class matter, 2,500, at not exceeding \$1,000 each.

Clerks, clerks in charge of stations, and stenographers, 2,000, at not exceeding \$900 each.

Clerks and clerks in charge of stations, 2,169, at not exceeding \$800 each.

Substitutes for clerks and employees absent without pay.

And to provide for the promotion of 85 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 15 per cent of the clerks in the sixth grade, and for the designation of "special clerk" in the \$1,300 grade, and for the promotion of 15 per cent of the designated "special clerks" in the \$1,300 grade to the designation of "special clerks" in the \$1,400 grade, and to provide for the promotion of 85 per cent of the clerks in second-class post offices from the fourth to the fifth grade, and for the promotion of 15 per cent of the clerks in second-class post offices from the fifth to the sixth grade: *And provided further*, That there may also be employed at first-class post offices foremen and stenographers at a salary of \$1,300 or more per annum; in all, including increases hereinafter provided, \$62,750,000.

Provided, That hereafter the appointment and assignment of clerks hereunder shall be so made during each fiscal year as not to involve a greater aggregate expenditure than the sum appropriated; and to enable the Postmaster General to carry out the provisions of this act and also the act of March 2, 1907, classifying clerks and city letter carriers in first and second class post offices, he may hereafter exceed the number of clerks appropriated for for particular grades: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded: *Provided further*, That hereafter when any employee in the Postal Service under the law is entitled to compensatory time for Sunday or holiday service, if he so elects, he may be paid for overtime in lieu thereof.

For compensation to printers, mechanics, and skilled laborers, 22, at \$1,200 each; 4 at \$1,100 each; and 31 at \$1,000 each; in all, including increases hereinafter provided, \$71,070.

For compensation to watchmen, messengers, and laborers, 1,925, at \$900 each; in all, including increases hereinafter provided, \$1,989,500.

For compensation to clerks in charge of contract stations, \$1,180,000.

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, \$3,428,572.

For separating mails at third and fourth class post offices, \$730,000.

For unusual conditions at post offices, \$150,000.

For allowances to third-class post offices to cover the cost of clerical services, \$2,400,000.

Provided, That hereafter no allowance in excess of \$300 shall be made where the salary of the postmaster is \$1,000, \$1,100, or \$1,200; nor in excess of \$400 where the salary of the postmaster is \$1,300, \$1,400, or \$1,500; and that no allowance in excess of \$500 shall be made where the salary of the postmaster is \$1,600 or \$1,700; nor in excess of \$800 where the salary of the postmaster is \$1,800 or \$1,900.

And provided further, That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding \$400,000 for the employment, at a maximum salary of \$600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is \$1,800 or \$1,900 per annum.

For rent, light, and fuel for first, second, and third class post offices, \$6,500,000.

Provided, That hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 10 years; and that there

shall not be allowed for the use of any third-class post office for rent a sum in excess of \$500, nor more than \$100 for fuel and light, in any one year.

For miscellaneous items necessary and incidental to post offices of the first and second classes, \$400,000.

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 85 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade, and for the promotion of 85 per cent of the letter carriers in second-class post offices from the fourth to the fifth grade, and for the promotion of 15 per cent of the letter carriers in second-class offices from the fifth to the sixth grade, City Delivery Service, \$49,100,000.

For pay of substitutes of letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, \$4,685,715.

For pay of letter carriers, substitute and auxiliary letter carriers at offices where City Delivery Service is established during the year, \$94,000.

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for and the operation of, screen-wagon and city delivery and collection services, \$6,700,000: *Provided*, That not to exceed \$300,000 of the amount herein appropriated shall be available for the payment of this service during the fiscal year ending June 30, 1918: *Provided further*, That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

For mail-messenger service, \$2,700,000: *Provided*, That not to exceed \$100,000 of the amount herein appropriated shall be available for the payment of this service during the fiscal year ending June 30, 1918.

For car fare and bicycle allowance, \$625,000.

For street car collection service, \$9,000.

For Detroit River postal service, \$7,250.

For car fare for special-delivery messengers in emergency cases, \$13,000.

For fees to special-delivery messengers, \$3,200,000.

For travel and miscellaneous expenses in the Postal Service, office of the First Assistant Postmaster General, \$1,000.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

For inland transportation by star routes in Alaska, \$430,000: *Provided*, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

For inland transportation by steamboat or other power-boat routes or by aeroplanes, \$1,185,000: *Provided*, That the contract now in force for carrying the mail on Lake Winnepesaukee from the post office at Laconia, N. H., shall be readjusted so that the yearly salary paid the carrier, who furnishes his own equipment, shall be \$1,800 per annum: *Provided further*, That hereafter, when there is no competition on a route and the rate of compensation asked is excessive, or no proposal is received, the Postmaster General may require that the mails be carried as freight or express, and it shall be unlawful for any common carrier by water to refuse to carry the mails when so required, and the penalty for such offense shall be a fine of \$500. Each day of refusal shall constitute a separate offense: *Provided further*, That out of this appropriation the Postmaster General is authorized to expend not exceeding \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

For inland transportation by railroad routes, \$60,645,000: *Provided*, That not to exceed \$1,000,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise.

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, \$95,000.

Railway Mail Service: For 15 division superintendents, at \$3,250 each; 2 assistant superintendents, at \$2,350 each; 15 assistant division superintendents, at \$2,250 each; 115 chief clerks, at not exceeding \$2,100 each; 465 clerks, grade 10, at not exceeding \$1,800 each; 2,032 clerks, grade nine, at not exceeding \$1,700 each; 393 clerks, grade 8, at not exceeding \$1,600 each; 8,299 clerks, grade 7, at not exceeding \$1,500 each; 1,078 clerks, grade 6, at not exceeding \$1,400 each; 1,788 clerks, grade 5, at not exceeding \$1,300 each; 3,801 clerks, grade 4, at not exceeding \$1,200 each; 65 clerks, grade 3, at not exceeding \$1,100 each; 1,974 clerks, grade 2, at not exceeding \$1,000 each; 1,837 clerks, grade 1, at not exceeding \$900 each; in all, including increases herein-after provided, \$32,500,000: *Provided*, That railway postal clerks shall be credited with full time when deadheading under orders of the department, and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and, to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions, he may exceed the number of clerks in each of the grades as may be necessary: *Provided*, That the number of regular clerks in the aggregate as herein authorized be not exceeded.

For travel allowances to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, \$1,613,959.

For actual and necessary expenses, general superintendent and assistant general superintendent, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, \$48,000.

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, including rental of offices for division headquarters, and chief clerk, Railway Mail Service, in Washington, D. C., and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution can not under the Postal Laws and Regulations properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary and incidental to terminal railway post offices, \$732,156.

For per diem allowance of two assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the

Postmaster General, not to exceed \$4 per day, and for their necessary official expenses not covered by their per diem allowance, not exceeding \$500; in all, \$2,420.

For inland transportation of mail by electric and cable cars, \$555,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service, and for mail cars and apartments carrying the mails not to exceed the rate of 1 cent per linear foot per car-mile of travel: *Provided further*, That the rates for electric car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That not to exceed \$25,000 of the sum hereby appropriated may be expended, in the discretion of the Postmaster General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, and not to exceed \$100,000 of this appropriation may be expended for regulation screen or motor screen wagon service which may be authorized in lieu of electric or cable car service: *Provided further*, That the Interstate Commerce Commission is hereby empowered and directed as soon as practicable to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing: *And provided further*, That it shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation thus provided for such service when required by the Postmaster General so to do, and for such offense shall be fined \$100. Each day of refusal shall constitute a separate offense.

For transportation of foreign mails, \$5,800,000: *Provided*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not exceeding \$103,000, to cover the cost to the United States of maintaining sea post service on steamships conveying the mails.

For censorship of foreign mails, \$1,620,000, of which amount \$200,000 shall be available immediately: *Provided*, That the authority under this appropriation shall cease to be in effect when the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President. *And provided further*, That it shall be the duty of the Postmaster General to submit to Congress at the beginning of its regular session in December of each year a detailed statement of all persons appointed and the salary or compensation paid or allowed to each: *And provided further*, That no part of this appropriation shall be expended to pay the expense of censoring mail from the military forces connected with the American Expeditionary Force, which mail has been censored in Europe.

For balances due foreign countries, \$681,700.

For travel and miscellaneous expenses in the Postal Service, office of the Second Assistant Postmaster General, \$1,000.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL.

For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, and for coiling of stamps, \$1,100,000.

For manufacture of stamped envelopes and newspaper wrappers, \$3,000,000.

For pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and expenses of agency, \$18,400.

For manufacture of postal cards, \$580,000.

For ship, steamboat, and way letters, \$150.

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured, and collect-on-delivery mail, \$670,000.

For payment of limited indemnity for the loss of registered articles in the international mails, in accordance with convention stipulations, \$10,000.

For travel and miscellaneous expenses in the Postal Service, office of the Third Assistant Postmaster General, \$1,000.

For travel and miscellaneous expenses in the service of the Postal Savings System, office of the director, \$500.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL.

For stationery for the Postal Service, including blanks, books, printed and engraved matter, binding and carbon paper, and other miscellaneous items for the money-order and registry systems; the preparation, publication, and free distribution by postmasters to the public of pamphlet containing general postal information; the pay of one envelope inspector at \$1,800 per annum, and one assistant at \$900 per annum; and also for the purchase of supplies for the Postal Savings System, including blank books, forms, pamphlets, rubber stamps, canceling devices, certificates and cards and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910, \$725,000.

For postmarking, rating, money-order stamps, and electrotype plates, and repairs to same, metal, rubber, and combination type, dates and figures, type holders, ink and pads for canceling and stamping purposes; and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, copying presses, numbering machines, time recorders, letter balances, scales, test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, \$275,000.

For wrapping twine and tying devices, \$370,000: *Provided*, That of this amount the Postmaster General is authorized to expend not to exceed \$30,000 for the purchase of and experiments with tying devices or cords for the Postal Service.

For miscellaneous equipment and supplies, including the purchase and repair of furniture, letter boxes, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection, manufacture, repair, and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; and other expenditures necessary and incidental to post offices of the first, second, and third classes, including offices of the fourth class having or to have rural delivery service, \$400,000.

For defraying expenses incident to the shipment of supplies, including hardware, boxing, packing, cartage, freight, and the pay of one carpenter, at \$1,200 per annum, and nine requisition fillers, at \$1,000 each per annum, for assignment in connection therewith, \$193,900.

For miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blue prints, including tracing for photolithographic reproduction, \$20,000; and the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blue prints at the cost of printing and 10 per cent thereof added, the proceeds for such sale to be used as a further appropriation for the preparation and publication of post-route maps and rural delivery maps or blue prints; of this amount \$1,500 may be expended in the purchase of atlases and geographical and technical works.

For rentals, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus and other labor-saving devices, including cost of power in rented buildings, and miscellaneous expenses of installation and operation of same, \$405,000: *Provided*, That of this amount the Postmaster General is authorized to expend \$100,000 for the installation of experimental mail-distributing machines.

For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto; also material, machinery, and tools necessary for the manufacture and repair in the equipment shops at Washington, D. C., of such other equipment for the Postal Service as may be deemed expedient, \$1,000,000: *Provided*, That out of this appropriation the Postmaster General is authorized to use as much of the sum, not exceeding \$5,000, as may be deemed necessary for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipment as may be required by other executive departments; and for service in Alaska, Porto Rico, Philippine Islands, Hawaii, or other island possessions.

For compensation to labor employed in the equipment shops at Washington, D. C., \$285,000.

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, \$8,675,000: *Provided*, That hereafter no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served by Rural Delivery Service, unless the services of a qualified rural carrier can not be secured.

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, tolls and ferrage, Rural Delivery Service, and for the incidental expenses thereof, \$65,800,000: *Provided*, That not to exceed \$20,000 of the amount hereby appropriated may be used for the compensation of clerks in charge of rural stations: *Provided further*, That on and after July 1, 1918, rural carriers assigned to horse-drawn vehicle routes on which daily service is performed shall receive \$24 per mile per annum for each mile said routes are in excess of 24 miles or major fraction thereof, based on actual mileage, and rural carriers assigned to horse-drawn vehicle routes on which triweekly service is performed shall receive \$12 per mile per annum for each mile said routes are in excess of 24 miles or major fraction thereof based on actual mileage: *Provided further*, That the pay of carriers who furnish and maintain their own motor vehicles and who serve routes not less than 50 miles in length may be fixed at not exceeding \$2,160 per annum.

For village delivery service in towns and villages having post offices of the second or third class, \$720,000.

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, \$1,000.

Sec. 2. That during the fiscal year ending June 30, 1919, the annual salaries fixed by law for assistant postmasters at first and second class post offices, and supervisory officials, whose compensation is \$2,200 and less per annum, shall be increased \$200, and those whose compensation is in excess of \$2,200 shall be increased 5 per cent; that clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary \$1,000; second grade, salary \$1,100; third grade, salary \$1,200; fourth grade, salary \$1,300; fifth grade, salary \$1,400; sixth grade, salary \$1,500. Clerks and carriers shall be promoted successively to the sixth grade: *Provided*, That on July 1, 1918, clerks in first and second class post offices and letter carriers in the City Delivery Service who are in grades 2, 3, 4, 5, and 6, under the act of March 2, 1907, as amended, shall pass automatically from such grades and the salaries they receive thereunder to the new grades, 1, 2, 3, 4, and 5, respectively, with the salaries provided for such grades in this act: *Provided further*, That the salaries of railway postal clerks shall be graded as follows: Grade 1, at \$1,100; grade 2, at \$1,200; grade 3, at \$1,300; grade 4, at \$1,400; grade 5, at \$1,500; grade 6, at \$1,600; grade 7, at \$1,700; grade 8, at \$1,800; grade 9, at \$1,900; grade 10, at \$2,000.

The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and establishing maximum grades to which promotions may be made successively, as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows:

Class A, \$1,100 to \$1,400; class B, \$1,100 to \$1,500; and class C, \$1,100 to \$1,700. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary, and fix their salaries within the grades provided by law without regard to the classification of railway post offices: *Provided*, That on July 1, 1918, railway postal clerks shall pass automatically from the grades they are in and the salaries they receive under the act of August 24, 1912, to the corresponding grade, with salaries provided for in this act: *Provided*, That the classifications and increases of salaries provided for in this section shall not be continued beyond the fiscal year ending June 30, 1919: *Provided further*, That the salary of clerks, carriers, and railway postal clerks shall be increased during the fiscal year 1919 not more than \$200: *Provided further*, That the classifications herein provided for shall not become effective until July 1, 1918: *Provided further*, That the salaries of such other employees fixed by law or paid from lump-sum appropriations provided for in this act, including laborers in the Railway Mail Service, who receive \$800 per annum or less shall be increased 20 per cent per annum; those who receive in excess of \$800 and not more than \$1,500 shall be increased 15 per cent per annum; and those who receive in excess of \$1,500 and not more than \$2,200 shall be increased 10 per cent per annum. Rural carriers assigned to horse-drawn vehicle routes now receiving a compensation of \$1,200 or less per annum, exclusive of mileage allowance for miles on routes over 24 miles in length, shall receive in addition thereto 20 per cent of the amount of such compensation. Such increases shall not apply to the special assistant to the Attorney General appropriated for in this act and to postmasters at offices of the first, second, and third classes: *Provided further*, That postmasters of

the fourth class shall receive the same compensation as now provided by law, except that they shall receive 100 per cent of the cancellations of the first \$80 or less per quarter: *Provided further*, That if the compensation does not exceed \$50 for any one quarter fourth-class postmasters shall be allowed an increase of 20 per cent of the compensation allowed under existing law: *Provided further*, That no office shall be advanced to third class by reason of the temporary increases herein provided: *Provided further*, That hereafter substitute, temporary, or auxiliary clerks and letter carriers at first and second class post offices shall be paid at the rate of 40 cents an hour: *Provided further*, That the provisions of this section shall not apply to employees who receive a part of their pay from any outside sources under cooperative arrangement with the Post Office Department or to employees who serve voluntarily or receive only a nominal compensation: *And provided further*, That the increased compensation at the rate of 5 per cent and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section. So much as may be necessary for the increases provided for in this act is hereby appropriated.

Sec. 3. That hereafter watchmen, messengers, and laborers in first and second class post offices, and railway postal clerks assigned to terminal railway post offices and transfer offices, shall be required to work not more than 8 hours a day, and that the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and that in cases of emergency or if the needs of the service require they may be required to work in excess of 8 hours a day, and for such additional services they shall be paid in proportion to their salaries as fixed by law: *Provided*, That hereafter when the needs of the Postal Service require the employment on Sundays and holidays of railway postal clerks assigned to terminal railway post offices and transfer offices, they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class offices.

Sec. 4. That the Postmaster General is authorized to investigate conditions arising from contracts in the star route, screen wagon, and other vehicle service entered into prior to June 30, 1917, and from contracts for furnishing envelopes, blanks and blank books, and the Official Postal Guide, for contracts entered into prior to June 30, 1917, with a view to determining whether any adjustment should be made in the compensation and to adjust the same for materials or services hereafter to be furnished or rendered in cases where the facts disclose the necessity for such adjustment, or, in his discretion, with the consent of the contractor and his bondsmen, the Postmaster General may cancel such contracts.

Sec. 5. That the provisions of section 3 of the act of March 3, 1917, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," providing increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 and not exceeding \$1,000 per annum, shall apply during the fiscal year 1918 to all requisition fillers, watchmen, messengers, and laborers.

Sec. 6. The Postmaster General may, under such rules and regulations as he shall prescribe, accept United States Liberty loan bonds in lieu of either corporate or personal surety from contractors, officers, and employees of the Postal Service to indemnify the Government against losses resulting from the failure of any contractor, officer, or employee of the Postal Service to properly discharge his official duty.

Sec. 7. That to promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer, and the delivery of articles necessary in the production of such food products to the producers, the Postmaster General is hereby authorized to conduct experiments in the operation of motor-vehicle track routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and the cost of such experiments, not exceeding \$300,000, may be paid by the Postmaster General out of any unexpended appropriations of the Postal Service, and the Postmaster General shall report the result of such experiments to the Congress at the earliest practicable date.

Sec. 8. That the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department but suitable for the use of the Postal Service; and the Postmaster General is hereby authorized to use the same, in his discretion, in the transportation of the mails and to pay the necessary expenses thereof out of the appropriation for inland transportation by steamboat or other power boat or by aeroplanes or star route.

Sec. 9. Employees, including substitute employees, of the Postal Service who have entered the military or naval service of the United States or who shall hereafter enter it during the existence of the present war, shall, when honorably discharged from such service, be reassigned to their duties in the Postal Service at the salary to which they would have been automatically promoted had they remained in the Postal Service, provided they are physically and mentally qualified to perform the duties of such positions.

Sec. 11. That the act approved January 21, 1914 (38 Stat., p. 278), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty be so amended as to include United States war-savings certificate stamps, United States Government thrift stamps, war-tax revenue stamps, and funds received from the sale of such stamps: *Provided*, That this act shall not embrace any claim for losses as aforesaid which accrued prior to September 24, 1917, and all such claims must be presented within six months from the time the loss occurred.

Sec. 12. The provision of the act of June 3, 1916, an act for making further and more effectual provision for the national defense and for other purposes, and the act of August 29, 1916, an act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, authorizing the payment of \$5 to postmasters at second, third, and fourth class offices for each recruit secured by them and accepted by the Army Navy, and Marine Corps, is hereby repealed.

Sec. 13. That hereafter the balance to the credit of any one person in a postal-savings depository, exclusive of accumulated interest, shall not exceed \$2,500. Noninterest-paying deposits shall not be accepted. All laws inconsistent herewith are hereby repealed.

Sec. 14. That section 6 of the act approved June 25, 1910, is hereby further amended so that the proviso in said section shall read as follows:

"*Provided*, That in order that smaller amounts may be accumulated for deposit, any person may purchase for 10 cents, from any postal-savings depository, specially prepared adhesive stamps to be known as

'postal-savings stamps,' and attach them to a card which shall be furnished for the purpose. A card with 10 postal-savings stamps affixed shall be accepted as a deposit of \$1 either in opening an account or in adding to an existing account, or may be redeemed in cash."

Sec. 15. That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1919, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. MOON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. FRANCIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the war legislation of this session.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

UNIFORMS OF FRIENDLY NATIONS.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I ask the Clerk to report.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 11247) providing for the protection of the uniform of friendly nations, and for other purposes.

Be it enacted, etc., That it shall be unlawful for any persons within the United States or Territories, possessions, waters, or places subject to the jurisdiction of the United States, to wear any naval, military, police, or other official uniform, decoration, or regalia of any State, nation, or Government with which the United States is at peace, or any uniform, decoration, or regalia so nearly resembling the same as to be calculated to deceive, unless such wearing thereof be authorized by such State, nation, or Government.

Any person who violates the provisions of this act shall upon conviction be punished by a fine not exceeding \$300 or imprisonment for not exceeding six months, or by both such fine and imprisonment.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I notice some phraseology there which I regard as rather awkward. In line 4 of page 1 I find this language, "within the United States or Territories." That is a phrase that I am not acquainted with.

Mr. WEBB. "United States or Territories, possessions, waters, or places subject to the jurisdiction of the United States." I think that is the way the phrase goes.

Mr. STAFFORD. There should be at least a comma after the word "States."

Mr. WEBB. I think that would be better punctuation.

Mr. STAFFORD. And "territories" with a small "t." The way it reads now, "United States or Territories" might refer—

Mr. WEBB. That is the Printing Office style. A comma may correct that.

Mr. STAFFORD. I want to inquire, in case this bill is adopted, whether on the stage in theatrical performances, where the scene is laid perhaps in a foreign country, a person taking some rôle where he has occasion to use the uniform would be barred?

Mr. WEBB. I think not. We put in the words "with intent to deceive or mislead" for the purpose of protecting that character of people. It is a unanimous report, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The bill will be read for amendment.

The bill was read for amendment, with committee amendments as follows:

Page 1, line 3, after the word "persons," insert the words "with intent to deceive or mislead."

Page 1, line 7, after the word "any," insert the word "foreign."

Mr. ROGERS. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. ROGERS. There is a Senate bill designed to accomplish the same result, is there not?

Mr. WEBB. I do not know that it is pending before our committee.

Mr. WALSH. Yes; there is.

Mr. ROGERS. I think a bill has passed the Senate, and I wondered if this bill was practically identical with the Senate bill it would not expedite the final conclusion if by unanimous consent the Senate bill was substituted for this.

Mr. WEBB. I do not know that the Senate bill is identical with this, because the committee has made some amendments.

Mr. ROGERS. I think it is identical, barring the two committee amendments.

Mr. WEBB. That may be correct.

Mr. ROGERS. Under those circumstances, could it not be arranged that we should pass the Senate bill?

Mr. WEBB. As far as I am concerned, I thought that the House bill might be passed and go to the Senate, and they could pass it as quickly as they could to agree to the amendments we might put on the Senate bill.

Mr. ROGERS. But the problem of getting the bill up in the Senate would be easier if we amended the Senate bill.

Mr. WEBB. I have no objection if the Senate bill has these amendments put upon it.

Mr. CALDWELL. May I ask the gentleman a question?

Mr. WEBB. Yes.

Mr. CALDWELL. Is this the bill that was rereferred from the Military Committee to the Committee on the Judiciary?

Mr. WEBB. No.

Mr. CALDWELL. I think there was a bill rereferred from the Military Committee to the Committee on the Judiciary.

The SPEAKER. There is no Senate bill like this over here.

Mr. WALSH. If the Chair will permit, I have a distinct recollection of a bill of this nature, practically identical in language, coming over from the Senate and being referred to the Committee on Military Affairs, and, upon my request, was rereferred to the Committee on the Judiciary.

Mr. WEBB. The Senate bill was not before our committee when we considered this bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The committee amendments were agreed to.

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

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHEMICAL SECTION, BUREAU OF MINES.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from President Wilson to Dr. Manning, Director of the Bureau of Mines, and one from Secretary Baker to the President.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the documents referred to. Is there objection?

There was no objection.

The letters are as follows:

WAR DEPARTMENT,
Washington, June 25, 1918.

MY DEAR MR. PRESIDENT: In connection with the proposed transfer of the chemical section at American University from the Bureau of Mines to the newly constituted and consolidated gas service of the War Department, which you are considering, I am specially concerned to have you know how much the War Department appreciates the splendid services which have been rendered to the country and to the Army by the Department of the Interior, and especially by the Bureau of Mines, under the direction of Dr. Manning. In the early days of preparation and organization, Dr. Manning's contact with scientific men throughout the country was indispensably valuable. He was able to summon from the universities and the technical laboratories of the country men of the highest quality, and to inspire them with enthusiastic zeal in attacking new and difficult problems which had to be solved with the utmost speed. I do not see how the work could have been better done than he did it, and the present suggestion that the section now pass under the direction and control of the War Department grows out of the fact that the whole subject of gas warfare has assumed a fresh pressure and intensity, and the director of it must have the widest control so as to be able to use the resources at his command in the most effective way possible. The proposal does not involve the disruption of the fine group of scientific men Dr. Manning has brought together, but merely their transfer to Gen. Sibert's direction.

Respectfully, yours,

NEWTON D. BAKER.

The PRESIDENT.

THE WHITE HOUSE,
Washington, 26 June, 1918.

MY DEAR DR. MANNING: I have had before me for some days the question presented by the Secretary of War involving the transfer of the chemical section established by you at the American University from the Bureau of Mines to the newly organized Division of Gas Warfare, in which the War Department is now concentrating all the various facilities for offensive and defensive gas operations. I am satisfied that a more efficient organization can be effected by having these various activities under one direction and control, and my hesitation about acting in the matter has grown only out of a reluctance to take away from the Bureau of Mines a piece of work which thus far it has so effectively performed. The Secretary of War has assured me of his own recognition of the splendid work you have been able to do, and I am taking the liberty of inclosing a letter which I have received from him in order that you may see how fully the War Department recognizes the value of the services.

I am to-day signing the order directing the transfer. I want, however, to express to you my own appreciation of the fine and helpful piece of work which you have done, and to say that this sort of team-

work by the bureaus outside of the direct war-making agency is one of the cheering and gratifying evidences of the way our official forces are inspired by the presence of a great national task.

Cordially, yours,

WOODROW WILSON.

DR. VAN H. MANNING,
Chief Bureau of Mines, Department of the Interior.

EXECUTIVE ORDER.

It is hereby ordered that the experiment station at American University, Washington, D. C., which station has been established under the supervision of the Bureau of Mines, Interior Department, for the purpose of making gas investigations for the Army, under authority of appropriations made for the Ordnance and Medical Departments of the Army, together with the personnel thereof, be, and the same is hereby, placed under the control of the War Department for operation under the Director of Gas Service of the Army.

WOODROW WILSON.

THE WHITE HOUSE,
25 June, 1918.

FOURTEENTH DECENNIAL CENSUS.

Mr. HELM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11984, providing for the Fourteenth decennial census.

Mr. GILLETT. Mr. Speaker, may I ask the gentleman a question? I think the House would be interested to know what the program is for this evening, whether there are other matters that require our staying here late, and if so, how late, because I suppose the gentleman would not wish to continue this bill if there was some such purpose.

Mr. GARRETT of Tennessee. Mr. Speaker, I can state that information has come to some of us that the Senate will be ready to send the military bill here by 7 o'clock. There are something like 300 amendments, and they have to be engrossed; but I understand they will be here by 7 o'clock. It is thought wise to at least remain in session until that time.

Mr. GILLETT. It might be wise to take a recess and come back and have an evening session. We do not want to stay until midnight without a recess.

Mr. HELM. Those gentlemen not interested in the census bill have my consent to go and stay as long as they please.

Mr. WALSH. The gentleman will not get consent to have less than a quorum to consider the census bill.

Mr. GILLETT. If we are going to have an evening session, it would be wise to take a recess for two hours, so that some of us who want to be here can come back.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11984, to provide for the Fourteenth and subsequent decennial censuses.

The question was taken, and on a division (demanded by Mr. WALSH) there were 32 ayes and 27 noes.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER in the chair.

The Clerk read as follows:

Sec. 15. That the Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorization shall be given for such employment in any district until due and proper effort has been made to employ an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. It shall be the duty of such interpreters to accompany the enumerators and faithfully translate the latter's inquiries and the replies thereto, but in no case shall any such interpreter perform the duties of enumerator unless commissioned as such by the Director of the Census. The compensation of such interpreters shall be fixed by the Director of the Census in advance and shall not exceed \$5 per day for each day actually and necessarily employed.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I believe there has been some change in the phraseology of this section from that carried in prior laws. I wish to inquire as to the special need for this mandatory direction that is now carried for the first time, requiring the interpreters to accompany the enumerators. Have there been any abuses heretofore, whereby the translators did not correctly enumerate the statistics that were to be submitted for tabulation?

Mr. HELM. The purpose is to correct anything of that kind.

Mr. STAFFORD. Merely to improve the record of the statistics.

Mr. HELM. Yes; to avoid inaccuracies and abuses.

Mr. STAFFORD. Can the gentleman inform the committee whether there are many instances where translators are obliged to accompany the enumerators?

Mr. HELM. Not very many, so I am advised.

Mr. ALEXANDER. Here is the statement in the hearing as to the abuse that this is intended to correct:

In its original form this section authorized the employment of interpreters to assist the enumerators, but did not define the assistance they were to render, although Congress undoubtedly intended

that they should assist by interpreting only, and that they should not do any actual enumerating. In the enumeration of the population of a western city during the taking of the Thirteenth decennial census, however, certain interpreters were employed who "assisted" the enumerators by making the actual enumeration of the Chinese and Japanese population. Although extensive frauds were discovered in their schedules, they could not be prosecuted because of the failure of the law to define their duties. This defect in the law will, it is believed, be remedied by the above-proposed amendment, which not only prescribes the duties of interpreters, but also specifically prohibits their acting as enumerators unless commissioned as such by the director.

In other words, it is intended that they shall act solely as interpreters.

Mr. STAFFORD. And their acts must be part of the acts of the enumerator, by accompanying him, so as to make any irregularity a misdemeanor or a misfeasance of their official duties?

Mr. HELM. Yes; so I understand it.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. HELM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses, and had come to no resolution thereon.

NAVAL APPROPRIATIONS.

Mr. PADGETT. Mr. Speaker, I present a conference report and statement on the naval appropriation bill (H. R. 10854).

The SPEAKER. The Clerk will report it by title.

The Clerk read the title of the bill.

The SPEAKER. Has the gentleman any request to make?

Mr. PADGETT. Yes; I ask unanimous consent for the present consideration of it. It is a complete report. The Senate receded on all of the remaining amendments, and that completes the bill.

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

Mr. PADGETT. Yes.

Mr. BUTLER. Did the Senate recede on amendments 37, 47, 52, and 170?

Mr. PADGETT. It did.

Mr. WALSH. Mr. Speaker, will the report and statement be printed in the Record?

Mr. PADGETT. Yes; they will be printed. The Senate receded on all the disputed matters that we had up yesterday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of this conference report, notwithstanding the rule about first printing it in the Record. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, I move the adoption of the conference report.

Mr. STAFFORD. The report ought to be read.

Mr. PADGETT. The Senate receded on all of the amendments.

Mr. GILLETT. Either the report or the statement ought to be read.

Mr. PADGETT. The report is very short.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement of the House conferees are as follows:

CONFERENCE REPORT (NO. 728).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10854) making appropriations for the Naval Service for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 47, 52, and 170.

L. P. PADGETT,
J. FRED. C. TALBOTT,
D. J. RIBBAND,
THOMAS S. BUTLER,
WM. J. BROWNING,

Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
JOHN WALTER SMITH,
BOIES PENROSE,
H. C. LODGE,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

The Senate recedes from its amendments Nos. 37, 47, 52, and 170.

On amendment No. 37: Gives the rank and title of lieutenant general to the commandant of the Marine Corps during the period of the war.

On amendment No. 47: Gives the rank of major general to the heads of existing staff corps of the Marine Corps.

On amendment No. 52: Authorizes the transfer of staff officers of the Marine Corps to the line of the Marine Corps.

On amendment No. 170: Relates to the payment of premiums or bonuses from the appropriations carried in this act to employees of the Government, in addition to their regular wages.

L. P. PADGETT,
J. FRED. C. TALBOTT,
D. J. RIORDAN,
THOMAS S. BUTLER,
WM. J. BROWNING.

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief survey of the work of the Department of Agriculture.

The SPEAKER. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the war measures of this Congress.

The SPEAKER. Is there objection?

There was no objection.

DISPOSITION OF INTOXICATING LIQUORS IN POSSESSION OF UNITED STATES COURTS.

Mr. WALSH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10851) to provide a method for disposing of intoxicating liquors now or hereafter in the possession of United States court officials, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill H. R. 10851, of which the Clerk will report the title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, let us have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That all intoxicating liquors now in the possession of the officials of any United States court which have been seized and held as evidence in any prosecution in such court, which prosecution is no longer pending, shall be destroyed by the official having the custody of the same unless claimed by the owner within 60 days from the passage of this act, and all such liquors held for use as evidence in cases now or hereafter pending which shall be disposed of without conviction shall likewise be destroyed if not claimed by the owner within 30 days after the case shall be disposed of.

Sec. 2. That hereafter when any person shall be convicted upon a charge of violating the laws of the United States against causing intoxicating liquors to be transported into States or Territories the laws of which prohibit the manufacture or sale of such liquors, the judgment of the court shall include an order directing the marshal to destroy all such liquors as may have been used or held for use as evidence on the trial: *Provided*, That in cases now pending the order to destroy shall be conditioned upon the failure of the owner to claim said liquors within 30 days after conviction.

Sec. 3. That hereafter all intoxicating liquors seized under the provisions of section 240 of the Penal Code in any State, Territory, or District the laws of which forbid the sale of such liquors for beverage purposes shall be destroyed instead of sold.

Sec. 4. That in all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this act the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any department or agency of the United States Government for medicinal, mechanical, or scientific uses.

With the following committee amendments:

Page 2, line 7, after the word "liquors," insert the words "said liquors shall be forfeited to the United States, and"

Page 2, line 9, strike out the word "shall" and insert the word "may."

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts whether or not this bill contains a provision whereby the Government can utilize that liquor for its own purpose in the manufacture of munitions or for other purposes.

Mr. WALSH. Yes. The last section of the bill provides that all liquors which are subject to be destroyed under the provisions of the act may by the court be ordered turned over to any department or agency of the Government for medicinal, mechanical, and scientific purposes.

Mr. GARNER. That does not exactly turn it over to the Government. It leaves the matter in the discretion of the court as to whether it shall be turned over to the Government or poured out on the street. Why does not the gentleman lodge with the executive branch of the Government the right to utilize this property for its own use, scientific or otherwise?

Mr. WALSH. There is a good deal of fiction about there being a wide range for the use of intoxicating liquors besides drinking it. A great deal of that which is seized is of very poor quality and it would be more expensive to try to utilize it for any scientific purpose than it would be to use pure alcohol. With other grades of the product it can be used and the Attorney General or his representatives can make application to the court and of course the court can order that turned over to any department of the Government.

Mr. GARNER. I understand that, but if a clause were inserted in the bill absolutely providing that this liquor or alcohol might be used by the Government for scientific purposes it would automatically go to some branch of the Government which had the duty to use alcohol in the manufacture of ammunition or other products where alcohol is used.

Mr. WALSH. If that were done, it would simply mean the storage of vast quantities of liquors that are now cluttering up various buildings and warehouses throughout the country. It would have to be stored until it could be used. There are such great quantities of this that some place would have to be provided to take care of it until it is redistilled, or whatever the process is that it is put through.

Mr. GARNER. I understand from the gentleman from North Carolina [Mr. WEBB], the chairman of the Committee on the Judiciary, that this bill was drawn in pursuance of a request from the Attorney General?

Mr. WALSH. Yes. I so stated at the beginning.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. WALSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

FOURTEENTH AND OTHER DECENNIAL CENSUSES.

Mr. HELM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the census bill.

Mr. BARKLEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARKLEY. Pending that, I want to ask unanimous consent to extend my remarks in the RECORD.

Mr. WALSH. Mr. Speaker, reserving the right to object, on what subject?

Mr. BARKLEY. I desire to have printed a couple of short resolutions—one passed by the Southern Methodist conference and another by the executive committee of the Anti-Saloon League on the subject of war prohibition.

Mr. WALSH. Mr. Speaker, I object to extending remarks by printing resolutions.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11984.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further con-

sideration of the bill (H. R. 11984), the census bill, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11984, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

SEC. 16. That the compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than 2 nor more than 4 cents for each inhabitant; not less than 20 nor more than 30 cents for each establishment of productive industry reported; not less than 20 nor more than 30 cents for each farm reported; not less than 20 nor more than 50 cents for each irrigation or drainage enterprise reported; and 10 cents for each barn and inclosure containing live stock not on farms. In other subdivisions the Director of the Census may fix a mixed rate of not less than \$1 nor more than \$2 per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported. In other subdivisions per diem rates shall be fixed by the director according to the difficulty of enumeration, having special reference to the regions to be canvassed and the sparsity of settlement or other considerations pertinent thereto. The compensation allowed to an enumerator in any such district shall not be less than \$3 nor more than \$6 per day of eight hours' actual field work, and no payment shall be made for time in excess of eight hours for any one day. The subdivisions or enumeration districts to which the several rates of compensation shall apply shall be designated by the Director of the Census at least two weeks in advance of the enumeration. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Director of the Census; and the decision of the director as to the amount due any enumerator shall be final.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. I wish to make an inquiry of the chairman of the committee. Is there anything in this bill that requires supervisors or enumerators to be actual residents of the districts or localities in which their work is to be done?

Mr. HELM. No, sir; there never has been so far as I know.

Mr. McLAUGHLIN of Michigan. Does not the chairman think there ought to be such a provision?

Mr. HELM. I can not see anything to be accomplished by it.

Mr. McLAUGHLIN of Michigan. I am not sure that the chairman is right in saying there has been no law, but the practice has been uniform of requiring that a supervisor shall be a resident of his district and that the enumerator shall be an actual resident of the territory in which he does the work. As that has been the practice and custom and accepted as that which is right and should be followed, should not a provision be inserted requiring it?

Mr. HELM. Well, there is no particular objection to it. I think the Director would unquestionably follow the uniform practice, but if the gentleman wants to offer an amendment that they shall be residents he can do so; but the gentleman must bear in mind that at this particular time there might be some difficulty in some particular locality in getting the right type of men for enumerators. Certainly you want a person who understands or who has had some experience in doing this kind of work. There are probably several sections of the country where it is difficult to get the best type, and you are looking for efficiency and the getting of the best results, so I believe it would be wise to leave it as it is.

Mr. McLAUGHLIN of Michigan. I think the chairman is entirely right. There is some important work to be done, but I am not willing to believe in each district of the United States there is not some one abundantly able to do it.

Mr. HELM. I am convinced that in the gentleman's district, that in my district, that there will be no difficulty whatever, but I can imagine out in the far West, in Alaska, Hawaii, or some sections of the island of Porto Rico, there would. I will say to the gentleman from Michigan there has been no instance brought to the attention of the committee by any official from the bureau where the necessity as indicated by the gentleman from Michigan has arisen.

Mr. McLAUGHLIN of Michigan. I have no intention of reflecting on the Director of the Census or anyone else in authority. I trust those gentlemen, of course, but there are a thousand and one ways in which this House ought to express itself and not leave so much to the discretion of officials.

Mr. HELM. The gentleman is aware of the fact that we are to take the census of the islands of Guam and Samoa?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. HELM. And it might be possible in some of the districts in those remote islands it would be impossible to find a suitable person in that particular district to do the work. I believe it is the safe side of the proposition to leave it as it is.

Mr. McLAUGHLIN of Michigan. That may be true as to those outlying possessions. I am not familiar enough with them

to express an opinion, but in continental United States I think Congress ought not to hesitate to put in such a provision as I suggest.

Mr. HELM. If I did not entertain a doubt as to the ability to comply with the section in Alaska, Guam, Samon, Porto Rico, and some of the outlying possessions I would agree with the proposition of the gentleman at once. I am not especially opposed to it as it is, but I believe we get the best results by leaving it as it is.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words for the purpose of making a brief statement. I presume that the Members have noticed during the consideration of this bill, H. R. 11984, the efforts made by our colleague, the lady from Montana [Miss RANKIN], to perfect the measure. I note that she added an important amendment with reference to the employment of women enumerators and clerks, and I presume the membership here generally will hope that that amendment will stay in the bill. In connection with the work of the lady from Montana I should like to make a further brief statement, to the effect that it has come to my knowledge that some persons in the western part of the country are actually charging that our colleague is a member of the I. W. W., basing their charges on an inquiry that I made of the lady during the progress of one of her speeches on this floor.

Mr. KING. Will the gentleman yield?

Mr. JOHNSON of Washington. In a minute I shall be pleased to yield. Of course, all who know the Representative from Montana [Miss RANKIN] would know that any such charge or even suspicion of it would be preposterous, and I would be glad of an opportunity, if any remarks of mine have led to such suspicion, to make a statement to the contrary on the floor. It is not even fair to intimate that Miss RANKIN is sympathetic with the organization.

Now, if I have a little time remaining, I would like to say to the Members that this matter of the development of the I. W. W. has been a serious one indeed in the far West. It has led to many misunderstandings, of course. But in all communities where it has asserted itself the people who employ labor have had to come to a determination as to whether they would deal with organized labor, which makes contracts and keeps contracts, or deal with this mob, which makes contracts only to break them, which goes into mills only to watch the chance to burn and destroy them, and into the mines for the same purpose.

Mr. Chairman, I have been watching with much interest the progress of the bill S. 4471, "to declare unlawful associations purposing by physical force, violence, or injury to bring about any governmental, social, industrial, or economic change in the United States and prescribing punishment for persons engaged in the activities of such associations, and for other purposes." That bill is necessary, and I am sorry that this session seems to be about approaching a recess period without this bill having reached the calendar of the House. I sincerely hope that when we will have returned to resume the work of this Congress this bill will find its place on the calendar with a unanimous report from the Committee on the Judiciary, and that it will receive prompt consideration on the floor and be passed.

I withdraw the pro forma amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last three words. I am not very familiar with the bill, but it strikes me that if an amendment is to be adopted along the line I suggested it should be in connection with this section 16. It is a very proper place, at least, and I wish to offer an amendment, but I have not one prepared. Therefore I ask unanimous consent for leave to return to this section later for that purpose.

Mr. ALEXANDER. Make the request later. When you get the amendment ready let us know.

Mr. McLAUGHLIN of Michigan. I make the request now. I do not think it is unreasonable.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] asks unanimous consent for leave to return to this section later for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 158) further extending the time within which the joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River shall remain in effect.

FOURTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

The committee resumed its session.
The Clerk read as follows:

Sec. 17. That in the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census is authorized to pay to the widow or legal representative of such supervisor or enumerator such sum as he may deem just and fair for the services rendered by such supervisor or enumerator.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I think this is very curious language. I do not know whether it has been in the law before or not. Take, for example, the employment of enumerators, and they are employed for the purpose of getting the names within a few blocks and might not be employed for more than two or three days, or a week at the outside, and there ought not to be any provision in this bill to authorize anybody to pay to their widows or families, in case of their decease during that three or four days of employment or a week's employment, any compensation.

Mr. ASWELL. That means for the work already done.

Mr. MADDEN. I do not understand it that way. I thought it was compensation, provided that they should die in the service.

Mr. ASWELL. It is for the work done.

Mr. MADDEN. Then I will withdraw everything that I have said.

The Clerk read as follows:

Sec. 18. That special agents may be appointed by the Director of the Census to carry out the provisions of this act and of the act to provide for a permanent Census Office, approved March 6, 1902, and acts amendatory thereof or supplemental thereto; and such special agents shall perform such duties in connection with the enforcement of said acts as may be required of them by the Director of the Census. The special agents thus appointed shall receive compensation at rates to be fixed by the Director of the Census, such compensation, however, not to exceed \$6 per diem except as hereinafter provided: *Provided*, That during the decennial census period the Director of the Census may fix the compensation of not to exceed 25 special agents, who shall be persons of known and tried experience in statistical work, at an amount not to exceed \$10 per diem: *Provided further*, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis without limitation as to the amount earned per diem: *And provided further*, That the special agents appointed under this section shall be entitled to necessary traveling expenses and an allowance in lieu of subsistence not to exceed \$4 per diem during necessary absence from their usual places of residence; but no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census shall have power, and is hereby authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office; and the special agents and employees of the Census Office so appointed or employed shall perform such duties in connection with the enforcement of this act as may be required of them by the Director of the Census or by the supervisors of the districts to which they are assigned, and when engaged in the work of enumeration or reenumeration shall have like authority with and perform the same duties as the enumerators in respect to the subjects committed to them under this act.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. Comparing section 18 of this bill with the old law, it seems to be a very radical and marked departure from the provisions of section 18 of the old law. It provides among other things that the compensation shall be increased from \$6 in the old bill to \$10 in this bill, and that is quite a radical departure. I would like to have the chairman explain the cause of this difference between the existing law and this proposed act.

Mr. HELM. The gentleman, I suppose, has reference to the language in lines 20 to 24?

Mr. ROBBINS. Yes. That is entirely new, as I gather by comparison with existing law.

Mr. HELM. Of course those special agents are limited to a compensation of \$6 a day. Now, the 25 special agents whose compensation is not to exceed \$10 a day are types of men who are professors of colleges, experts in compiling and publishing the data in readable form. The special agent who goes out to take the data of manufactures receives \$6 a day. The special agents who are experienced in statistical work are the men who write the reports.

Mr. ROBBINS. Well, I see here in lines 8, 9, and 10 there is a provision for special agents appointed under this section also. What is the difference between the 25 agents and those other classes of special agents who are to be given \$4 a day for subsistence? The gentleman has been speaking of the 25 special agents, who are to be college men and who are allowed \$10 a day. When you come to the proviso in lines 8, 9, and 10, there is a line of special agents to be appointed under this act who are to be entitled to traveling expenses and allowance for subsistence not exceeding \$4 a day. You say one class is to be college professors. What are the others to be?

Mr. HELM. All classes of special agents are to receive necessary traveling expenses and an allowance in lieu of subsistence not to exceed \$4 a day. All grades of special agents are to receive traveling expenses and subsistence.

Mr. ROBBINS. What is the difference between the 25 special agents and those others in line 8?

Mr. HELM. I have just explained the difference between the two. The \$6 special agent is the agent who visits a factory and ascertains the volume of work done, the number of men employed, and the capital invested, and makes an invoice of the manufacturing establishment. The \$10 a day special agent is the man who writes the bound volumes of reports that you see in the director's office. They are college men; men who have had special training and experience in writing and compiling all the work that is done in the office of publication.

Mr. ROBBINS. Well, if you look in line 24 you will see that there are special agents who are connected with the Census Office, presumably the permanent employees, who are not to be paid anything, so that you have three lines of special agents covered in this paragraph.

Mr. ALEXANDER. It says "special agents of the Census Office so appointed and employed."

Mr. ROBBINS. So you have three lines of special agents in this paragraph.

Mr. HELM. All of them are under the direction of the director.

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

Mr. ROBBINS. I would like to have just a minute more to clear that up.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ASWELL. I would like to make a statement as to that.

Mr. ROBBINS. Certainly.

Mr. ASWELL. The Census Bureau is always referred to as the "Census Office." That is the cause of the confusion. The official title is the "Census Office."

Mr. ROBBINS. Well, the employees in the Census Office are another set of employees who are permanently there, making in all three classes.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last two words.

Mr. STAFFORD. Mr. Chairman, I am interested in the purpose of the committee in increasing the allowance for these 25 special agents beyond that authorized in the last census act. My attention was diverted—

Mr. HELM. I think it is an entirely new provision. I do not think this type of special agent has heretofore been employed.

Mr. STAFFORD. I have just sent to the Committee on Appropriations for a copy of the legislative appropriation act, to see the number of special agents and the per diem allowed.

Mr. HELM. There is a limited number. They are employed principally in gathering tobacco and cotton statistics and data of that kind.

Mr. STAFFORD. My attention was diverted by a gentleman drafting an amendment and I was not able to follow the debate or to note the gentleman's answer to the gentleman from Pennsylvania [Mr. ROBBINS]. Will the gentleman advise the committee as to the reason for increasing the per diem amount to \$10?

Mr. HELM. I do not think that is an increase. As I said a moment ago, this is a new type of special agent that is provided for in this bill. They differ from the ordinary or usual special agents that have heretofore been employed. I think probably \$5 and expenses and subsistence at \$3 a day.

Mr. STAFFORD. What reason prompted the committee in making the rate as high as \$10 a day? My reason for asking that question is that in the Internal-Revenue Office we have deputy collectors whose per diem is \$8, \$7, \$6, \$5, and very few, perhaps, at a higher rate. Now, you are placing these 25 at \$10 a day, or, rather, not to exceed \$10 a day, but in the administration of the office we know, of course, that they will undoubtedly receive the maximum compensation of \$10. What was the reason that prompted the committee in fixing that high per diem allowance, which would be at the rate of \$3,600 a year?

Mr. HELM. I think there was a gentleman by the name of Prof. Wilcox, who was connected with Cornell University, who assisted the director and the chiefs of divisions in writing and publishing the bound volumes of the census reports. It is a work that requires the services of men who are of the type of Prof. Wilcox and of the president of a college in West Virginia

who also assisted in this work. It is to induce men of this kind to assist in preparing these volumes in the manner in which they should be prepared. Of course, you have to offer them some reasonable compensation. It does not mean that they get \$10 per day for a year, or anything of that kind. They are employed for quite a limited period and necessarily have to leave their homes and come to Washington and work in the office.

Mr. ASWELL. I should like to say to the gentleman from Wisconsin that after these statistics have been gathered they are not of very great value unless they are interpreted—that is, so to speak, made to talk—and this particular class of experts are the men who take the statistics that have been gathered and make them mean something. It requires a very high class of intelligence and training to do that, and you can not get those men for less than that amount now.

Mr. STAFFORD. If the gentleman will permit, I have just had handed to me a volume that I have been trying to get for the last 15 minutes giving the rates of pay of the present special agents.

Mr. ASWELL. They are men of a different type.

Mr. STAFFORD. This gives the estimates of the department for the coming fiscal year. I think we should ponder a moment on this subject as to whether we should increase this to \$10.

Mr. ALEXANDER. Has the gentleman there the estimate for the per diem for these special agents?

Mr. STAFFORD. Not these particular special agents, but the men now employed in the bureau.

Mr. ASWELL. Oh, well, they are employed continuously, while these men work only a few weeks.

Mr. STAFFORD. In response to the gentleman from Louisiana, we utilize the services of educators in other work.

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

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. These men are paid by the educational institutions that employ them, and their salaries continue.

Mr. FLOOD. Not always.

Mr. ASWELL. Not always at all. They do not continue during vacation at all.

Mr. STAFFORD. Most of these educators are on an annual salary; perhaps not those in the South—

Mr. ASWELL. Many of them are not.

Mr. STAFFORD. Every professor or instructor in any leading institution is on an annual salary.

Mr. FLOOD. They are on an annual salary; but when they get leave of absence to do work for other people, or for the Government, the salary is discontinued.

Mr. ASWELL. Of course.

Mr. STAFFORD. Let me say to the gentleman from Virginia that there are many educational institutions that grant what is known as a sabbatical year to their professors or instructors—that is, leave of absence for a year every seventh year—for which they are paid their full salaries. This per diem allowance is a requisite in addition to their regular salaries.

Now, I wish to go back to the matter I was speaking about, that in the estimates for the next fiscal year for the Bureau of the Census we find no higher estimate for these special agents than \$8 a day. Five are estimated for, and five were employed in 1917. There are four estimated for at \$7 per day, of whom none were employed in 1917.

There are 18 men estimated for at \$6 per day, of which 6 were in the employment of the Government in 1917. There are 2 estimated for at \$5.50 a day, and 2 employed in 1917. There are 4 estimated for at \$5 a day, and 3 employed in 1917. And so on down to \$4. Thirty-one estimated for this year, being the lowest grade of these special agents. I am considering it in connection with the permanent force in the legislative bill as to whether it is advisable to provide a higher salary for the per diem employees than those on the statutory roll.

Mr. HELM. In all these increases in both classes of special agents, from 5 to 6 in one class and 8 to 10 in the other, with traveling expenses, subsistence, all are increased on the idea of the increased cost of living.

Mr. STAFFORD. I may say that the legislative, executive, and judicial subcommittee of the Committee on Appropriations did not provide any increase in the higher-paid officials. That is the reason why I am making inquiry so as to have a consonance of legislation in both bills.

Mr. ALEXANDER. The first appropriation bill that will carry an appropriation to cover the special agents will be the one for the fiscal year beginning in 1919. The report says:

The maximum salary for special agents is, in general, the same as it was before, namely, \$6 per diem. The insertion of the proviso that a limited number of special agents, who shall be persons of known and tried experience in statistical work, may be appointed at higher salaries simply incorporates in the main census act a provision which at the last census was covered by an amendatory clause introduced in the urgent deficiency act of 1909. It is not, therefore, a new feature. The maximum number of such expert special agents has, however, been increased from 20 to 25, and their maximum compensation from \$8 to \$10 per diem, this increase in number and compensation being deemed necessary in order to make it possible to secure under existing conditions the amount and grade of assistance required for the class of expert work on which these agents are to be employed.

In view of the increased cost of living, the allowance in lieu of subsistence for special agents has been increased from \$3 to \$4 a day.

That is the suggestion made by the special committee.

Mr. STAFFORD. I understand the committee has followed the recommendations of the special committee. That is a question which I sought to propound to the gentleman yesterday when he did not have time to yield—as to whether these gentlemen that constituted the special committee are any or all Government employees. I notice the name of Mr. Steuart, who, I believe, has been in the employ of the Bureau of Census.

Mr. HELM. I think he is on the Tariff Board now.

Mr. ALEXANDER. I think all of these are in the employ of the Bureau of Census, unless one of them has become secretary of the Tariff Commission; and I am not sure of that.

Mr. HELM. That is Mr. Steuart, a former chief statistician of the bureau, and he is now with the Tariff Board.

Mr. STAFFORD. I question the advisability of increasing the per diem to \$10, in view of the fact that the bureau did not ask more than \$8 for the permanent force.

Mr. ASWELL. The work is entirely different.

Mr. STAFFORD. No.

Mr. ALEXANDER. These men have been carried heretofore; these are not new experts, and the number is increased from 20 to 25. The chairman is in error as to this being a new service.

Mr. STAFFORD. I recognize that it may be supported in the policy to have a higher rate because of the increased cost of living; but when we pay a man \$8 a day, that would seem to be ample, because we have commissioners of the Government who negotiate treaties that do not receive \$10 a day. It is allowing professors on the pay rolls of colleges an honorarium of \$10 in addition.

Mr. ALEXANDER. They are high-class men. They prepare special articles that appear in volumes on manufactures, mines, and mining. They are college men and do the work aside from their regular work in the institutions of learning. They may be engaged a few days or a few weeks.

Mr. STAFFORD. I know the Government in many activities utilizes the educators in special work.

The Clerk read as follows:

Sec. 20. That the enumeration of the population required by section 1 of this act shall be taken as of the 1st day of January, and it shall be the duty of each enumerator to commence the enumeration of his district on the day following, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinafter required to be made and to forward the same to the supervisor of his district within 30 days from the commencement of the enumeration of his district: *Provided*, That in any city having 2,500 inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. How do they ascertain the number of inhabitants in a city so that it can be stated that the enumeration must be completed within two weeks. They say 2,500 or more. There are very few cities in the sense in which the term is used that have only 2,500 inhabitants. What I am trying to ascertain is how they have fixed this as to population so that they can require the enumeration within two weeks.

Mr. HELM. The object of the director is to lay off a certain portion of the cities, so that the enumerator can complete the work within the prescribed time. I suppose in a city the size of New York the entire population, according to the last census, would be divided in such a way that enough enumerators would be appointed to canvass a given district within a given period.

Mr. WALSH. Yes; but here, we will say, is a town of some 2,000 inhabitants. They can take more than two weeks to make the enumeration of that town. It provides in the bill here that, having 2,500 or more inhabitants, the enumeration shall be completed within two weeks, so that if they have less the implication is that they may have a longer time in which to complete the enumeration.

Mr. HELM. The population is necessarily more congested in the cities than in the country.

Mr. WALSH. That all depends upon what you call a city. Take a city of 2,500—

Mr. ASWELL. That is not a city.

Mr. WALSH. Which is not a city according to the usual acceptance of the word "city" and according to the laws of some States, as in some States communities can not be made cities until they have 10,000 or 12,000 or possibly 6,000 or 8,000 inhabitants. The point I make is this: Here is a community with 2,400 or 2,300 people. You permit by implication a longer period than two weeks in which to complete the enumeration of that particular community, whereas, if it should have 2,600 people they have to complete it within two weeks.

Mr. HELM. In the city of Washington, in the heart of the city, a person can within a much shorter time take the enumeration of any block, which would have perhaps 3,000 or 4,000 people in it, if it is the congested part of the city, whereas an enumerator out in the rural districts has to travel about over the country and it consumes more time. A man can go in an office building, like the Woolworth Building in New York City, and possibly he would find more people in that building in the city of New York than are in my home town.

Mr. WALSH. Do they enumerate people in office buildings?

Mr. HELM. I suspect that some of them live in the office buildings.

Mr. WALSH. I expect they do not except possibly the janitor or watchman.

Mr. HELM. They have, of course, to go to the homes of the heads of the families.

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

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Will not this permit the districting of a city into areas of in the vicinity of 2,500 people or even more and the employment of a great many more enumerators for that community than if the same length of time was permitted for completing the census that would be permitted for a smaller settlement?

Mr. HELM. There is no difference in the compensation.

Mr. WALSH. I know that, but you permit more people to be compensated.

Mr. ALEXANDER. I will give the gentleman the reason assigned for this by the committee. I read to you a provision of the existing law:

That in any city having 5,000 inhabitants or more under the preceding census the enumeration of the population shall be commenced on the 15th day of April aforesaid and shall be completed within two weeks thereafter.

The only amendment to that is this: That "5,000" be stricken out and "2,500" inserted, and the time is changed from the 15th of April to the 1st of January, and here is what the committee says:

The minimum population limit for cities in which the enumeration is to be completed within two weeks has been lowered from 5,000 to 2,500. The enumeration of all areas of fairly compact population should be completed in the shortest possible time, and it seems entirely feasible to have the stipulation as to two weeks apply in 1920 to all places of 2,500 inhabitants or more as shown by the census of 1910.

Mr. WALSH. Of course, that will be just what I stated. By lowering the minimum limit of population it would permit a city or large community to be carved up into districts and therefore would require more enumerators.

Mr. ALEXANDER. In these small cities or towns of less than 2,500 inhabitants there is no reason why the enumeration should extend during 30 days.

Mr. WALSH. There is no reason why it should extend over two weeks, but you seemingly permit it to extend over two weeks under the provisions of this bill. Mr. Chairman, I move to amend by striking out "2,500" and inserting "5,000," in order to conform with existing law.

Mr. HELM. I accept the amendment.

Mr. WALSH. The chairman of the committee accepts my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Lines 4 and 5, page 20, strike out "2,500" and insert "5,000."

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

Mr. ROBBINS. Mr. Chairman, I move to strike out the last two words. I want to ask the chairman of the committee a question about a provision omitted from existing law. The old law of July 2, 1909, has a provision providing for the enumeration of those unfortunates designated as paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions. Now, those are entirely omitted from section 20. What provision is made in this bill for these persons so designated?

Mr. HELM. That work is done by special agents sent to the institutions where these people are confined, either by correspondence or by special agent.

Mr. ROBBINS. Well, ought not there be some provision of this kind with relation to that which was carried in the old law, which seemed to have worked satisfactorily?

Mr. ALEXANDER. The people who administered the old law think not, and hence suggested the change.

Mr. ROBBINS. What provision is to be made in lieu of the provision now in existing law?

Mr. ALEXANDER. They get it from the institutions through special agents provided for in the law. There is not any trouble about that. This is a better way to do it.

Mr. ROBBINS. Will the returns be made by special agents of these institutions?

Mr. ALEXANDER. By special agents provided for in this bill.

Mr. ROBBINS. Special agents in the last paragraph are to visit these institutions and get the lists?

Mr. HELM. The superintendents of asylums would write to the Director of the Census and tell how many inmates there were in those institutions.

Mr. ROBBINS. Enumerators who do the work of special agents?

Mr. HELM. Certainly, outside the correspondence.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, under the unanimous-consent agreement I ask to return to section 16 to offer an amendment.

The CHAIRMAN. Under the former permission the gentleman asks to return to section 16 to offer an amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan. Page 17, line 6, at the end of line 6 add the following: "Provided, That within the limits of continental United States each supervisor to be appointed or selected under this act shall be an actual resident of the district, and each enumerator to be appointed or selected under this act shall be an actual resident of the subdivision within which his duties are to be performed, but an enumerator may be appointed if he be an actual resident of the city of which the subdivision in which his duties are to be performed is a part."

Mr. HELM. We agree to the amendment.

The CHAIRMAN. The question is on the amendment.

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

The Clerk read as follows:

SEC. 23. That it shall be the duty of all persons over 21 years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the families to which they belong or are related, and to the farm or farms of which they or their families are the occupants; and any person over 21 years of age who, under the conditions hereinbefore stated, shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$100.

And it is hereby made unlawful for any individual, committee, or other organization of any kind whatsoever, to offer or render to any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other officer or employee of the Census Office engaged in making an enumeration of population, either directly or indirectly, any suggestion, advice, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, either as to the number of persons resident in any district or community or in any other respect; and any individual, or any officer or member of any committee or other organization of any kind whatsoever, who directly or indirectly offers or renders any such suggestion, advice, information, or assistance, with such unlawful intent or purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$5,000.

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other building; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions hereinbefore stated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500.

Mr. ROBBINS. Mr. Chairman, I move to strike out the words "twenty-one," in line 4, page 22, and insert in place thereof the word "eighteen."

Mr. HELM. I will accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 4, strike out "twenty-one" and insert in lieu thereof "eighteen."

The question was taken, and the amendment was agreed to. Mr. ROBBINS. Mr. Chairman, I move to strike out the last two words in section 23, and I do this for the purpose of eliciting some information from those in charge of the bill. In lines 8, 9, and 10 it provides for certain questions to be answered by people who have farms.

Now, the existing law provides for the collection of statistics in a much broader sense, which would include factories, stores, or any other buildings, or any place where statistics and information must be obtained. Where is that in this bill? Why is section 23 limited to farms? Why do not you say stores, mills, forests, cattle, and other things?

Mr. ALEXANDER. That is the language of the existing law.

Mr. ROBBINS. The existing law has this statement:

Shall have free ingress and egress so as to permit the collection of statistics for census purposes, including the proper and correct enumeration of all persons.

Mr. ALEXANDER. You are reading section 23, are you not?

Mr. ROBBINS. I am reading section 23 of the act of 1909, and when applying it to section 23 of the act now under consideration it does not give anything about these statistics. It goes on to say that certain information is to be divulged by people who own farms, and there it stops.

Mr. ALEXANDER. Oh, no.

Mr. ROBBINS. I am reading section 23 of the old law and comparing it with the proposed law, which I say is much more limited. Now, then, where do you get this information? Of course, you retreat behind the special agents you create in this bill.

Mr. ALEXANDER. I may not get the gentleman's point inasmuch as there has been so much confusion here.

Mr. ROBBINS. That is true; and I will state briefly this: I am reading from section 23, lines 8, 9, and 10, on page 22, that we are now considering. These lines provide here for instructions being given said director, that all persons shall answer correctly to the best of their knowledge all questions on the census schedules applying to themselves or to the families to which they belong or are related, and to the farm or farms of which they or their families are the occupants. Now, if you turn to the same provision in the old law it goes on and specifies in the same section, on page 9, that free ingress and egress shall be given to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumerations of all persons having their usual place of abode—

Mr. HELM. That is on page 23, line 8.

Mr. ROBBINS. Is it covered in lines 18 and 19? Is that your idea of it—by the special agents visiting the premises for that purpose?

Mr. HELM. Yes.

Mr. ROBBINS. All right, then, that covers it.

Mr. WALSH. Mr. Chairman, I move to strike out the last three words to direct the attention of the chairman of the committee to the fact that the same amendment which I offered to line 4, page 22, should be inserted in line 12.

Mr. HELM. I accept it.

Mr. WALSH. I offer the amendment to strike out, on page 22, line 12, the words "twenty-one" and insert in place thereof the word "eighteen." The chairman, I understand, accepts the amendment.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 22, line 12, strike out "twenty-one" and insert "eighteen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 24. That it shall be the duty of every owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, to answer completely and correctly to the best of his knowledge all questions relating to his respective company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census schedule prepared by the Director of the Census under the authority of this act, or of the act to provide for a permanent Census Office, approved March 6, 1902, or of acts amendatory thereof or supplemental thereto; and any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions, or by willfully giving answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$10,000, or imprisoned for a period not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

Mr. WALSH. I move to strike out the last six words in the section.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last six words in the section. The question is on the amendment.

Mr. WALSH. These words, "at the discretion of the court," are mere surplusage and seldom found in any statute imposing a penalty. Why, of course, it is at the discretion of the court; but I wanted to direct the attention of the chairman of the committee to the wide variance in the fine which may be imposed and the imprisonment. Usually, when a person commits an offense for which he may be liable to a fine of \$10,000 the alternative punishment of imprisonment is much longer than one year. And as this is a maximum I submit that either the fine ought to be reduced or the imprisonment ought to be increased.

Mr. HELM. This is the language of the existing law. I appreciate the criticism made by the gentleman, but it is out of the ordinary and I do not think it is worth while.

Mr. WALSH. You prefer not to change the existing law in that respect?

Mr. HELM. No court, I suppose, would ever impose a fine of \$10,000.

Mr. WALSH. Then if they are not going to do that we ought to make the punishment in some degree in cases of conviction fit the crime.

Mr. MEEKER. In view of the fact of the high cost of living, is not that reasonable now?

Mr. WALSH. I do not think just because we have increased the compensation we ought to increase the amount which persons may be fined, but I do submit to the gentleman that the words "at the discretion of the court" are mere surplusage and ought to be eliminated.

Mr. HELM. It is wholly immaterial, and I will accept it if the gentleman insists on it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

Sec. 27. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding \$5 per day during their necessary absence from the Census Office; and he may authorize the incidental, miscellaneous, and contingent expenses necessary for the carrying out of this act, as herein provided, and not otherwise, including advertising in newspapers, the purchase of manuscripts, books, of reference, and periodicals, the rental of sufficient quarters in the District of Columbia and elsewhere and the furnishing thereof, and expenditures necessary for compiling, printing, publishing, and distributing the results of the census, the purchase of necessary paper and other supplies, the purchase, rental, exchange, construction, and repair of mechanical appliances, the compensation of such permanent and temporary clerks as may be employed under the provisions of this act and the act establishing the permanent Census Office and acts amendatory thereof or supplemental thereto, and all other expenses incurred under authority conveyed in this act.

Mr. STAFFORD. Mr. Chairman, I move to amend the section in line 14, page 25, by striking out "\$5" and inserting "\$4."

Mr. HELM. I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 25, line 14, strike out "\$5" and insert in lieu thereof "\$4."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire if it would not be advisable to insert the language of the existing law, which limits the amount of the allowance to \$5 a day for their actual subsistence? You will notice in the draft of the existing law the words stricken out, "or, instead of such an allowance, their actual subsistence expenses, not exceeding \$5 a day."

Mr. HELM. I thought we had agreed upon \$4 instead of \$5.

Mr. STAFFORD. This is an allowance that is the alternative supplementary to the \$4 allowance, and is the language of the existing law. The existing law provides "That the Director of the Census may authorize the expenditure of the necessary sums for the actual and necessary expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence, not exceeding \$4 a day during their necessary absence from the Census Office, or, instead of such allowance, their actual subsistence expenses, not exceeding \$5 a day." The point I am making to the chairman is this: The first allowance is a flat allowance of a per diem, regardless of the amount they

expend. The other authorization was to permit the Director of the Census to authorize their actual expenses, which in no event should exceed \$5 a day. For instance, here is an agent or employee of the Census Bureau who is sent out and, at the discretion of the Director of the Census, is allowed a flat per diem of \$4 a day, whether he spends that much or not.

Mr. HELM. Does the gentleman doubt that it is the universal practice?

Mr. STAFFORD. In this instance the Director of the Census has the option of either granting the flat allowance of \$4 a day or else sending them out and stating that he would allow actual expenses as shown in the voucher returns, but not to exceed in any one instance \$5 a day.

Mr. HELM. I agree to it right now.

Mr. STAFFORD. It is the general practice to allow a flat sum of \$4. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

Mr. STAFFORD. Mr. Chairman, my attention was diverted for a moment, but I wish to strike out, in section 29, the language "or weight."

Mr. HELM. That section has been passed.

Mr. STAFFORD. I am well aware that it is passed, but it is new language.

Mr. ALEXANDER. It is very important that it should be in, the committee thought.

Mr. STAFFORD. If the gentleman will permit—not with the intention of taking up unnecessary time—the Post Office Department has for years been trying to warn against matter which is purely merchandise being sent in the mails.

Mr. HELM. The gentleman well knows that this section has been passed.

Mr. STAFFORD. It was through an inadvertence on my part. I had the matter marked. Of course, I thought the gentleman would permit at least the consideration of this bona fide suggestion on my part as to weight. I am presenting the view of the Post Office Department as to whether it is advisable.

We do not grant it to other departments.

Mr. HELM. It is just as broad as it is long. If these things were sent back by express it would cost just as much as by mail.

Mr. STAFFORD. They are not to be sent by express. They are to be sent by freight. Now, you authorize the Director of the Census to send it by registered mail. The Post Office Department has protested against that.

Mr. ALEXANDER. Section 29, which refers to census mail matter, has been amended in one important particular, as follows:

That all mail matter of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

Referring to the insertion of the words "or weight" in the first line of the above section, it must be explained that heretofore the schedules and other supplies used in the work of enumeration have been packed in large boxes, regardless of weight or bulk, and sent to the supervisors by mail, and, similarly, the mails have been used by the supervisors in forwarding to the enumerators the portfolios containing the schedules and supplies required in their work. The completed schedules, time reports, vouchers, etc., of the enumerators have likewise been returned by mail to the supervisors and then forwarded by them to Washington packed in the large boxes in which they were originally received. This method of transmitting the census schedules and supplies has worked well in practice, and should be made again possible with respect to the Fourteenth Census; but while the present limits of the postal laws and regulations as to size and weight of packages do not apply apparently to outgoing official mail from Washington, they do apply to the return of completed work by field employees or agents. The conduct of the census enumeration will be greatly hampered, in fact rendered almost impossible, unless this restriction is removed. It is believed that the insertion of the words "or weight" in the first line of the above section will accomplish this purpose.

Mr. MEEKER. Mr. Chairman, I ask unanimous consent that the words be permitted to remain in the bill as printed.

The CHAIRMAN. That request is not necessary. Without objection, the pro forma amendment will be withdrawn.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

Mr. ALEXANDER. We object at this time.

The Clerk read as follows:

Sec. 31. That there shall in the year 1925, and once every 10 years thereafter, a census of agriculture and live stock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of January 1, and shall relate to the preceding calendar year. The Director of the Census may appoint enumerators or special agents for the purpose of this census, in accordance with the provisions of the permanent census act.

Mr. BLACK. Mr. Chairman, I move to strike out section 31. The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 27, strike out all of section 31.

Mr. BLACK. Mr. Chairman, the adoption of my amendment would have the effect to eliminate section 31 of the bill, which provides that a live-stock and agricultural census shall be taken in 1925 and for each 10 years thereafter. The main body of the bill is to authorize the taking of the next decennial census in 1920. Section 31 has no relation to the taking of the 1920 census, and I do not think it has any proper place in this bill. What we should do now is to provide fully and adequately for the taking of the Fourteenth decennial census and then we ought to stop at that point.

When the census act of 1909 was passed it contained a section identical with this section 31 and was numbered section 31 in the census act of 1909, same as in this act.

At the second regular session of the Sixty-third Congress the Director of the Census, who was then Mr. William J. Harris, appeared before the Committee on Appropriations and submitted estimates for the taking of this proposed live-stock and agricultural census in 1915, and the estimates submitted amounted to \$2,286,100. When the legislative, executive, and judicial appropriation bill came before the House in 1914, a point of order was made against the particular section which carried the appropriation on the ground that it contained some new legislation relating to enumerators and other similar legislation. The point of order was sustained and the paragraph was stricken from the bill, whereupon the gentleman from Tennessee [Mr. BYRNS] offered a new paragraph providing that the census authorized by said section 31 should be taken, and containing the same amount of appropriation, to wit, \$2,286,100. Thereupon the gentleman from Iowa [Mr. GOOD] proposed an amendment as a substitute for the amendment of the gentleman from Tennessee to repeal section 31 of the census act of 1909, and when the substitute came to a vote it was adopted by the House by a vote of 179 to 137, and section 31 of the census act of 1909 was thereby repealed.

The question arises, suppose that substitute amendment had not been adopted, and the \$2,286,100 had been spent for the taking of a live-stock and agricultural census in 1915, does any man in this House think that the country would have been in any better shape? What good would it have done?

Existing law already makes ample provision for ascertaining each year the amount of cotton, corn, wheat, tobacco, potatoes, and so forth, raised in the United States each year, and the figures are accurate and reliable. Also careful estimates are made each year by the Department of Agriculture as to the number of live stock in the United States, such as horses, mules, swine, milch cows, and other cattle.

What in the world do we want to spend several millions of dollars for duplicating work which is already being done by existing agencies? I am positively and emphatically against it, and am going to do what I can to prevent it.

Mr. BLANTON. Will my colleague yield?

Mr. BLACK. Yes; I yield.

Mr. BLANTON. Is it not a fact that if this provision is left in the bill, instead of taking a census of agriculture and live stock every 10 years, there will be one taken every 5 years?

Mr. BLACK. Yes; I was coming to that. The gentleman has stated the case correctly.

Now, I submit that a census of this kind in 1925 and each 10 years thereafter is wholly unnecessary, because the Department of Agriculture now has facilities and agencies for furnishing the country with accurate estimates upon these lines each year between the taking of the regular decennial censuses. It must be remembered that the census of 1920, for which the main body of this bill provides, will take a careful and accurate enumeration of all live stock in the United States and all agricultural products, farms, farm houses, and matters of that kind. I think that is a wise thing to do, and ought to be done while we are taking the census of population; but I see no reason in the world for repeating it in 1925.

Between the years of taking the Fourteenth Census in 1920 and the taking of the Fifteenth Census in 1930, the Department of Agriculture, through its very efficient agencies, can furnish us all the information we need as to agriculture and live stock. I have here a letter that I received from the Bureau of Crop Estimates in the Department of Agriculture on January 1 of this year. The letter contained some interesting and valuable data and information, and so when I received it I put it away in my files for future reference. I will not take the time to read it, but suffice it to say that it gives the number of horses, mules,

cattle, swine, sheep, milch cows, and also the average price of this live stock for the years 1914, 1915, 1916, 1917, and 1918, and shows the increase or decrease, as the case may be, of the different kinds of live stock for the respective years.

Mr. HELM. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. HELM. Does the gentleman consider the cotton reports worth anything?

Mr. BLACK. I have not mentioned the cotton reports, but certainly they are valuable; they are very accurate.

Mr. BLANTON. Will this census benefit a single cowman or farmer in this country?

Mr. BLACK. I do not think so, because it will be unnecessary except at each decennial census when we are taking the census of population.

Mr. ALEXANDER. Does the gentleman consider these cotton censuses every year a benefit to the cotton farmers?

Mr. BLACK. I will say to the gentleman that I am not assailing the value of statistics now assembled by either the Department of Agriculture or the Census Department under existing law. What I am trying to prevent is an unnecessary duplication of work and a consequent waste of public money.

Mr. ASWELL. The department does not take the census; it bases its reports on the estimates.

Mr. BLACK. I have already said that some of the work of the Department of Agriculture is based on estimates, but it has the benefit of the more or less accurate enumerations that are made every 10 years, and taking that as a basis, with the work of its numerous agents in the field and facilities at its command, it furnishes the country annually with estimates upon these subjects which are remarkably accurate and trustworthy. I submit that they are entirely sufficient for all practical purposes.

Now, what will this proposed live-stock and agricultural census be taken in 1925 cost? In his testimony before the committee Director Samuel L. Rogers says it will cost \$3,500,000.

Now, gentlemen, if you think it is a necessary expenditure, if you think it is one which will justify its cost and the labor of numerous agents which will be used in taking it, then you should vote against my amendment and retain section 31. But if you think as I do, that it will be an unnecessary and unprofitable and well-nigh useless expenditure, then I appeal to you to support my amendment and strike out the section from the bill and save the money to the Public Treasury.

Mr. HELM. Mr. Chairman, I want to consume only three or four minutes in the discussion of this amendment. I am from an agricultural district. I am from a tobacco-growing district. Before we had these reports from the census, which are quarterly, the tobacco farmers were selling tobacco at 3 or 4 and 5 cents a pound. Since we had the report from the Census Bureau every three months tobacco has gone up before the war to 12 and 20 cents a pound. The farmers who fatten cattle in my district tell me, and I hear it generally talked, that when they take the fat cattle and ship them to market the packers say the country is flooded with cattle, and that they can buy the finest expert New York cattle, that ought to be bringing around 7 or 8 cents, for 5 or 6 cents. Now, if you have a live-stock report which is accurate every five years, stating how many cattle, how many hogs there are in the country, these packers can not swindle the farmers out of the value of their stock.

Mr. BLACK. Will the gentleman yield?

Mr. HELM. Yes.

Mr. BLACK. Do not the hearings show that the Director of the Census states that it will be years from the time the census is taken before it is available for the people?

Mr. HELM. Oh, that is the same old talk. When these reports come in from the enumerators to the Census Bureau they get out something like these Farmers' Bulletins that you send to your farmers. This information is issued in pamphlet form and published and sent out. What the gentleman is referring to is the bound volumes of the reports that are finally compiled with the concentrated statistics, and that does take considerable time. But the country early gets the information and the benefit of the knowledge of these statistics, which are of great consequence to the farmers, because they want to know the number of hogs, the number of cattle, the number of sheep, the number of mules, the number of horses in the country—more especially that class of stock that enters into food. It is important that this census should be taken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK) there were 26 ayes and 33 noes.

Mr. BLACK. I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Texas [Mr. BLACK] and the gentleman from Kentucky [Mr. HELM].

The committee again divided; and the tellers reported that there were 39 ayes and 39 noes.

So the amendment was lost.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 12599) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12541. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 159. Joint resolution to extend the time within which the President may relinquish control of any railroad or system of transportation, as provided in section 14 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, to January 1, 1919.

FOURTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

The committee resumed its session.

Mr. BLACK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK. Did the Chair announce the vote on my amendment?

The CHAIRMAN. The Chair announced the vote—39 in the affirmative and 39 in the negative—and the amendment was lost.

Mr. BLACK. I understood that there was another one who wanted to vote in the affirmative.

The CHAIRMAN. No one can vote after the tellers have announced the result.

Mr. MEEKER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count.

Mr. MEEKER (interrupting the count). Mr. Chairman, I withdraw the point of order.

Mr. GILLETT. Mr. Chairman, I renew it.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum.

Mr. HELM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11984 and had come to no resolution thereon.

EXTENSION OF TIME OF FEDERAL CONTROL OF RAILROADS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 159 with reference to short-line railroads and pass the same. It is exactly what the House has already passed, with a little addition at the end with reference to interurban railroads, to which there is no objection.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table Senate joint resolution 159 and concur in a Senate amendment.

Mr. SIMS. It is not a Senate amendment. This is a Senate resolution, which they passed before our resolution got over there or after it got there. I want to take the Senate resolution from the Speaker's table and pass the same.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of Senate joint resolution 159. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to have some statement as to what the additions are.

Mr. SIMS. There is no difference in the resolution from the House resolution except in the last proviso, with reference to interurban railroads, which I will ask the Clerk to report.

The Clerk read as follows:

Provided further, That nothing in this resolution or in the said act of March 21, 1918, shall be construed as requiring the President either to take or retain the possession, use, and control of any street railway, whether the same be owned, controlled, or operated by another carrier company or not, nor to require the President to take or retain the possession, use, and control of any interurban or other similar railroad which does not receive at least 25 per cent of its operating revenue from the transportation of freight, and which prior to December 29, 1917, did not have through routes or joint routes with one or more steam road carriers.

Mr. SIMS. That is all there is to it, and everyone is in favor of it.

Mr. WALSH. Mr. Speaker, reserving the right to object, it is to be noted that in this addition which the Senate has put in there is no provision stating what the intent of Congress is in tacking it on.

Mr. SIMS. The resolution is exactly as it passed the House, with this addition that has just been read.

Mr. WALSH. I know this addition has been put on there; but nothing has been put into the resolution declaring what our intent is in passing it, and some one will construe it so as to vitiate the other provisions of the resolution.

Mr. SIMS. The gentleman knows that if this resolution does not pass to-night there is no use in passing it.

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

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Resolved, etc., That the time within which the President may relinquish control of all or any part of any railroad or system of transportation, further Federal control of which the President shall deem not needful or desirable, as provided in section 14 of said act, be, and it is hereby, extended to and including January 1, 1919: *Provided, however*, That the right conferred upon the President to relinquish prior to July 1, 1918, control of all or any part of any railroad or system of transportation without consent of the carrier as provided in section 14 of an act approved March 21, 1918, entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," which right is herein extended to and inclusive of January 1, 1919, shall not be construed to include any railroad engaged as a common carrier in general transportation such as mentioned in section 1 of said act not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with any railroad or railroads of which the President has taken and retained the possession, use, and control; it being the intent of Congress that every railroad not owned, controlled, or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads which the President has taken and retains the possession, use, or control or which connects with such railroad and is engaged as a common carrier in general transportation shall be held and considered as within Federal control as defined in said act and to be entitled to the benefits of all the provisions of said act so long as the railroad or railroads with which it has heretofore competed for traffic or with which it connects shall be retained under Federal control: *Provided further*, That nothing in this resolution or in the said act of March 21, 1918, shall be construed as requiring the President either to take or retain the possession, use, and control of any street railway, whether the same be owned, controlled, or operated by another carrier company or not, nor to require the President to take or retain the possession, use, and control of any interurban or other similar railroad which does not receive at least 25 per cent of its operating revenue from the transportation of freight, and which prior to December 29, 1917, did not have through routes or joint rates with one or more steam-road carriers.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

DEPARTMENTAL EMPLOYEES SUBJECT TO MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the House resolution 392, a privileged resolution, providing for an inquiry as to the number of men within the draft age in the Food and Fuel Administrations and other bureaus created by the Government. The resolution was sent to the Committee on Military Affairs of the House, and that committee has unanimously reported it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 392.

Resolved, That the President be requested, if not incompatible with the public interest, to report to the House of Representatives the number of men in the service of the Food Administrator, Fuel Administrator, and all boards and commissions appointed by Executive order since April 6, 1917, who were on June 5, 1917, between the ages of 21 and 31 years, for whom requests for exemption from military duty or deferred classification have been asked by such administrators, boards, or commissions and allowed; the name and home address of each such person; the character of work he is performing in the service of such administrators, boards, or commissions, and the length of time he has been in such service.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. DENT, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ENROLLED BILL SIGNED.

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

H. R. 12441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 158. Joint resolution authorizing the Secretary of War to issue permits for the diversion of water from the Niagara River.

MOVING PICTURES, ETC., AMERICAN EXPEDITIONARY FORCES.

Mr. DENT. Mr. Speaker, I ask to call up House resolution 402, making inquiry as to the method of taking moving pictures of our expeditionary forces in France and of our troops in this country.

Mr. STAFFORD. If the gentleman will permit, is that necessary to be considered to-night? Many of us have not had our dinners yet. Monday is unanimous-consent day.

Mr. DENT. I will say to the gentleman that the Committee on Public Information is perfectly willing to furnish the information, and I think this is the quickest way to dispose of it. The Committee on Public Information wishes to furnish all the information for which the resolution calls.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 402.

Resolved, That the Secretary of War be requested to report to the House of Representatives the following information:

How many persons in the Signal Corps have been ordered to take still or moving pictures of the American Expeditionary Forces?

What disposition is made of such negatives and films when returned to this country?

In what manner, under what terms, and under what regulations are the pictures distributed for public exhibition?

With whom and by whom are contracts made for such exhibition purposes, and what are the conditions of the same?

What persons other than members of the Signal Corps have been authorized to take still or moving pictures of the American Expeditionary Forces, and in what manner is control exercised over exhibition of the pictures so taken?

Are members of the Signal Corps ordered to take still or moving pictures of military preparations in this country, including activities in the cantonments, ordnance, and airplane production and the production of articles used in the war, and what disposition is made of same?

Are pictures so taken exhibited in public places? If so, by whose authority and under what terms?

Have civilian photographers been authorized to take still or moving pictures of the American Expeditionary Forces or of war preparations in this country, including activities in the cantonments, ordnance, and airplane production and the production of articles used in the war? If so, what disposition is made of such negatives and films; in what manner, upon what terms, and under what regulations are such pictures distributed for public exhibition; with whom and by whom are contracts made for such exhibition purposes, and what are the conditions of the same?

What revenue is derived from such contracts, and what disposition is made of the same?

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

On motion of Mr. DENT, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

FORTIFICATIONS BILL.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12541) making appropriations for fortifications and other works of defense, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 12541. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill just reported, to disagree to the Senate amendments, and ask for a conference. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Messrs. BORLAND, BYRNS of Tennessee, and GOOD.

EXTENSION OF REMARKS.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a petition to the House of the National Liberty Congress, Colored Americans, that has been sitting here this week. It is not long.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks by printing a petition from the National Liberty Congress, Colored Americans, which has been sitting here this week. Is there objection? [After a pause.] The Chair hears none.

RECESS UNTIL MONDAY AT 11 A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 11 a. m. Monday.

Mr. GARRETT of Tennessee. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. GARRETT of Tennessee. In order to reserve the right to object, after the Chair states the request of the gentleman.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to have the House stand in recess until 11 o'clock a. m. Monday.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to ask the gentleman from North Carolina whether taking a recess—that is, standing in recess instead of adjourning—will affect the legal situation that exists?

Mr. KITCHIN. No. One of the reasons for it is that the Senate stands in recess until Monday, and, of course, their legislative day will be one ahead of us, and although we may actually pass a bill or a conference report on Monday, it would appear in the RECORD that they were a day or two days before us. It is just a matter of keeping the RECORD straight. The gentleman will recall we had some difficulty with one of the revenue bills in regard to this matter two or three years ago.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object for a moment, it seems to me that we are confronted with a very embarrassing situation, and with a situation that is likely to prove very serious, indeed. I see no remedy for it by objecting to the request of the gentleman from North Carolina.

Mr. KITCHIN. There is no remedy.

Mr. GARRETT of Tennessee. The legislative day, of course, in the House is one thing, but these appropriation bills that we passed for the present fiscal year all end on the 30th day of June; that is, to-morrow night at midnight.

Now, a very serious question presents itself to my mind. So far as I recall in my experience here, and so far as I know historically, we have never closed a fiscal year without having either passed the appropriation bills or passed joint resolutions to continue the appropriations, for a number of years.

Mr. SHERLEY. If the gentleman will permit, the gentleman is mistaken in fact in that regard. I desire to state to the House that in the event it becomes apparent upon Monday that the annual supply bills will not become a law, if necessary I shall offer such joint resolution as will not only take care of the situation but will cure any expenditure that may be necessary to be made by providing that such expenditure, if within the authorized purposes of supply bills, shall be ratified by the passage of such bills and be considered as having been so authorized.

Mr. GARRETT of Tennessee. Very well, Mr. Speaker. I may say that I had understood that that was the thought of the gentleman, but it seemed to me that it was not improper to have some discussion or statement with respect to that here this evening. The gentleman says I am mistaken in my recollection. I may be mistaken in my historical recollection, but in my personal experience during the time I have served in the House we have never adjourned without either passing the appropriation bills or a joint resolution. Now, there may be some cases, but, if so, I do not recall. But I think it important for something to be said about that before we take this course. Of course, we are about to take it. The Senate has recessed. But I think it right that something be said about it, and that it be said at this time, because if I were in a place of executive responsibility in one of the departments I should say very frankly that I would be at sea on Monday morning as to what to pay or authorize to be paid.

Mr. STAFFORD. Take, for instance, the Agricultural Department, and the Agricultural appropriation bill for the next fiscal year is held up. There is no authorization whatsoever on the part of any administrative officials connected with the Agricultural Department to authorize them to pay salaries that are based upon authorizations carried in the Agricultural appropriation bill.

Mr. SHERLEY. If the gentleman will yield, I desire to say it is my understanding that the Senate will have a vote on the Agricultural bill, on that phase of it which is dividing the

Houses, on Monday. It is my belief it is possible to put through all the supply bills that are fiscal bills in the true sense of the term Monday.

Personally, I would have been glad if the Senate and the House had seen fit to sit to-morrow. While the memory of the gentleman from Tennessee as to his own experience may be entirely accurate, I am reliably informed there have been instances in the past in which the Government has run for several days, instead of simply for part of a day, without any such resolution as the gentleman refers to. And I repeat that if on Monday it becomes apparent that any of the supply bills will not be agreed to on that day I shall offer to the House, and I have no doubt it will be passed by it and the Senate, such joint resolution as necessary to absolutely safeguard the situation.

Mr. STAFFORD. A case was called to my attention last night by an employee of this Government of many years standing, that on one occasion, years back, when the sundry civil appropriation bill had not passed before the end of the fiscal year the Government Printer refused to go ahead with the operation of the Government Printing Plant because there was no authorization for him to do so. And that same condition confronts the Secretary of Agriculture at the present time.

Mr. SHERLEY. The answer to that is simply this, that if we had blocked all the activities of this Government since the war broke until there was legal authorization for the doing of a lot of things, half the activities would have been stopped. I have a proper appreciation, I believe, of what is necessary in this situation. I have labored day and night, and I am glad to say that, so far as the work of the Committee on Appropriations of the House is concerned, there is nothing that it has done or failed to do that is responsible for any supply bill that it has charge of not becoming a law before the end of the fiscal year. And I repeat that there is nothing that anyone needs to be alarmed about, but that the situation can be and, if necessary, will be taken care of on Monday.

Mr. GARRETT of Tennessee. Mr. Speaker, the statement of the gentleman from Kentucky as to the activities of the Committee on Appropriations, and its zeal, is correct, and it is true as to all committees, and it is true as to the House. The fault does not rest with the House, if fault there be; but it did seem to me—and, of course, I am not going to object, as there is nothing to do but what the gentleman from North Carolina [Mr. KITCHIN] proposes—that there ought to be some statement made here.

Gentlemen who are in executive positions, who are going to be charged with responsibility in connection with expenditures on Monday next or Tuesday next, ought to have some sort of assurance. For that reason I gave the gentleman from Kentucky [Mr. SHERLEY] the opportunity to make the statement that he has made.

Mr. SHERLEY. I assure the House that before Monday shall have passed the situation will be taken care of by the passage of these bills, and if not, it will be taken care of by resolution, offered and passed.

Mr. SAUNDERS of Virginia. Reserving the right to object, Mr. Speaker, I do not think anything has been developed here that makes it necessary for us to discuss this matter further. If there are any departments that are in trouble on Monday morning, that trouble will not last long. We will cure it by appropriate resolution. The situation has been brought before us, and now I ask for the regular order.

Mr. GILLETT. Just a word, Mr. Speaker—

Mr. SAUNDERS of Virginia. There is no necessity for discussing this any further.

Mr. GILLETT. I do not want to talk any longer than the gentleman from Virginia did.

Mr. SAUNDERS of Virginia. I serve notice on the House that after the gentleman from Massachusetts gets through I will call for the regular order.

Mr. LONGWORTH. I hope the gentleman will permit me to remind him that the Senate has recessed until Monday.

Mr. GILLETT. If we were not at war and if this side of the House had not really adjourned politics, I should enjoy very much making some comments on the present awkward situation of the appropriation bills; but inasmuch as we on this side have adjourned politics I shall restrain myself and will, without criticism, assist in every way I can to extricate ourselves from our embarrassing situation, and as the Senate has recessed until Monday I do not see how we can do anything here until then.

Mr. SAUNDERS of Virginia. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SHERLEY. I want to bear witness to this fact, Mr. Speaker—

The SPEAKER. The gentleman from Virginia demands the regular order.

Mr. SHERLEY. After all, the world was not made in a day. The SPEAKER. The gentleman from Virginia demands the regular order. The regular order is, Is there objection to the unanimous-consent request of the gentleman from North Carolina [Mr. KITCHIN]?

Mr. KITCHIN. Mr. Speaker, I will reserve that for a moment, to give the gentleman from Tennessee [Mr. SIMS] an opportunity to say a word.

Mr. SIMS. Mr. Speaker, the situation is this about the railroad bill: If it is not signed by yourself or by the Vice President, the law that amends it or extends it expires by to-morrow. Now, by waiting for a reasonable time the enrolled bill can be gotten back here. But if the House recesses until Monday, all that I want to know is whether the bill can be signed then in time to become a law before it is too late.

Mr. GILLETT. How can the Vice President sign it before Monday when the Senate is not in session?

Mr. KITCHIN. They have adjourned over there until Monday.

Mr. LONGWORTH. I want to call the attention of the gentleman from North Carolina to the fact that the Senate recessed over to Monday, and it will not be in the same legislative situation as the House.

RECESS UNTIL MONDAY AT 11 A. M.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House recess until 11 o'clock a. m. next Monday. Is there objection?

There was no objection.

Thereupon (at 7 o'clock and 22 minutes) the House stood in recess until Monday, July 1, 1918, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a proposed draft of a bill for the relief of Pay Director Livingston Hunt, United States Navy (H. Doc. No. 1204); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Department of Commerce, inviting attention to certain items of public works relating to the Lighthouse Service, with a view to their inclusion in the next deficiency appropriation bill (H. Doc. 1205); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4814) for the relief of Jonathan Milburn, reported the same without amendment, accompanied by a report (No. 724), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (H. R. 12233) 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, reported the same without amendment, accompanied by a report (No. 726), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. TAYLOR of Colorado: A bill (H. R. 12598) to recast the statue of Frederick the Great into a liberty bell; to the Committee on the Library.

By Mr. MOON: A bill (H. R. 12599) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes; considered, passed, and ordered to be printed.

By Mr. LUNN: Joint resolution (H. J. Res. 310) providing a prize for the first aviator or aviatrix who makes a successful flight from the United States to England; to the Committee on Appropriations.

By Mr. WALDOW: Resolution (H. Res. 408) authorizing the Committee on Foreign Affairs to sit during the session of the House or during a recess, at Washington or elsewhere, in the consideration of the Niagara Falls water-power bill, H. R. 11871, and providing for the payment of necessary expenses of said committee; 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. ASHBROOK: A bill (H. R. 12601) granting an increase of pension to Daniel C. Darlington; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 12602) granting a pension to Seth Cornelius; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 12603) granting an increase of pension to Maria J. Gorman; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 12604) for the relief of William Rogers; to the Committee on Naval Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 12605) granting a pension to Louisa C. Root; to the Committee on Invalid Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 12606) for the relief of William J. Drucks; to the Committee on Claims.

Also, a bill (H. R. 12607) for the relief of Freddie Scofield; to the Committee on Claims.

Also, a bill (H. R. 12608) for the relief of Mrs. A. R. Carstens; to the Committee on Claims.

Also, a bill (H. R. 12609) for the relief of T. Binford; to the Committee on Claims.

Also, a bill (H. R. 12610) for the relief of W. H. Burkett; to the Committee on Claims.

Also, a bill (H. R. 12611), for the relief of Mrs. C. W. Wright; to the Committee on Claims.

Also, a bill (H. R. 12612) for the relief of Mrs. E. J. Meineke; to the Committee on Claims.

Also, a bill (H. R. 12613) for the relief of Mrs. Ira D. Raney; to the Committee on Claims.

Also, a bill (H. R. 12614) for the relief of Mrs. E. A. Thompson; to the Committee on Claims.

Also, a bill (H. R. 12615) for the relief of Miss Almer Reichart; to the Committee on Claims.

Also, a bill (H. R. 12616) for the relief of Charles T. Clayton; to the Committee on Claims.

Also, a bill (H. R. 12617) for the relief of Mrs. E. M. Jones; to the Committee on Claims.

Also, a bill (H. R. 12618) for the relief of Mrs. F. H. Shertbert; to the Committee on Claims.

Also, a bill (H. R. 12619) for the relief of James Edward Lyon; to the Committee on Claims.

Also, a bill (H. R. 12620) for the relief of G. W. Butcher; to the Committee on Claims.

Also, a bill (H. R. 12621) for the relief of W. A. Wise; to the Committee on Claims.

Also, a bill (H. R. 12622) for the relief of Mary E. Winkler; to the Committee on Claims.

Also, a bill (H. R. 12623) for the relief of Mrs. D. R. Patton; to the Committee on Claims.

Also, a bill (H. R. 12624) for the relief of Mrs. S. Satton; to the Committee on Claims.

Also, a bill (H. R. 12625) for the relief of Mrs. Horace Moody; to the Committee on Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 12626) granting a pension to Nancy A. Lawther; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12627) granting a pension to Emil J. Olsen; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 12628) granting an increase of pension to Robert A. Houston; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 12629) granting an increase of pension to Elihu Simpson; 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. CLARK of Pennsylvania: Petition of Thomas Swift, R. B. Swift, Dudley Yapple, A. T. Owens, Anna Yapple, T. L. Henry, and Pearl Henry, all of Waterford, Pa., for a war prohibition measure; also resolutions of the Woman's Club of Erie, Pa., by Mrs. J. V. Yelgerhouse, secretary, favoring prohibition; to the Committee on the Judiciary.

By Mr. DILLON: Petition of sundry citizens of South Dakota, urging the enactment of prohibition legislation as a war measure; to the Committee on the Judiciary.

By Mr. DOOLING: Resolutions adopted by the Rotary Club of New York, asking for an adequate Federal program of road building and maintenance; to the Committee on Roads.

By Mr. ESCH: Petition of citizens of Wisconsin, favoring war prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of Homer Simpkins, secretary of Federal Labor Union No. 15034, of Streator, Ill., for postponement of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. MAGEE: Petition of R. H. Herring, of Syracuse, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Henry Hoag and other residents of Fayetteville Depot, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Belus F. North and other residents of Marcellus, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Maynard H. Gates and other residents of Homer, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of D. B. Woodford and other residents of Syracuse, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Susie M. Aeyer and other residents of Warner, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Mr. E. H. Wheaton and other residents of Camillus, N. Y., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Fayetteville, N. Y., favoring war prohibition; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of labor organizations of Boston, Mass., against prohibition as applied to light wines and beer; to the Committee on the Judiciary.

By Mr. STEENERSON: Resolutions adopted by the fifth annual meeting of the Minnesota Red River Valley Development Association, pledging unswerving loyalty to every act and purpose of those clothed with the proper constitutional authority in their endeavors to successfully meet the problems confronting our Nation in its present crisis, signed by C. H. Zealand, secretary, Crookston, Minn.; to the Committee on Military Affairs.

Also, remonstrance of Mrs. M. Wahlgren, of Fergus Falls, Minn., against the second-class postage provisions of the revenue law; to the Committee on Ways and Means.

By Mr. TILLMAN: Petition of citizens of Siloam Springs, Ark., asking for prohibition as a war measure; to the Committee on the Judiciary.

Mr. ASHURST. I withdraw the demand.

Mr. PENROSE. 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	Guion	McNary	Simmons
Beckham	Hale	Martin	Smith, Ariz.
Borah	Hardwick	Myers	Smith, Ga.
Calder	Henderson	Nelson	Smith, Md.
Chamberlain	Hitchcock	New	Smith, S. C.
Colt	Hollis	Norris	Smoot
Culberson	Johnson, Cal.	Nugent	Sterling
Cummins	Johnson, S. Dak.	Overman	Sutherland
Curtis	Jones, N. Mex.	Penrose	Thomas
Dillingham	Jones, Wash.	Phelan	Thompson
Fall	Kellogg	Pittman	Trammell
Fernald	Kendrick	Polndexter	Underwood
Fletcher	Kenyon	Pomerene	Vardaman
France	King	Ransdell	Wadsworth
Frelinghuysen	Knox	Robinson	Walsh
Gallinger	Lenroot	Shafroth	Watson
Gore	McCumber	Sheppard	
Gronna	McKellar	Sherman	

Mr. KING. I desire to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness and that the Senator from Illinois [Mr. LEWIS] is detained on official business.

Mr. SUTHERLAND. I wish to state that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness. I ask that this announcement may stand for the day.

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

LIST OF JUDGMENTS (S. DOC. NO. 250).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims amounting to \$64,573.01, which have been presented to the Treasury Department and require an appropriation for their payment, which, with the accompanying paper, will be printed in the RECORD, printed, and referred to the Committee on Appropriations.

The communication is as follows:

TREASURY DEPARTMENT,
Washington, July 1, 1918.

THE PRESIDENT OF THE SENATE.

SIR: In accordance with the provisions contained in the act of September 30, 1890 (26 Stat., 537), and the deficiency act of April 27, 1904 (33 Stat., 422), I have the honor to transmit herewith, for the consideration of Congress, a list of judgments rendered by the Court of Claims amounting to \$64,573.01, which have been presented to this department and require an appropriation for their payment, as follows:

Under the War Department.....	\$11,168.18
Under the Navy Department.....	37,122.62
Under the Post Office Department.....	731.31
Under the Interior Department.....	15,550.90
Total.....	64,573.01

Respectfully,

L. S. ROWE.

SENATE.

MONDAY, July 1, 1918.

(Legislative day of Thursday, June 27, 1918.)

The Senate met at 12 o'clock noon.

Mr. SHEPPARD. Mr. President, out of order I ask leave to introduce several bills and a joint resolution.

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

Mr. SHEPPARD. Will not the Senator yield that I may introduce the bills?

Judgments rendered by the Court of Claims.

No.	Claimant.	Date of judgment.	Amount.	When presented for payment.	When payable, if not appealed.	Nature of claim.
WAR DEPARTMENT.						
33750	Chicago, Burlington & Quincy R. R. Co.....	June 3, 1918	\$2,924.74	June 20, 1918	Sept. 1, 1918	Land-grant deductions from transportation of Army officers' effects.
33658	Central of Georgia Ry. Co.....	June 24, 1918	214.82	June 24, 1918	Sept. 22, 1918	Do.
33669	Atchison, Topeka & Santa Fe Ry. Co.....	do	1,702.06	do	do	Do.
22436	William L. Killebrew, surviving partner of J. B. & W. L. Killebrew.....	June 4, 1917	6,076.56	June 8, 1917	Sept. 2, 1917	Under contract for furnishing stone for improvement of Mississippi River.
32682	Jay H. Northrup.....	June 19, 1918	250.00	June 28, 1918	Sept. 8, 1918	Under contract for construction of Lock and Dam No. 1, Big Sandy River, Ky.
	Total.....		11,168.18			
NAVY DEPARTMENT.						
24757	P. J. Carlin & Co.....	Apr. 22, 1918	36,877.10	May 21, 1918	July 21, 1918	Under contract for construction of sea wall Naval Academy, Annapolis.
33949	Mason E. Mitchell.....	June 24, 1918	245.52	June 28, 1918	Sept. 22, 1918	Mileage.
	Total.....		37,122.62			
POST OFFICE DEPARTMENT.						
31550	Texas & Pacific Ry. Co.....	Mar. 25, 1918	731.31	June 18, 1918	June 23, 1918	Mail transportation.
INTERIOR DEPARTMENT.						
31954	Dana E. Brinck, receiver.....	Feb. 25, 1918	15,550.90	July 1, 1918	May 26, 1918	Under reclamation contract for Minidoka project, Idaho.
	Grand total.....		64,573.01			