

Here is one of the beauties of your unanimous-vote proposition. She stands then as a litigant in court stands where the jury has hung and there is no further trial. What then? Then the parties are left to their own devices. Then, in the absence of that unanimous decision, Japan is at liberty to take whatsoever steps she deems just and right. She can then, with the full sanction of the world, having proceeded in strict accordance with the league of nations, proceed to build her fortresses within the sacred soil of China. She can march her armed bodies across that land, and if China says but a word of protest she can make that the pretext to the world to go on with her march upon China, and there is no escape from that conclusion. She does it with the full sanction and authority of the league of nations, for she has conformed with their rules and regulations and under them has gained her acquittance and her license to make war.

A fine chance China is going to have of getting a unanimous decision against Japan, of getting any decision against Japan, when in the very process of the formation of this league Japan was still powerful enough by the mere rattling of her saber to have her loot guaranteed to her.

Get it back from Japan after you have given Japan the title and agreed that this is Japan's, and then decide it differently because Japan has informally said something? Let us have done with misrepresentation of facts on the floor of the Senate, with statements sent out here to the country that Japan has bound herself to return these Provinces to China. And yet the President, according to all the press reports—and we must look in the press reports for almost everything from the White House—has been trying to get Japan to give the very promise which Senators have told us here has been given.

Is Woodrow Wilson a man likely to ask for specific terms from a country that has already by inviolable contracts and agreements bound herself? I do not hold him in such esteem as to think that, and when he says we must make an agreement, undoubtedly an agreement in his opinion is necessary.

The Senator from North Dakota [Mr. McCUMBER] indulges in a species of argument that I do not think exactly does credit to him. This is the argument: Germany robs China; Japan took the loot away from Germany; it is all right to confirm the loot in the hands of Japan because China did not have anything to give away; it was already taken. That is to say, you can get good title by theft. Of course you can, perhaps, in a league of nations where you live in an exalted atmosphere where ordinary mortals can not penetrate; but, just as an ordinary mortal, I aver that you never can make good title to stolen goods and that one thief can not secure a fee simple title from another thief to the goods that have been stolen.

How would the Senator from North Dakota [Mr. McCUMBER] like it if I went into his State and robbed one of his banks and he was chasing me and was not quite strong enough to overcome me, and the sheriff came along with a posse comitatus and captured me and took the money and then went down to the court—a league of nations court, where everything is done on high lines—and the court should decide that when I robbed the Senator's bank he lost title to his money, and that when the sheriff took it from me the sheriff took my title, which was a good title, and the court would award the money not to the bank but to the sheriff who robbed the thief? That is the philosophy that we are being taught. If we pursue these lofty courses much longer, we shall get so far away from the fundamental principles of justice as to have no longer any chart or map or compass or landmark to guide us.

If we were settling these things according to the old cold-blooded philosophy and China had stayed out of the war and done nothing, we might have said, "Well, Japan, you got that loot; that is a part of your swag; take it." But, sir, according to the old-fashioned brutal philosophy, even if it were rogues robbing and plundering, the honor among thieves would have repudiated the proposition to give to one of the parties the right to rob another who was engaged in the enterprise.

We were not supposed to be thieves. The world was struggling with this great giant, the Teutonic force. We called China in and China came. Part of her lands had been taken. It is not true that Japan took that peninsula; it is true that Japan and England took it. England was too honorable to claim that she owned the thing that was Chinese, but after her treaty with Japan she was not in a position to say that Japan should not take it. I say in all the history of the world I know of no similar picture of perfidy; nothing blacker in the annals of treachery and double-dealing between nations.

Behold the scene: French and English Armies are struggling to preserve their countries; they have been driven back and back until their hearts are almost in despair, brave and noble as are their hearts. The United States is entering the contest,

having only one real interest, the vindication of our national rights, but being willing to help preserve and save others. The United States comes to China and asks China if she will not also cast her lot with the nations struggling against Germany. China sends 300,000 of her men with pick and shovel to dig in the trenches under that rain of hell that poured from the mouths of German guns. Chinese laborers lie there sweltering in their blood, along with British, along with French, along with Americans, but not along with Japanese—at least with very few of them, for I am informed that that country lost in the war only a few hundred men. So they fight to win a glorious victory. Then the day comes when China—her eyes swimming with delight, her heart buoyed up with the thought that now she is coming to a tribunal that will restore her to all her ancient rights and will take the oppressor's heel from her breast—finds that her fairest Province has been divided up, and that while she fought they were betraying her; while her sons died, they were dividing the profits.

There may be Senators on the floor who will vote for that sort of thing, but when they do let them not do it with the solace that they are doing it for the good of China. China knows her ancient and treacherous enemy, China knows her rights, and China knows that if this Province is honestly going to be returned the time to return it is now; that when a man asks a decree of court to confirm him in a title to property that is not his, upon the pretext that he is going to give it back after he has secured the title, that is the pretext of a rogue. That is the artifice of a man who does not possess common honesty. There is not a lawyer here but would say to a litigant under such circumstances that the time to turn it over is when the decree is written. Let us write it in the decree now and here that this great act of justice shall be done. But, no; the cunning Prussian of the Orient proposes to get a title sanctioned, warranted, and guaranteed by the league of nations with its holy seal affixed, and then it will settle the question hereafter whether it thinks that it is ready to give back this property that it has taken. It is a good thing to mix a little common sense even in our dreams. He who thinks on this matter from the practical standpoint of life must know that Japan, having laid her hand of steel upon the throat of China, does not intend to relax her grip.

Mr. CURTIS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. OWEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas withhold the motion?

Mr. CURTIS. I am willing to withhold the motion for a few moments and yield to the Senator from Oklahoma.

Mr. OWEN. I give notice that, with the consent of the Senate, I should like to address the Senate at 11 o'clock to-morrow morning.

RECESS.

Mr. CURTIS. I renew my motion that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, October 15, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, October 14, 1919.

The House met at 12 o'clock noon.

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

Infinite Spirit, ever present, working in and through the hearts of men, grant that we may be tractable; that Thy kingdom may be ours to enjoy and advance, which means perfection for the individual and therefore for the race; that evil may depart and good be triumphant; that Thy will may be done in earth as in heaven; for Thine is the kingdom, and the power, and the glory forever. Amen.

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

QUESTION OF PERSONAL PRIVILEGE.

Mr. MCKENZIE. Mr. Speaker, I desire to be recognized on a matter of personal privilege for a few minutes, and my reason for asking for this privilege at this time is on account of certain statements contained in an editorial published in the Chicago Tribune of the date of Thursday, October 9, 1919, a copy of which I send to the Clerk's desk and ask that it may be read in order that the Speaker may determine whether or not I am entitled to the floor as a matter of personal privilege to make a statement in connection with the same.

The SPEAKER. The gentleman from Illinois raises a question of personal privilege. The Clerk will report the article referred to.

The Clerk read as follows:

[From the Chicago Tribune, Oct. 9, 1919.]

AN ILLINOIS CONGRESSIONAL MISTAKE.

Mr. MCKENZIE, of Illinois, Republican member of the House Committee on Military Affairs, objected at a hearing before the committee to provision for the use of gas by American armies on the ground that it was inhuman and un-American.

Mr. MCKENZIE's thought is obviously twisted, but it comes to this, that American soldiers should be subjected to gas but should not subject their opponents to it. They should suffer the consequences and not be able to impose them.

This is a grand mode of rationalization, if the enemy is to be considered, but one which will be a little disconcerting to men who may have to offer their bodies as targets for congressional ideas.

Mr. MCKENZIE, in whom we have to confess State ownership, is an example of congressional muddledness which operates to hamper American activity.

In the first place, as Gen. Sibert told the House Committee on Military Affairs, gas is not so deadly, by a difference of 26 per cent in casualties, as shot or shrapnel. That would be inconsequential if the alternative to the use of gas by American troops were the necessity of their being subjected to its use without the defense which gas could give them.

It happens that in the opinion of military authorities the use of gas is not inhuman. It would not matter whether it were inhuman or not. If American troops have to meet gas they should use it.

Mr. MCKENZIE is a curious mollusk which we are sorry to say that Illinois raised on the hills of Jo Daviess County. He raised his voice in Congress time and again against rational military preparedness. He has done his best to see that American soldiers suffered the most when emergency confronted them.

DENT, the Democrat who was chairman of the Committee on Military Affairs of the House of Representatives when that committee needed a sane and rational man as chairman, was in part responsible for the defeat of the Democratic Party in the last congressional election.

The Nation will not stand for such Gibraltar-like obstinacy and idiocy. It will not stand for it, we hope, whether the idiocy is called Democratic or Republican. Such a Republican as MCKENZIE in Congress does a great deal to bring the Republican Party in Illinois into disrepute. Many Republicans of MCKENZIE'S type in Congress would defeat the party.

If Mr. MCKENZIE can not change his ideas he can at least change his position. He ought to ask to be removed from a committee whose duties he so completely misunderstands. He could resign from Congress to the benefit of the Nation.

Mr. MCKENZIE rose amid applause.

Mr. GARNER. Mr. Speaker, let me suggest to the gentleman from Illinois that he get unanimous consent to proceed for whatever time he desires. I do not think the article gives the gentleman ground for rising to a question of personal privilege. I would not like to have the precedent made by a ruling of the Chair, if he does so rule, that that article presents a question of personal privilege. It is a mere criticism of a man's party affiliation and position in the party, and I suggest to the gentleman that he ask unanimous consent to proceed for such time as he desires.

The SPEAKER. As the Chair recollects the article, it uses the expression "Gibraltar-like idiocy." The Chair thinks that presents a question of personal privilege.

Mr. MCKENZIE. It charges me with being a mollusk.

Mr. GARNER. I leave it to the Chair.

The SPEAKER. The Chair thinks the article presents a question of personal privilege.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, this is the first time in my public service in this body I have asked the privilege of making a personal statement, and I would not do it now for my own particular benefit, but as a matter of justice to the people whom I have the honor to represent.

I am not unmindful of the folly of an individual entering into a controversy with a powerful newspaper. I appreciate that such a contest is futile. I have never done it, and I shall not now. I know that the Chicago Tribune reaches, perhaps, a majority of the homes in my district daily. It is our great newspaper in northwestern Illinois. I have been a subscriber to it and a reader of it for many years, and, regardless of its editorial policy, I have long considered it one of the great newspapers of the world.

The editorial in question is not the first scurrilous attack made by the editor of the Chicago Tribune on my character as a Representative of the people, but in his former attacks he has based them on my actions and statements made on the floor of the House, which are a matter of public record, and which are made known to the people of Illinois through the CONGRESSIONAL RECORD; and with this sort of criticism I find no fault, although the method pursued by the editor of the Tribune is preeminently unfair, even in those criticisms.

The cause, or I think I might say the excuse, for the present unjust and bitter attack on me grew out of matter not pertaining on the floor of the House, but in a discussion of a matter pertaining to the bill for the reorganization of the Military Establishment before the Committee on Military Affairs of the

House when Gen. Sibert, the head of the Chemical Warfare Division, was testifying before the committee.

For the information of the Members of the House and the country I might say that the Chemical Warfare Division was created as a separate activity during the war under the broad powers given to the President under the Overman Act, and for some time Gen. Sibert, a very capable and distinguished officer, has been at the head of this branch of the service, and is very much interested in having the Chemical Warfare Corps made a permanent corps in our peace-time establishment.

In the bill submitted for our consideration by the General Staff of the Army no provision is made for a separate Chemical Warfare Corps, but it was the plan of the staff to have all matters pertaining to chemical warfare placed under the jurisdiction of the Corps of Engineers, and when Gen. March appeared before the committee and when questioned relative to this matter he made the following statement, which I include in my remarks, and the same will be found on pages 53 and 54 of the hearings on the Army reorganization bill before the Committee on Military Affairs of the House:

Mr. MILLER. I would like to ask the general under what branch of the Army the Chemical Warfare Service comes?

Gen. MARCH. We have not got that in here, and if it is agreeable to the committee I will discuss the Chemical Warfare Service a little later. In the enumeration of the five additional corps—the Transportation Corps, the Motor Transport Corps, the Air Service, the Tank Corps, and the Finance Department—the members of the committee will note that the War Department has not recommended that the Chemical Warfare Service be made a separate arm of the service, and that requires some comment, because the Chemical Warfare Service has been one of the services developed by this war, and it has done very good work.

In the consideration of the question as to what should be recommended to Congress on this subject, the War Department was led to adopt, after somewhat lengthy consideration, this view in regard to the matter. Chemical warfare, the poisoning of the air in war, is a thing that all nations want to avoid, just as they want to avoid the poisoning of wells, not because it is a question of killing combatants, but because noncombatants, old persons and women and children, must use the wells, they must drink water, and the trend of all humanitarian thought now is to make it so that all unnecessary horrors of war shall be eliminated as far as possible.

On the other hand, it is perfectly obvious that if any nation like Germany, without morals and without standing, should violate the laws of civilized warfare, the United States must not be caught without preparation to meet that sort of an attack. We must have a defense for that sort of thing, if we find a nation that is so beastly and so out of touch with modern civilization as to use that sort of warfare. When these methods were introduced, and as a means of combating such methods, the War Department proposed this idea, that we develop a section of the Engineer Corps for that purpose. That body has already furnished the officers who controlled the Chemical Warfare Service in this war. The section of the Engineer Corps is to be composed of technical experts. It was our idea that the men in this corps should make a study of chemical warfare defense; that the men in this section should make a study of poisonous gases and methods of defense against them; and that those men should be like a corps of college professors, or men who had been college professors of chemistry who would devote their lives to the study of gas defense, so that if the United States was ever put in the position of being attacked by anybody who would use such an inhuman method toward noncombatants, then we would have a response for that. We have on hand now a large supply of the necessary elements which go into and are a part of gas defense; we have a large supply of charcoal which is necessary in the manufacture of gas masks, and it is proposed to have that stuff turned over to a technical corps—the engineers—for a technical study of the subject, which would be going on all the time.

On the other hand, the practical application in time of peace of any method of gas attack can not be done. In time of war we load shells with poisonous gases and discharge them against an enemy, and as those poisonous gases blow out into the air they injure whatever persons or animals they come in contact with. But in time of peace we can not go out and discharge poisonous gases in that way in a field, and have them spread all around through the adjacent country, because they would kill the farmers and the stock living in the surrounding country. We can not discharge these big cylinders containing great masses of poisonous gases in time of peace because that gas would go wherever the wind would blow it, and it would do a great deal of damage. So the study in connection with this subject in time of peace would be a defensive study and not an offensive study. On that proposition it was apparent that if we were to organize a large corps composed of a major general, brigadier generals, and many other commissioned officers and a large number of men, the only thing they could do anyway would be to make these studies in laboratories, which would be absolutely necessary to keep up to date in the preparation of gases, etc., purely as a defensive method and not as an offensive method.

I am well aware of the fact that the Chemical Warfare Service people themselves are very much on the other side of the question. The so-called treaty of peace with Germany, in one of its sections, stated that chemical warfare having been abolished, Germany is prohibited from importing the elements which make up poisonous gases. The idea of chemical warfare having been abolished, those who abolished it represented the sincere feeling of the representatives of the nations of all the world who were there that in future wars there will be eliminated the poisoning of noncombatants by the use of poisonous gases.

The CHAIRMAN. Of course, after all, there are predatory nations who will not live up to agreements; otherwise we would never have had any wars. It is the breaking of agreements that has brought on wars. Suppose in the future some predatory nation may start again the use of chemical warfare; do you not think it advisable that this Government should have a sufficient force to continue experiments along that line so that we will know the antidote to any possible gas that an enemy might use, and have gas masks prepared speedily to meet the gas that an enemy might use?

Gen. MARCH. That is the solution we propose here. That is the very thing that is proposed to be done under the provisions of this bill.

Gen. Peyton C. March is Chief of Staff of the Army, and I am sure you will all agree with me that he has in him all the elements of a brave, stern, and thorough American soldier. He has long years of experience in our Army, both in the field and in the Staff Corps, and his views on the matter of chemical warfare and the use of poison gas as an offensive weapon of war are worthy of some consideration.

Gen. Sibert appeared before our committee at a later date and plead for the continuation of a separate corps for chemical-warfare preparation, which corps would require something like 125 officers and a considerable force of enlisted men. Being at the head of this service he naturally is an enthusiast, and thus we have a controversy between leading men of the Army as to the best method of handling this very important matter. However, that is a question we must determine, and really has nothing to do with the matter of which I complain in the editorial under consideration. That grew out of a colloquy over the use of gas as an offensive weapon, and I herewith submit a copy of the stenographer's notes taken at that time and will leave it to all fair-minded men to determine after reading the same whether or not I favor allowing our boys to submit to gas attacks from an enemy sufficiently barbaric to engage in that character of warfare without meeting such enemy with a like weapon. The following is the colloquy (see pp. 19, 20, 21, 22, 27, and 28 of the stenographic report of Gen. Sibert's testimony):

Mr. MCKENZIE. General, I think we all remember very distinctly how horrified we were when we read the reports of the first gas attack by the Germans on the defenseless French and English and the Canadians, and the fearful effect it had upon them, and how we charged them with being barbarians, and that they were not good soldiers, and that they were taking an undue advantage. I think we all agree that that was true. We charged them with taking an undue advantage because their enemies had no way of counteracting or neutralizing the effect of the gas.

What I want to find out from you is whether or not you would propose that this Government of ours, which has always stood for a fair fight and a sportsmanlike deal, even in war—whether you would advocate the building up of a Chemical Warfare Service to be used as an aggressive weapon, or is it simply to be used as a matter of defense in case we should be attacked by an enemy who would use that sort of thing?

Gen. SIBERT. I would have it as an aggressive weapon. But if I agreed not to use it, I would not use it. That was where the trouble came in. Germany agreed not to use it and did use it, and consequently the other people were not prepared, relying upon Germany keeping her agreement.

I want to mention one fact, and that is that this country is the only Nation that did not agree not to use gas before this war. At The Hague conference in 1899 and 1900 Germany, England, France, Russia, and all the other nations agreed not to use it, but we would not sign that agreement.

Mr. MCKENZIE. You do not assume from that that we would undertake any such means of trying to whip our enemy?

Gen. SIBERT. Well, what is war?

Mr. MCKENZIE. I understand what war is, and I understand what a prize fight is. But a prize fight is fought according to certain rules.

The CHAIRMAN. But every once in a while a foul blow is struck.

Mr. MCKENZIE. Prize fighters fight according to certain rules, and I believe war ought to be fought in the same way.

Gen. SIBERT. It is pretty hard to humanize the act of killing, and we have got to kill and maim enough men of the enemy fighting against us to enable us to impose our will upon the enemy before we can make peace, and the weapon used in doing it is not of much consequence. But if you want to put it on that basis the gas is the most humane method yet found, because of the total number of gas casualties we only had 1 per cent of deaths. Whereas from the shells and other things you had 28.4 per cent of deaths.

Mr. MCKENZIE. The fact is you can manufacture gas and at the same time you can carry on experiments and get gas masks and neutralize it, and if your army is well supplied with gas masks they need have little fear of the gas. My point is whether this Government would be justified in peace times in maintaining a separate arm of the service known as the Chemical Warfare Service to carry on the experiments so that we might be ready in case of war to utilize gas if we had to or decided to do so? My point is, is it necessary to have a separate corps to look after that? Could it not be done either by the Ordnance Department or some other department, utilizing such men as yourself and some of the best chemists of the country and put them in there without having a separate corps, for I think we will all agree that on the battle field you could not have a chemical warfare corps fighting a battle and the artillery fighting a battle?

Gen. SIBERT. We do have them.

Mr. MCKENZIE. But they are under the command of one officer.

Gen. SIBERT. Certainly; and their training and equipment, in fact the training of the whole army in the defensive use of gases, the training of the artillery in the offensive use of gases, and the training of the special gas troops themselves, are done by the Chemical Warfare Service, and those troops go forward, and they will take greater part as time goes on. If you are willing to assume that the enemy will notify us if he discovers a new gas, so that we can be prepared, then I think your argument would stand.

Mr. MCKENZIE. Do not misunderstand me. I am in favor of all this investigation and experiment and keeping up to date on this matter, but I hope our country will never take the position that we are building up a branch of our Army so that when we get into war we are going to use gas to whip our enemies rather than utilize the old-fashioned implements of warfare.

Gen. SIBERT. What is the difference between that and the usual development of any arm of the service? Take the beginning of this war. The Germans had several times as many machine guns in proportion as anybody else. They had developed an unusual and murderous use of it, and as a result of that it caused the increase of our artillery four or five times. The French were simply decimated by this unusual thing that was developed. Would there be any difference between that and developing a chemical substance that would accomplish the same purpose, since we must admit that there must be a certain number of casualties before war can stop?

Mr. MCKENZIE. The only distinction I can see in that is it might be illustrated in this way, and that is the difference between assassinating a man and fighting him a duel. Of course, you would probably kill him in either event.

Gen. SIBERT. We fire a shell and it explodes in a group of men. The only question is whether you are going to blow a man to pieces or asphyxiate him.

Mr. MCKENZIE. I hope I have not been misunderstood in my position. If a man is mean enough to fight me with gas, I want to fight him back with gas.

Gen. SIBERT. And you would have gas ready to fight him back with in case he violated his agreement.

Mr. MCKENZIE. But it does not enter into my code of sportsmanship to fight that way. I would absolutely prohibit, if I had the power, the use of gas and the use of submarines in warfare. I would make them fight on the level.

Gen. SIBERT. When you come to define what you mean by level it gets to be a pretty hard thing.

Mr. KEARNS. How about dropping bombs from airplanes?

Mr. MCKENZIE. That should be prohibited, except where an army is located. Dropping bombs on defenseless cities is nothing more or less than murder.

Mr. KEARNS. I am talking about dropping bombs on an army.

Mr. MCKENZIE. That is all right.

The CHAIRMAN. There was another agreement of the nations, as I recall. No city that was not fortified was to be attacked with artillery or bombs or anything of that kind; but I understand in this war there were many attacks by both parties to the war upon unfortified towns.

Now I want you to listen to this:

Gen. SIBERT. They were made first and foremost by Germany, and the others were reprisal attacks. I look on the use of gas from airplanes or anywhere except in the area where it can be expected as inhuman. I look upon the use of bombs by airplanes upon defenseless towns behind the lines and where troops are not stationed as inhuman. I look upon the firing of artillery 70 miles into Paris as inhuman. But I do not look upon it as inhuman to use any implement of war that only kills soldiers if both sides know it can be used.

Mr. Speaker, the extracts which I have read, taken from the stenographic notes of the testimony of Gen. Sibert before the Committee on Military Affairs, cover all of my statements on the use of poisonous gas in war; and I submit to any fair-minded man if there is anything contained in my statements that would cause any man to believe that I stood for a policy that would require American soldiers to be subjected to such gas but not be permitted to use it on their opponents in defense.

I took no such position, as is very evident from my statements at the time; and the editor of the Chicago Tribune well knows I did not, and knew it at the time he wrote the editorial.

The editorial in that particular is an absolute falsehood; but that concerns the editor of the Tribune but little, for he evidently has a purpose in view, and to confine himself to the truth when referring to me is not a part of his policy.

It is true I was born and reared in Jo Daviess County, Ill., and in a way I am a Representative of the State in the Halls of Congress; but I am strictly within the truth when I say that I have never taken any particular pride in counting the editor of the Chicago Tribune as one of my constituents. So it is quite likely that our admiration for each other is fairly well balanced.

His statement, "He has done his best to see that American soldiers suffered the most when emergency confronted them," is equally false as his reference to my position on the matter of poisonous gas.

Again, his statement, "Such a Republican as MCKENZIE in Congress does a great deal to bring the Republican Party in Illinois into disrepute. Many Republicans of MCKENZIE's type in Congress would defeat the party." To be a menace to the Republican Party, with which I have been affiliated all my life and the principles of which I have taken great pleasure in supporting, would be a matter of deep sorrow to me. But when I think of my unwavering loyalty to my party I resent such a criticism coming from the editor of the Chicago Tribune, and with whose record as a Republican I cheerfully place mine alongside and submit to the Republicans of Illinois to be the judge as to which of us is the greater menace to our party. [Applause.]

In reference to his statement, "He ought to ask to be removed from a committee whose duties he so completely misunderstands. He could resign from Congress to the benefit of the Nation." In both of these matters I shall be glad to submit to the wishes of my colleagues on the committee and in the House whenever in their judgment I am a hindrance rather than a help in the settlement of some of the grave questions confronting us.

Finally, as to the statement, "He raised his voice in Congress time and again against rational military preparedness." It is true, Mr. Speaker, that I have in the past opposed the creation of a large standing Army in time of peace, believing it to be contrary to the spirit of our institutions. [Applause.] I am opposed to it now.

I stood for the preservation, enlarging, and federalization of the National Guard, which was done, and the glorious record made by the National Guard in the present war demonstrated

the wisdom of such a policy. I am for the National Guard now and I want to see it preserved and strengthened still further. When we extended the limit of the draft law I contended that the boys of the age of 18 and 19 years should be placed in deferred classification and for which I was bitterly assailed by the editor of the Chicago Tribune. I felt then that it was not only humane but that it was sound military policy. [Applause.] I think so now.

Mr. Speaker, I might continue along this line indefinitely, but I shall not, but will simply say in conclusion that these attacks of the editor of the Chicago Tribune on one who has never harmed him is beyond my comprehension. But I want to say that this last editorial is as cruel and cowardly as the gas attack of the Germans on the defenseless English and Canadians, and a man who will indulge in this character of attack to achieve his purpose, whatever that may be, would make a splendid leader of a band of murderers, such as the Germans were who made that first deadly gas attack.

But, Mr. Speaker and colleagues, while such attacks are exasperating, for they are intended to belittle and besmirch a man's reputation among his friends, yet I shall go on performing my duty to the best of my ability in the future as I have in the past, continuing to have an abiding faith in the sense of fair play of the American people when they know the truth. [Applause.]

MESSAGE FROM THE SENATE.

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

S. 209. An act for the relief of John T. Eaton;

S. 642. An act for the relief of Mary C. Mayers;

S. 430. An act to authorize the exchange of certain lands within the Fishlake National Forest, Utah;

S. 2758. An act providing for an exchange of lands between the Swan Land & Cattle Co. and the United States; and

S. 3159. An act granting the consent of Congress to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 1429. An act adding certain lands to the Idaho National Park and the Fayette National Forest in the State of Idaho.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 12.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," the Clerk of the House of Representatives be, and he is hereby, authorized and directed to strike out the word "an" in line 31 of section 106 of the bill as agreed upon in conference and to insert in lieu thereof the word "on"; also in section 112 where they twice appear and in section 114 where they once appear strike out the words "treasury of the District of Columbia" and insert in lieu thereof the words "Treasury of the United States to the credit of the District of Columbia"; and in section 118, line 5, of the bill as agreed upon in conference, strike out "for" where it first occurs and insert in lieu thereof the word "or."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 209. An act for the relief of John T. Eaton; to the Committee on Claims.

S. 430. An act to authorize the exchange of certain lands within the Fishlake National Forest, Utah; to the Committee on the Public Lands.

S. 642. An act for the relief of Mary C. Mayers; to the Committee on Claims.

S. 2758. An act providing for an exchange of lands between the Swan Land & Cattle Co. and the United States; to the Committee on the Public Lands.

S. 3159. An act to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of Louisville & Nashville Railroad bridge; to the Committee on Interstate and Foreign Commerce.

EXPENDITURES IN THE WAR DEPARTMENT.

The SPEAKER. Under the special order one hour is allotted to the Special Committee on Expenditures in the War Depart-

ment, one-half the time to be controlled by the gentleman from Illinois [Mr. GRAHAM] and one-half by the gentleman from Tennessee [Mr. GARRETT]. The gentleman from Illinois [Mr. GRAHAM] is recognized for 30 minutes.

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen of the House, during the course of the Great War the United States Government obtained and collected in various ways large amounts of property, both real and personal, in this country and in Europe. Since the signing of the armistice steps have been taken, as you all know, to try to dispose of some of this property. At present our Government, through its War Department, is disposing of some of this material at various times. The Select Committee on Expenditures in the War Department, in making some of its investigations, has had its attention directed through the public press to a proposed sale of property belonging to the Government and located near Charleston, W. Va., at what is commonly called the Nitro powder plant. Finding that it was about to be sold, the subcommittee on ordnance went out there and took some testimony to disclose the facts relative to the conditions existing there, what property we had, and about what Congress ought to do about the situation, if anything.

The sale of that property is under the control of the director of sales. While primarily the ordnance branch of the War Department has control over it, it is being managed by the director of sales. At this time this sale has not been concluded, and is pending and undisposed of. The facts relative to the whole surrounding circumstances are such as to induce in the minds of our subcommittee, in which our entire committee concurred, the idea that we ought to present these facts in a brief way to the Members of this House, and indirectly to the people, so that they might be advised about them and so that, perhaps, if necessary, some steps in legislation might be taken that might help in the general disposition of this property. I will not have time in the short time allotted to me to go into the details of this, but can only touch the high spots as I go along. I would prefer not to be interrupted, gentlemen, unless it is something particularly important or something I forget, because I will not have time to get over it all if I am interrupted very much in the short time we have been able to borrow from other pressing business. The gentleman from Tennessee will have one-half of the time.

The powder program in 1917 was investigated by a commission that went to Europe to determine what we ought to do in making powder. Up to that time we had not made any, except in the Picatinny Arsenal and in private concerns. In 1917 we sent this Franco-American commission to Europe to find out something as to what we ought to do about manufacturing powder. When the commission reported back, immediate steps were taken to try to increase the powder production in this country. When the European war began the total production of powder in the United States was about one million and a half pounds a month. When we went into the war it had risen to a million and a half pounds a day.

The Du Ponts themselves a year prior to our entrance into the war produced most of the powder, and the production had risen to a million and a half pounds a day. The production, therefore, when we went into the war was about as I have stated, but we planned to increase the amount a million and a half pounds a day by manufacturing it in Government plants, and in carrying out that intention they proposed two Government-owned plants, one at Nitro, W. Va., and the other at Nashville, Tenn., called "Old Hickory." The Old Hickory plant was to produce 900,000 pounds and the Nitro plant 5,000 pounds a day, so you can tell something about the immensity of this program that the Government was about to embark upon.

The construction of these two plants cost, as nearly as your committee can ascertain, \$90,000,000 at Old Hickory, Nashville, and \$60,000,000 at Nitro, W. Va., or approximately \$150,000,000 has been expended on the two plants for construction cost up to this time. This does not include operating costs, nothing except the building and construction of the two plants.

As to the wisdom or necessity for this extended program this committee will have more to say in the future. I will not now take the time to discuss it. I have my own ideas, and the other members of the subcommittee have their minds clarified, and we will develop it later. We do not have the time now to go into it, but at some future time we will make an extended report upon the necessity of that program. It is sufficient to say at this time that we have expended a large sum of money, and up to the time of the armistice we had obtained but little powder from the two plants, and not a pound of that powder was shipped to the other side.

The Old Hickory plant produced before and after the armistice and up to the time it was closed down finally 31,000,000 pounds of powder. There were produced at Nitro four and a half million pounds. All that powder is stored at these two plants and remains there to this day. The powder we used during the war was powder made by the Du Ponts and other people, and practically all the powder that was shipped to the other side was sold to France and England. In fact, the Chief of Ordnance testified that practically no American ammunition was used on the other side. The Du Ponts sold to the French and English and it was resold to us, but we used none of the ammunition that was made in this country unless we bought it in this way. We manufactured in the United States in 1918 536,000,000 pounds of smokeless powder, of which the Du Ponts manufactured 427,000,000 pounds. Of this only 270,000,000 pounds was floated to the other side. When the armistice was signed we had 200,000,000 pounds of smokeless powder in this country. Notwithstanding this, we were preparing to turn out 1,500,000 pounds a day from Government factories.

Nitro is located near Charleston, W. Va., on a bend of the Kanawha River, about 40 miles from the Ohio River. It lies in a farming country in the midst of the rich coal and gas and oil territory of West Virginia. It is about 16 miles from Charleston to Nitro. When Nitro was built there was nothing there. It is on the Kanawha & Michigan Railway line, and the tracks of this line run through it. There are no street car lines between Charleston and this plant, no villages, and the roads are indifferent.

So they started to build a plant out in the bend of the river, where all they had was a location. They bought about 1,800 acres of land, roughly speaking. In the summer of 1917 the Secretary of War asked the Du Pont Co. to build powder plants for the Government, and on the 25th of October, 1917, the Chief of Ordnance wrote a letter to the Du Ponts asking them to acquire the necessary lands for building these plants. Up to this time the Du Ponts, acting on previous oral agreements, had been trying to do this thing, had selected the location at Nitro as one of the sites, and had been sending one Daniel Cauffiel, as the agent of the company, to take options on certain lands needed for the powder plant at that place. Cauffiel had taken options on 22 tracts in this way.

Before we went into the building of this plant that land had been selling for from \$23 an acre to the highest point, \$160 an acre. Mr. Cauffiel obtained options on the 22 tracts and was holding them. On the 25th of October the Chief of Ordnance wrote to the Du Ponts telling them that they were authorized to build this plant and to acquire this land. At once the Du Pont Co. accepted the options, and on the same date, I believe, immediately after the acceptance of the options, the contract was canceled by the Secretary of War. It thus appears that the Du Ponts, who had the contract to build this plant, had it canceled on the day it was made. It does not appear in the record, but it is surmised that the Secretary of War thought the Du Ponts were getting too much of this business and therefore canceled the contract. In any event, it was canceled. Mr. Cauffiel had title to 22 of these tracts, and he has that title to-day in him. Seven of the tracts of land that were gathered up from the people who lived around there went directly to the Government. One of them had to be condemned, a small piece for which the Government had to pay \$16,000. The other titles, as I have said, are still in Mr. Cauffiel, who is the agent of the Du Ponts and who did the business for them. I do not know whether the arrangements have been made for the transfer of title to the Government or not. Most of the papers were made out when we were investigating this, about the 1st of September, but were pending in the office of the Judge Advocate General awaiting some determination about what should be done. The contract with the Du Ponts provided a compensation aggregating 15 per cent for the construction of these plants. I do not know what claims they may have on account of the summary cancellation of it, although I am advised that Cauffiel is claiming a very considerable sum for commission on the business he transacted.

This plant was built on land to which we did not have title. We built a city there three and a half miles long and about a mile wide, which has everything in it that you can imagine. It is built in the bend of the Kanawha River, as I have said, where there is access to it by boat, and where there is a railroad line that runs out there. It was necessary to build everything that anybody needed to live in or live on. They put up 2,200 bungalows that were portable. They cost about \$1,500 each. They are five-room bungalows. They have about 3,200 houses altogether, but the rest of them are made of tar paper, with batten construction. The buildings that housed all this great machinery were made of tar-paper construction on the

outside, with batten, except some of the buildings for solvent recovery, which have fireproof walls, made necessary by the nature of the work that they do within the buildings. There is an immense amount of buildings there—all sorts of buildings—built for the purpose of housing this great plant which the Government was to build, and among other things they have a lot of buildings one would not ordinarily expect to see there. For instance, they have a hospital, with approximately 20 buildings composing it. At the height of activity out there, when we had 19,000 men employed, they had 100 physicians and medical officers working in the hospital, and they were about to build 54 modern houses for the surgeons. They had 112 nurses. When we were there on the 1st of September the hospital was still open, and they had 5 physicians and 37 other people working there and 16 patients. All this service in the hospital during the activities out there was free. It was possible for a man who worked there to get free service at the hospital. He also could get free drugs at the drug store. He got free gas, free water, free heat, free light—everything he got free, even the maid service, which was furnished by the contractors. They had maids who went around and attended to the housework for them. These things were done during the progress of the work and at the time when they had at least 19,000 people working there.

After the signing of the armistice, when the Ordnance Department took over control of this institution, the bungalow rent was given up, and from that time on there was no rent charged on the bungalows. So far as I could observe they had at least three Young Men's Christian Association buildings, and they had in the neighborhood of three men's club buildings, four women's club buildings, and four other Young Women's Christian Association and lodge buildings for women under construction. They had a community center that was a marvel, an immense thing, very expensive, of course, to maintain. They had 65 permanent houses for the officers of the institution. There was a moving-picture house and other amusement places. A schoolhouse to house 1,200 pupils was built. They were engaged in building an immense steel-arched auditorium, which would have cost at least \$70,000.

After the signing of the armistice, when these men, one would suppose, should have been discharged and the force lowered a great deal, we found upon our examination that in some places the force had been increased. For instance, on December 14 the Thompson-Starrett Co., who were doing the construction work, had 2,901 men employed. On January 16, several months after the armistice, they had 1,673 men on the construction force. The Hercules Powder Co. on November 15 had 5,020 men working, and 15 days after the armistice was signed they had 5,395. They had hired approximately 400 more men. When we were there on the 1st of September, 1918, they had 1,485 people on the pay roll, but 215 of them were on leave at that time. It was costing the Government at that time \$43,000 a week to keep the plant going. I am advised that that is practically the situation to-day, and that as long as this institution is held by the Government it will require approximately \$40,000 a week to keep it going.

Soon after the armistice was signed we had a number of solvent recovery and dry houses there, and along about March 1 the Ordnance Department, for some reason we do not know, took a notion to ship in a lot of stuff there for storage. Immediately they started a force of 448 men at the height of activities to tear the insides out of 28 of those buildings, the bins and costly apparatus that had been put in there. They tore the insides out and went to shipping in empty shell cases and all sorts of things from all over the United States, shipped them in there and stored them in these houses that they had gutted in this fashion. It took about 500 men to do the work. This stuff came from all over the United States, some of it from Porto Rico, a good deal of it from Chicago. They filled up these houses with stuff, 50,000 tons of it. I asked Gen. Williams, Chief of Ordnance, the other day what they did it for, and he said they thought they were going to use those buildings for storage, and after a while they changed their minds and concluded they would not use them for storage. Of course, the object for which the buildings were erected was a powder plant, and this taking the insides out of them destroyed the buildings so far as their availability for that sort of use is concerned. They stand there to-day empty shells, full of cases and that sort of thing, which will all have to be removed, of course, when this property is sold. The Government in selling this property out there has been compelled to reserve tracts M and N, which contain a large number of these buildings, from the sale and to keep possession of them in order to have some place where they can store this property. Having moved this stuff into these buildings, they must now move it out and send it elsewhere at immense expense. Why

they did it nobody seems to know. It was a costly thing to do and is to-day a deterrent to the ready sale of this property.

As I have said, there are approximately 50,000 tons of it in there, all shipped in since the armistice. They built a great number of public utilities down there, the vastness of which one could hardly comprehend by hearing about it. They built a waterworks system that had a capacity of 60,000,000 gallons of water a day. In other words, the pumping capacity of this station or waterworks was equal to that of a city of 600,000 inhabitants. It would supply the city of Baltimore nicely. They say, in explanation of this, that it was necessary to do this, because with the full capacity of this powder mill they would need that much water. That may be so; I do not know about that. We have as yet obtained no expert opinion; the only evidence we have is that this is probably true if they ever got to the full capacity of 625,000 pounds a day. But it remains there; it is very large and cumbersome and expensive to maintain, and anybody who buys that plant for ordinary manufacturing purposes can not maintain this public utility, which necessarily requires such an immense expense for maintenance.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. LONGWORTH. Will the gentleman state how much money we have spent at Nitro?

Mr. GRAHAM of Illinois. I will tell the gentleman what we have spent on construction. We have expended \$60,100,000 for construction. I do not know how much we have spent for operation. Now, there is a peculiar thing about that. In the first place, Mr. D. C. Jackling was appointed by the Secretary of War as Director of Explosives to build our powder plants. Mr. Jackling is a copper man. I think he was either president or vice president of several of the great copper companies, notably the Utah Copper Co. and the Nevada Consolidated Copper Co. And so far as experience in explosives goes I do not believe he had any. He was a copper man pure and simple; one of the leading men in that business. He made these contracts. He made a contract with Thompson-Starrett to build this plant on January 18, 1918. The War Department then made a contract with the Hercules Powder Co. to operate it. This latter contract was made May 9, 1918. These people kept their own books. Thompson-Starrett built it and spent \$60,100,000 for this purpose. We have never found out what the cost of operation has been. We did not have access to the books of the Hercules Powder Co., unless by going to the Philadelphia claim office, where they have been checking up this matter as to how much the bill of the Hercules Powder Co. is for the 4,500,000 pounds of powder they made. We do not know. Their books were not there when we were. They had been taken to Philadelphia; but we do know this, that the Ordnance Department advanced the Hercules Powder Co. \$14,349,214.20 to do this work, and they had that money. What they did with it we do not know. I understand there is a controversy between them and the Government as to whether they absorbed the whole of the \$14,349,214.20 or not, but they got the money, and they have it so far as I know and so far as the inquiry by the committee shows. Following the ordinary rule, the Government has probably seen the last of it.

Mr. MADDEN. How much powder did they make?

Mr. GRAHAM of Illinois. Four and a half million pounds.

Mr. MADDEN. Then, it cost over \$3.50 a pound?

Mr. GRAHAM of Illinois. If they spent all the money. They got the money; I do not know whether they spent it all or not.

Mr. LONGWORTH. Recently I understand that bids have been submitted for taking over the plant?

Mr. GRAHAM of Illinois. I am going to state about that.

Mr. Speaker, how much time have I used?

The SPEAKER. Seventeen minutes.

Mr. GRAHAM of Illinois. I desire to save a little time after the remarks of the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The Chair is mistaken. The gentleman has only 7 minutes remaining. He has used 23 minutes.

Mr. GRAHAM of Illinois. That shows the difficulty about trying to handle a thing like this in 30 minutes. They advertised this thing for sale as a whole proposition. They got three bids. The highest bid was \$5,800,000. Lying over on the table is the inventory of the property they had there. It is printed. It is full of articles. That inventory shows between \$11,000,000 and \$12,000,000 worth of property, about one-third of which is reserved to the Government. It is there; it is everything from overalls to thrashing machines. There is enough to stock any general store in the country—everything of which you can speak. There are hundreds of gallons of paint, and clothing, and everything you can think of. It is all there, and it goes with the sale,

and the highest bid was \$5,800,000. The cheapest bid was two and a half million dollars. I want to say something about this sale. Certain of the bidders got into Philadelphia and made a combination there, as far as we can observe. There was a bidder going to bid a reasonable bid, a chemical company that wanted to buy the plant and run a manufacturing establishment there. They had made arrangements with a prominent bank in New York to finance the operations. A day or two before these bids were opened the bank withdrew its support from the bidder, we are informed, as the result of a combination of these other bidders and with the obvious purpose of keeping down the bids.

Mr. STRONG of Kansas. Will the gentleman give us the name of that bank?

Mr. GRAHAM of Illinois. Well, I can, but—

Mr. STRONG of Kansas. I think we ought to know.

Mr. GRAHAM of Illinois. I doubt the wisdom of it just yet. I will state it at the right time if this thing does not go off right. I have the name of the bank and will make it public if this sort of thing occurs again. After our committee had had its hearings at Nitro, we notified the Secretary of War we did not want these bids passed upon until we knew what they were. After the bids were received, we were advised what they were. Mr. Crowell, Assistant Secretary of War, then came and asked what we would suggest. We told him to reject these bids as insufficient. He agreed to reject them, and they are now receiving private bids for this property. Unless strict attention is given to the matter this great property, which, with its loose property, represents an investment of \$70,000,000 at least, not counting the other \$14,000,000 we perhaps put in the hole with the Hercules Co., will be frittered away.

I reserve the balance of my time until the gentleman from Tennessee shall have finished. [Applause.]

Mr. GARRETT. Mr. Speaker, I acquiesced in the suggestion of the honorable chairman of this committee that, in this informal way, without making any written report, certain facts that had come to the knowledge of the subcommittee on ordinance of the Select Committee on Expenditures in the War Department, might be laid before the House. Whether it is wise or not was a question of some doubt in my mind, but upon the whole I could not see where any harm would occur. Some good might possibly result, and I felt if the chairman of the committee, who has given much labor and study to this matter, desired to do it and take the responsibility for it, I should acquiesce, and I did so, as the gentleman has stated.

Now, of course, there are no differences between the gentleman and myself as to the facts that have been stated by him, because with a single exception, to which I shall make reference, all of the matters to which he has referred have been taken in testimony, and that testimony has been published, and the hearings are available to any Member of Congress and to the public generally.

I think, however, that, due to the pressure for time, the gentleman from Illinois [Mr. GRAHAM] had to hasten so as that perhaps it would be best for me to amplify to some extent some of the statements of fact, to the end that impressions unfavorable to our country may not be improperly drawn. For instance, it was stated by the gentleman from Illinois, and correctly, that no powder from the plants built at Nitro and at Old Hickory, near Nashville, Tenn., was shipped abroad. That is true. But it should also be stated that in the very nature of things it was not physically possible to produce it in time to ship it abroad before the armistice was signed. The ground for the Nitro plant, as I remember it, was broken in February, 1918. Work on the Old Hickory plant began in March, 1918. And with remarkable expedition—and at a tremendous expense; there is no question about that—this work was pressed to the point where they were able to put the factories in production, I think at Old Hickory in October and at Nitro just before the time of the signing of the armistice. So no inference should go abroad, it seems to me, among the people, to the effect that because no powder was shipped abroad there had been carelessness or negligence at those plants, because I think there were no evidences of such.

Now, the gentleman has referred also to the character of buildings that houses the machinery and to their being temporary structures. That is true. It is in evidence before our committee that instructions issued by the War Department—I think the Secretary of War personally, perhaps, was referred to, though I am not certain—were to make the foundations of these buildings that were to house this machinery of the very best character of material obtainable, but in the interest of expedition and also because of the fact that it was not known how long the plant would be in production and how long the buildings would be needed, it was provided that the superstructure, the sheltering

part of it, might be of the temporary character as described by the gentleman from Illinois [Mr. GRAHAM]. As far as I am concerned, I think that was a wise policy.

The gentleman has referred to buildings that one would scarcely expect to see there. I do not know that I agree with the gentleman about that. The hospital unit did seem to be somewhat large to us there on that quiet day, Labor Day, that we spent there, and on the following day, when all the force had departed except about 1,200 of the employees there at the time. It was a very quiet period down there, and I fancy we did not get the impression that we would have gotten if we had been there some two or three days before the signing of the armistice, when anywhere from 20,000 to 25,000 men were engaged in this extremely dangerous business of manufacturing smokeless powder. And, so far as I am concerned, I am not, with the light that is before me, in any situation where I am disposed to criticize the size of that hospital unit that was constructed there.

Reference was also made by the gentleman from Illinois to the fact that after this matter was transferred to the Ordnance Department, after the Hercules Powder Co. contract had been canceled or suspended, rents were stopped on the bungalows that were occupied by the employees. That is correct, as I remember the testimony, but it is also in testimony that the wages to the employees were at that time, if I remember correctly, reduced, so that the reduction by the cutting off of the rents and the reduction in wages balanced substantially.

Reference was also made to the fact that after the signing of the armistice for a few days there were more men in employment by the Hercules Powder Co. than before. That is the testimony. My recollection is that the explanation of that as given was that laborers were on their way there in some instances, and further that substantially all this powder was really completed after the armistice was signed because of that which was in solution. It takes some 30 or 40 days, as I remember the testimony, to complete the finished article of smokeless powder. From the time that the original operation begins with the raw materials until it comes out in final form the manufacture of smokeless powder takes from 30 to 40 days, and that which was in solution and in the various houses at that time was completed, but no new raw materials were put into production after the time the armistice was signed.

Now, there were something over 1,200 men—I believe 1,280—in the employment at the time we were there, operating the power plant and the water plant, guarding the property that was there, and performing all the various duties incident to keeping the plant in a safe condition, and there were a large number upon leave. They were taking the annual leave which by act of Congress is allowed to Government employees. I presume that they are from time to time still continuing that down there. Whatever was done in that regard was, of course, in accordance with the laws of the Congress.

The gentleman from Illinois [Mr. MADDEN] asked a question of his colleague which brought a response that might possibly be misunderstood, about the advancement by the Government of some \$14,000,000 and the amount of powder production. The gentleman from Illinois [Mr. GRAHAM] had stated that the Government had advanced something over \$14,000,000 to the Hercules Powder Co., and the gentleman from Illinois [Mr. MADDEN] inquired how much powder had been made, to which his colleague replied that it was four million and some hundred thousand pounds. That without some explanation, of course, might be calculated to leave a very erroneous impression—that the 4,000,000 pounds of powder had cost the Government \$14,000,000. As a matter of fact, the armistice came suddenly and quickly. It came unexpectedly to everybody, to be sure. The Government had a contract with the Hercules Powder Co. to operate this plant.

The price that the Hercules Powder Co. was to receive was based upon the price of the raw materials that should enter into the manufacture of powder—sodium nitrate, cotton linters, sulphur, and all the various things that go into the making of smokeless powder—and they were to receive so much per pound upon each pound of powder made, based upon the price of the raw materials which entered into its composition.

Mr. GRAHAM of Illinois. Two and three-fourths.

Mr. GARRETT. Yes; 2½ cents per pound. That is correct. I thank the gentleman. That was a continuing contract. They were preparing to make powder extending over a long period of years perhaps; certainly it was thought over 1919 and 1920. It was expressly provided in the contract made with the Hercules Powder Co. that advances might be made by the Government. There is a claim, I suppose, on the part of the Hercules Powder Co., filed with the Government, but we have no information about that. As the gentleman from Illinois has said, we do

not know about that; but I think it is fair to state that I do not know of any effort on the part of the committee to find out about that yet. That is a matter on which we may take some testimony in the future. As I understand it, no witnesses have been called before us, and the committee up to this time has made no movement toward investigating this claim which the Hercules Powder Co. has filed against the Government. But that is the situation. There was a going contract. The Government has made an advance, and it would not be fair to leave the impression that that powder cost the full sum which was so advanced.

Now, about the bids on the property. Of course there is nothing secret about that. The Government advertised for bids. The Government advertised widely throughout the country for bids to sell the plant and the town as a whole, it being the opinion that it could be sold to better advantage as a whole proposition to some institution that might desire to operate it as a manufacturing plant than to attempt to tear it down and salvage it or undertake to deal with it in units. The tremendousness of this plan can scarcely be appreciated by one who has not visited it and actually seen the physical surroundings with his own eyes. It is a stupendous thing there. It has been testified before the committee that it is suitable for different characters of manufacturing, and yet it has also been testified and the common sense of men teaches them that it is going to be extremely difficult to use all the units of it in any one process of manufacture because it is so immense. The water plant, to which the gentleman from Illinois made reference, with some 60,000,000 gallons capacity, is necessary, according to all the testimony given before us, in the manufacture of powder—this kind of powder where they have the water-drying process, as it is called.

I do not know what that means. I never knew of water drying anything, but that is what they call it. These tremendous quantities of water are necessary, and in the course of manufacture they must have a filtered water for treating the cotton linters and all that. Absolutely pure water is required.

The Government advertised for these bids. The day that the bids were opened they were published to the world. The bids received were disappointing. They were disappointing to the officials of the War Department, as they were disappointing to all who had known of the cost of this plant originally; and as the gentleman from Illinois has stated, Mr. Crowell, the Assistant Secretary of War, under whose general direction this matter apparently is being dealt with, visited the committee. Of course we knew what the bids were before he ever came down. He asked the opinion of the committee concerning them. My recollection is that he was in turn asked what he thought about it. He said he preferred not to give an opinion himself until he had the view of the committee. But he said, "I will say this, that every adviser who has talked with me concerning this matter has advised that these bids be rejected."

Mr. LINTHICUM. Mr. Speaker, will the gentleman permit one question?

Mr. GARRETT. Yes, indeed.

Mr. LINTHICUM. Was it the \$5,000,000 bid that was withdrawn on account of the bank not continuing its support?

Mr. GARRETT. No. It was not that bid. I do not wish to say this in any criticism of the gentleman from Illinois, but I will say that I myself do not care to go into that question. We have certain information concerning that, that came to the committee privately, but we have nothing absolutely in testimony concerning that matter.

Mr. LINTHICUM. I was not particularly interested in that feature, but I simply wanted to know if the \$5,000,000 bid still stood or was withdrawn?

Mr. GARRETT. All the bids have been rejected.

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

Mr. GARRETT. Yes.

Mr. LONGWORTH. Has the gentleman any computation as to the fair value of that property?

Mr. GARRETT. I have not, I will say to the gentleman frankly, because I do not know. I will tell the gentleman what has happened there. Various manufacturing concerns have sent their experts there and have expended very considerable sums of money, some of them, in making a complete survey of the plant. Of course, I would have no idea about the value, because I know absolutely nothing of the value of that machinery. About the only thing that I might estimate anything on that is there, if I had time, would be to sit down and try to count up the amount of lumber that is in the buildings and try to find out what the salvage value would be. Personally I have no idea of its value. But I know what it cost us.

Mr. LONGWORTH. The gentleman will agree with the gentleman from Illinois that there is something in the neighborhood of \$11,000,000 worth of actual movable property?

Mr. GARRETT. There are some differences of opinion about that testimony. I am not prepared to refute the statement. I do not care to dispute it. The gentleman has some figures that were presented to the committee that would indicate \$11,000,000. The general sums mentioned before the committee would indicate \$9,000,000 worth of loose material. But whether it is \$9,000,000 or \$11,000,000, I think it is immaterial for the present statement. There is a tremendous amount of loose material there, consisting of almost everything conceivable—commissary stores, piping, paint, beds and bedding—almost everything you can conceive of, and that includes also large quantities of raw materials—cotton linters, 27,000,000 or 28,000,000 pounds of cotton linters and hull fibers there, and something like a million gallons of alcohol, rectified and unrectified, and sulphur. I believe the sulphur has been sold. Various of the raw materials entering into the manufacture of powder are included.

Mr. LONGWORTH. Does the gentleman understand that it is the desire of the Government to sell this plant to some concern that will keep it going?

Mr. GARRETT. So far as the Government is concerned, I do not know. I presume their desire is to sell it in the way that will bring the greatest return to the Government. I should imagine that there could be no possible objection on the part of anyone, and that it would really be gratifying to everyone, if it could be sold and continued as a going concern for the benefit of that splendid community there and for the country at large; but I take it the primary interest of the responsible officials is to obtain the greatest return to the Government of the dollars and cents expended.

Mr. LONGWORTH. I understood from the statements of the gentleman from Illinois [Mr. GRAHAM] that a certain bid, if not actually submitted, had been prepared by a chemical company which was prepared to run the plant and produce powder there, but that at the last moment financial support was withdrawn and the bid was never submitted.

Mr. GARRETT. That information has come to the subcommittee—not to produce powder, I will say, but chemicals. It has not been placed in evidence, but that information has been given to all the members of the subcommittee privately.

Mr. LONGWORTH. Does the gentleman know the total amount of the bid?

Mr. GARRETT. I do not; and I do not think the committee does.

Mr. GRAHAM of Illinois. I think I can tell you.

Mr. GARRETT. Does the gentleman think it wise to do so?

Mr. GRAHAM of Illinois. I do not think it is wise to do so.

Mr. LONGWORTH. I will not press the question if the committee desire to reserve it for a later day.

Mr. GRAHAM of Illinois. It is very much in excess of any other bid.

Mr. GARRETT. That is my understanding—that it was very much above anything offered—but the exact amount I do not know.

Mr. SABATH. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Illinois.

Mr. SABATH. Is there any reason why the Government should not retain the plant and continue to manufacture powder for the use of the Army and Navy?

Mr. GARRETT. What possible use does the gentleman think the Government could have for a plant that would make 625,000 pounds of smokeless cannon powder per day in time of peace?

Mr. SABATH. How much money does the Government spend in time of peace for powder?

Mr. GARRETT. All that the Government needs in time of peace can be manufactured at the Picatinny Arsenal. And let me say to my friend that I understand it to be the present policy to retain, and put in a stand-by condition, as it is called, the Old Hickory plant down at Nashville, which has a capacity of 900,000 pounds per day.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Nebraska.

Mr. EVANS of Nebraska. Has the gentleman been able to fix an approximate amount below which it would not be wise for this plant to be disposed of?

Mr. GARRETT. No; I can not. There are various elements which enter into it. I have already expressed my lack of information of the elements upon which a price could be fixed. This property, of course, ought not to be fooled away, but it is easy enough to see that the Government can not expect to get any \$61,000,000 back for it, the approximate amount which it spent upon it. It ought not to be fooled away, but at the same time we must keep in mind that there is a pay roll of some \$43,000 per week there now—that is, it is costing the Government about \$43,000 a week for its upkeep at the present time.

Mr. LAYTON. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Delaware.

Mr. LAYTON. I would like to ask what your information is, from your study of this question in the committee, as to the wisdom of the policy of the Government in going into the manufacture of powder at the outbreak of the war. Do you not believe that right at the beginning, if the Government had called in the powder companies and had agreed upon a fixed price for powder, the Government would have secured its powder more expeditiously and at an infinitely lower cost, in that way?

Mr. GARRETT. No, sir. Let me say to the gentleman that every ounce of powder that was being produced, and that could be produced, by American manufacturers at the time of our entrance into the war, in April, 1917, was being taken by the allied countries abroad.

Mr. LAYTON. The gentleman does not catch my point.

Mr. GARRETT. And if we had gone to the domestic manufacturers and had taken our supply from them, it would simply have deprived the countries associated with us of their supply.

Mr. LAYTON. The gentleman does not catch my point. If I am running a dry-goods store, it is very much easier for me to enlarge my plant and to have larger operations than it would be to go out to some strange place and start a new one. If the Government had gone to the E. I. du Pont de Nemours Co. and to the Atlas Powder Co. and to the Hercules Powder Co., and to the various other powder companies, and had said to them, "Enlarge your plants; you are masters of this business, and we will agree upon a fixed price per pound," could they not have carried out their European contracts and at the same time have given our Government what it needed much more cheaply than the Government got it by manufacturing it itself?

Mr. GARRETT. I get the gentleman's point. He means, had new units been built?

Mr. LAYTON. That is what I mean, exactly.

Mr. GARRETT. I can not say that it would have been better. That is not a question which the committee have considered.

Mr. BYRNS of Tennessee. Will my colleague yield?

Mr. GARRETT. I yield to my colleague.

Mr. BYRNS of Tennessee. Would it have been possible for the Government to have made any reasonable contracts, with the uncertainty as to how much powder the Government would need?

Mr. GARRETT. I am sure it would have been absolutely impossible for the Government to have procured anyone to enter into any contract whereby these concerns would at their own expense have added new units. I am sure it would have been impossible. If the Government had had new units added to the existing powder plants, the Government would have had to pay for them, just as it had to pay for the construction at Old Hickory and at Nitro. I have no doubt of that. Of course no manufacturer in his right mind would have added new units on such an uncertainty. During the year 1918, according to the testimony before this committee, the average daily consumption of artillery powder by the British forces was a million pounds a day. The average consumption by the French forces was at least that, if not more.

Mr. LAZARO. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. LAZARO. In view of the fact that many investigations are being conducted and that the Government is being criticized for money that was spent, with very little to show for it when the armistice was signed, is it not a good idea, in the interest of fair play to all concerned, to call attention to the fact that we did not know how long this war would last and that it was wise to do everything we could to prepare ourselves for a long war?

Mr. GARRETT. Why, certainly; and we ought at all times not only to keep that in mind ourselves, but when we speak upon this matter to remind others of that fact.

We were really just getting ready for war when the armistice was signed. [Applause.]

Mr. LAZARO. It is not so much a question of what we had at that time, but what we would have had had the war continued.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARRETT. Under the leave granted to extend my remarks in the Record I wish to refer to the matter of the land titles spoken of by the gentleman from Illinois, because I think it would be unfortunate for the Government in its negotiations for the sale of this property if any cloud should be cast upon the title.

It is true that a Mr. Cauffiel, as agent for the Du Ponts, who at that time were acting as agents of the Government, negotiated options upon much of this land, a Mr. Crawford, a real estate agent of Charleston, W. Va., being his (Cauffiel's) agent. It was very desirable to not have it become known that this land was being bought for Government use for the very good reason that the price would be thereby affected. The Government sought to avoid this. Title to a number of the tracts was taken in Cauffiel's name, but it is well understood that he holds it merely as trustee for the Government, and from the testimony before the committee I am sure no prospective purchaser need have the slightest fear of title. Some of the tracts had to be condemned and suits are now pending in the courts, but these suits involve merely amounts of damages and compensation and title is not affected.

Another matter upon which I venture to comment is the Virginian Power Co. settlement, referred to by the gentleman from Illinois in his second speech.

I understood the gentleman to say that the Government had sold to the Virginian Power Co. certain material and had received but about \$81,000 therefor. Without a fuller statement, this might easily be misunderstood. The facts briefly are these: The Ordnance Department, largely at the suggestion of the Fuel Administration, which was naturally anxious to conserve and develop the coal supply at that time, entered into a contract with the Virginian Power Co. to furnish a certain amount of power to the Nitro plant and also to build for the Government transmission lines to several mines in that section of the State. After the signing of the armistice, when there was no longer a necessity for the power at Nitro, negotiations were opened with the Navy Department, which has a permanent ordnance plant at South Charleston, and recently a contract was consummated whereby there was transferred to the Navy Department the rights of the War Ordnance Bureau in the greater portion of the plant constructed for the Government.

The lines to the mines, however, were sold to the Virginian Power Co., along with other properties. These properties so sold by the Government to the power company were:

1. The transmission line to the mines.
2. A substation.
3. A warehouse.
4. A hoist house.
5. A lean-to.
6. Certain stores at Cabin Creek, W. Va.
7. Certain stores that have been purchased, but not yet shipped.

The last item amounted, as I recall it, to about \$19,000.

The total cost value of all these seven properties, as shown by the evidence before the subcommittee, was \$422,504.60.

This was the actual cost of construction and purchase of these properties under war conditions.

In the negotiation of the settlement a total value measured by present prices and conditions of \$390,385.05 was agreed upon.

The original contract with the Virginian Power Co. gave it the option to purchase the property, and it had 5 years in which to do it. An average depreciation of 7½ per cent per year for 5 years was allowed upon all except the goods mentioned in No. 7 above. These were taken at actual cost. The sale price to the Virginian Power Co. was, therefore, \$269,505.54.

The Government was indebted to the Virginian Power Co. for power furnished from July, 1918, to December, 1918, and for other purposes in the sum of \$187,700.50. This amount it was obligated to pay and would have had to pay in cash. It was taken as cash by the power company in the sale, and therefore the check given the Government was for \$81,805.04, but the actual amount received by the Government for these properties was \$269,505.54. This should be clearly understood and no erroneous impression should go abroad that only about \$81,000 was received for these properties.

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, a few words in closing. Some of the things I forgot to mention I will mention now. For instance, the gentleman from Tennessee [Mr. GARRETT] spoke of cotton that was required in this manufacturing plant. We found when we got out there that there were at the plant approximately 68,000 bales of cotton, linters, and hull-fiber cotton. Most of it was lying out of doors. It had been put on the ground early in the year, some of it in February, and, aside from one storehouse recently built, most of the 68,000 bales had stayed out all summer. It was decaying on the outside, to what extent I do not know, except that Mr. Sloan, assistant director of sales, told us privately that some in his judgment was entirely gone. It had laid out and is practically worthless now. That is reserved from this sale.

I want to call attention briefly to the settlement that was made with the Virginian Power Co. Early in this matter it was ascertained that it was necessary to have power for the plant. We had in the plant 34 boilers generating 34,000 horsepower, a magnificent steam plant, as good a one as I ever saw. There was installed a small electrical unit generating 3,000 kilowatts of electric energy. Instead of making its own power the War Department made a contract with the Virginian Power Co., an outfit that had a power station 35 miles away, at Corbin Creek, on the Kanawha River, by which the power might be brought from that place to this plant, and by which we would install in the works of the Virginian Power Co. a turbogenerator that would generate 20,000 electrical kilowatts. The Government also agreed to finance the operations of this company and furnish it the money to build power lines to various villages and coal mines in the valley. Approximately \$2,900,000 has been paid to the Virginian Power Co. for this purpose. By the contract the Virginian Power Co. was to have five years in which it could buy all this apparatus and machinery at its option, and for its value less depreciation.

From that on to the end of the operation electrical energy came over that line. They hitched up a sort of a ramshackle line along the Kanawha & Michigan Railway, and run the current down this line and into the plant, and we bought power from that institution for the ordinary operations of the plant, using also what little current we made on our own 3,000-kilowatt unit.

As has been said, the contract with the Virginian Power Co. provided that the Government should advance the money to them to buy the right of way between other places and various coal mines and to build the various lines from these coal mines and scattered plants and the line up to Nitro. They bought those, and after the war was over it was found that they had good copper lines between their plant and all the surrounding mines and small settlements in that country, together with the necessary transformers and stations. So to-day the Virginian Power Co., that at the time we began operations was practically insolvent, as shown by the tax assessor's books in West Virginia, has, built by the Government, power lines all over the country and a practical monopoly of the Kanawha Valley. It has recently effected a settlement with the United States by which they pay the United States for all these lines, right of way, and loose material approximately \$81,000. They also, at the same time, have taken a contract to furnish power to the naval ordnance plant at Charleston for a term of years. The merest contemplation of this settlement can not fail to impress the reader with the thought that the Government has aided and abetted the Virginian Power Co. to obtain a monopoly in the Kanawha Valley, that it has made a settlement with that company all to the advantage of the company, and that the manifest effort in the first instance was to prevent the Government from developing its own power at Nitro, so that the field might be left open for the Virginian Power Co. I am attaching hereto a copy of these contract settlements.

My conclusions are these: I have found in my experience what seems to me a disposition among Government agents and employees to disregard to some extent the interests of the Government of the United States in making settlements and to look first at the interest of the fellow who is making the settlement for the Government, forgetting that they represent the United States of America, forgetting our Government has rights that ought to be protected. Every man who makes a settlement for the United States, every agent of the United States Government, ought at all times to remember the interests of the people of the country whom he represents, because he represents the taxpayers of the country.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. LONGWORTH. I want to see if I understand the facts as presented by the committee. Something over \$60,000,000 was spent in the erection of this plant. Somewhere between \$9,000,000 and \$10,000,000 is there to-day in movable property. A bid that was substantially larger than any of these actually submitted was in process of submission, but in order to finance that bid it was necessary to have the support of a large bank, and that bank at the last moment withdrew its support on intimidation from somebody somewhere to the bank that it would be better to do so. The highest bid actually submitted was \$5,800,000.

Mr. GRAHAM of Illinois. That is the exact situation.

Now, I want to add this: There is a disposition among some of those who are doing business with the Government to assume that the public purse is a public grab bag, where he who grabs most is most to be envied. I desire to say very emphatically

that, so far as the committee of which I am chairman is concerned, we expect to vigilantly survey these settlements, so far as we are able, and the contractor who has by fraud or circumvention driven an unjust bargain with the Government will receive our most earnest attention.

MEMORANDUM OF ADJUSTMENT BETWEEN THE UNITED STATES AND THE VIRGINIAN POWER CO., DATED SEPTEMBER 5, 1919.

This memorandum of adjustment, made this 5th day of September, 1919, between the Virginian Power Co., a corporation created and organized under the laws of the State of Massachusetts, and having its office and place of business at Charleston, in the State of West Virginia, hereinafter called the Power Co., party of the first part, and the United States of America, acting through and represented by R. H. Hawkins, lieutenant colonel, Ordnance Department (hereinafter called the Contracting Officer), acting under direction of the Chief of Ordnance and by authority of the Secretary of War, party of the second part, witnesseth:

Whereas the Congress of the United States has declared by joint resolution, approved April 6, 1917, that war exists between the United States of America and Germany; and

Whereas an administrative unit having been created in the office of the Secretary of War and designated United States Government Explosives Plants, and the said Secretary of War having appointed D. C. Jackling director thereof; and

Whereas the national emergency required the construction of an explosives plant at Nitro, W. Va., under a contract authorized by the United States; and

Whereas the Secretary of War and the Fuel Administrator of the United States requested that in the execution of the work and in the operation of said plant consideration be given to the conservation of fuel; and

Whereas the United States approved such a plan and proposed the substitution of central station electric power for electric current generated at said explosives plant; and

Whereas under date of March 1 and March 8, 1918, the United States of America and the Virginian Power Co. entered into agreements for the purchase of rights of way and the construction and installation of certain transmission lines thereon and for substations, generators, boilers, and auxiliaries therefor in connection with the power company plant and power system at Cabin Creek Junction, W. Va., known as the construction contracts and for the delivery of power to the Government explosive plant, at Nitro, W. Va., which latter contract is entitled "Contract for electric power operating"; and

Whereas the signing of the armistice by the United States of America, the Allies, and the central European powers have brought about a cessation of hostilities, thus eliminating the need of the aforesaid explosive plant at Nitro, W. Va.; and

Whereas the United States of America no longer desires the delivery of electric power at said Government explosive plant, at Nitro, W. Va., by the said power company; and

Whereas the Secretary of War, on the 6th day of December, 1918, issued an order to the said D. C. Jackling, the director of the United States explosive plant at Nitro, W. Va., to proceed at once to suspend, cancel, adjust, and settle all contracts made necessary by the discontinuance of the construction work upon said explosive plant at Nitro, W. Va., and authorize the sale of such materials as could be most advantageously salvaged in that manner; and

Whereas on February 4, 1919, the Secretary of War issued an order relieving the said Director Jackling of all functions and duties of every kind whatsoever in connection with the contracts hereinbefore mentioned and transferring such functions and duties to the Chief of Ordnance by him to be performed or by such officer as the said Chief of Ordnance might designate and appoint; and

Whereas on February 8, 1919, the said Chief of Ordnance appointed J. M. S. Waring, lieutenant colonel, Ordnance Department, United States Army, as his special representative to carry out the provisions of the order made by the Secretary of War on February 4, 1919, as aforesaid; and

Whereas on the 17th day of July, 1919, the said Chief of Ordnance issued an order instructing his special representative, the said Lieut. Col. J. M. S. Waring, to submit an agreement with the said power company adjusting the obligations between the parties hereto growing out of the contracts aforesaid:

Now, therefore, in consideration of the premises, mutual agreements, terms, and stipulations hereinafter set forth, the said power company covenants and agrees to pay within 15 days from the execution of this agreement to the Treasurer of the United States \$81,805.04 by certified check, or in such other form as may be acceptable to the said Treasurer of the United States of America, and the power company further agrees to serve to the United States power for its use at the naval ordnance plant at South Charleston, W. Va., according to the terms of and under the provisions of a proposal heretofore submitted to the United States hereafter exhibited with this memorandum, and both parties hereto mutually agree to the cancellation of the contract dated March 8, 1918, and designated "Contract for electric power operating," and same is hereby canceled.

1. The power company admits the payment of all those costs incurred by it under said contract of March 8, 1918, designated as "Contract for electric power operating," that are shown in Exhibit 1, herewith made a part of this memorandum, and releases the United States from any further obligation on these costs.

2. The power company agrees to acquire rights of way and do the necessary construction work for the installation of transmission lines and substations for the delivery of power to the United States naval ordnance plant at South Charleston, W. Va., according to the terms and conditions of said contracts of March 1 and 8, 1918, which provide for the purchase of the right of way and construction work, respectively, both of which are to remain in full force and effect.

3. The power company admits the adjustment and settlement of all costs of construction under the two contracts last mentioned as listed and shown in said Exhibit No. 1.

4. The United States of America agrees to and does herewith sell, transfer, assign, deliver, and grant unto the power company such title as may now be vested in the said United States of America, all rights of way for transmission lines shown in Exhibit No. 3 herewith made part of this memorandum, and all transmission lines and substations constructed at the request of the United States Fuel Administration, specifically set out in Exhibit No. 2, herewith made a part of this memorandum; also the storehouse, hoist house extension and lean-to on the premises of the power company at Cabin Creek Junction, as shown

in Exhibit No. 2 aforesaid; also a miscellaneous quantity of merchandise, material, equipment, and supplies now in the possession of the power company, and shown in said Exhibit No. 2; but nothing included in this paragraph shall embrace the material, equipment, or supplies now in the possession of the power company which may be required for the construction of the transmission lines to the said naval ordnance plant at South Charleston, and as shown by Exhibit No. 4, herewith made a part of this memorandum.

5. The United States of America acknowledges adjustment and settlement for all materials herein or heretofore transferred to the said power company, as shown in Exhibit 2, attached hereto.

6. The power company covenants and agrees that no Member of Congress, or Delegate to Congress, or Resident Commissioner is or shall be admitted to any share or part of this agreement or to any benefit which may arise therefrom; but under the provisions of section 116 of the act of Congress approved March 4, 1900 (35 Stat., 1109), this stipulation, so far as it relates to Members of or Delegates to Congress or Resident Commissioners, shall not extend or be construed to extend to any agreement made with an incorporated company for its general benefit.

7. The power company expressly warrants that it has employed no third person to solicit or obtain this contract in its behalf, or to cause or procure the same to be obtained upon compensation in any way contingent in whole or in part upon such procurement, and that it has not paid or permitted or agreed to pay to any third person, in consideration of such procurement or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount received by it hereunder, and that it has not in estimating the contract price demanded by it included any sum by reason of any such brokerage, commission, or percentage; and that all moneys payable to it hereunder are free from obligation to any other person for services rendered or supposed to have been rendered in the procurement of this contract. It further agrees that any breach of this warranty shall constitute cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sum due or to become due hereunder an amount equal to any brokerage, commission, or percentage so paid or agreed to be paid.

In witness whereof the said power company has caused its corporate name and seal to be hereto affixed by its vice president hereto duly authorized, and the said United States of America has caused this agreement to be executed by its duly authorized representative.

(Signed) THE VIRGINIAN POWER CO.,
By H. G. SCOTT, Vice President.

(Signed) THE UNITED STATES OF AMERICA,
By R. H. HAWKINS,
Lieutenant Colonel, Ordnance Department,
United States Army, Contracting Officer.

Witness:

HELEN HIETT.

This agreement made the _____ day of _____, A. D. 1919, by and between the Virginian Power Co., a corporation created under the laws of the State of Massachusetts, having an office and place of business at Charleston, W. Va., hereinafter called the Company, party of the first part, and the United States, hereinafter called the Consumer, represented by the Secretary of the Navy, party of the second part.

Whereas the Congress of the United States having declared by joint resolution approved April 6, 1917, that war exists between the United States of America and Germany; and

Whereas the national emergency required the construction of an explosive plant at Nitro, W. Va., which contract was authorized by the United States; and

Whereas the Secretary of War and the Fuel Administrator of the United States requested that in the execution of the work and the operation of the plant, consideration be given to the conservation of fuel; and

Whereas the United States approved such a plan, and proposed the substitution of central station electric power for electric current generated at the explosives plant; and

Whereas under date of March 8, 1918, the United States Government and the Virginian Power Co. entered into agreements for the construction and installation of certain transmission lines, substations, generators, boilers, and auxiliaries therefor, in connection with the company's plant and power system at Cabin Creek Junction, W. Va., known as the Construction Contract, and for the delivery of power to the Government explosives plant at Nitro, W. Va., which latter contract is entitled "Contract for electric power operating"; and

Whereas the signing of an armistice by the United States of America, the Allies, and the central European powers having brought about a cessation of hostilities, thus eliminating the need for the aforesaid explosives plant at Nitro, W. Va.; and

Whereas the United States no longer desires the delivery of electric power at said Government explosives plant at Nitro, W. Va., but desires that new arrangements be made for the delivery of said electric power:

Now, therefore, this agreement witnesseth, That the said party of the first part and the said party of the second part do covenant and agree to and with each other as follows:

First, The Company will furnish and deliver and the Consumer will take and pay for electric power for its requirements at the naval ordnance plant, South Charleston, W. Va., in the form of 3-phase, 60-cycle alternating current, at the pressure of approximately 44,000 and 66,000 volts at the high-tension switch at said naval ordnance plant, South Charleston, W. Va., in an amount not exceeding 20,000 kilowatts, based on a 90 per cent power factor, for the remainder of the fiscal year ending June 30, 1920. In case of necessary shut down of the Government 20,000-kilowatt unit installed in the Cabin Creek power station of the Company, the Company will provide for service to the Consumer capacity not exceeding 14,000 kilowatts, based on a 90 per cent power factor.

Second, The Company agrees to furnish and the Consumer agrees to take a minimum of 12,000,000 kilowatt-hour each and every year during the life of this agreement, as renewed from time to time beginning from date of commencement of service: *Provided, however,* That the minimum demand agreed to be furnished by the Company and taken by the Consumer during the fiscal year ending June 30, 1920, shall be a minimum average of 500,000 kilowatt-hour per month. If the Consumer does not take the minimum amount of power contracted for the difference shall be billed and paid for at the rate prevailing in the month or months in which the deficiency occurred.

Third, The company will endeavor at all times to furnish a continuous supply of electric power to the consumer; but the company will not be liable for any damage that the United States may suffer by reason

of failure of the supply of electric power caused by accident or any other cause beyond the company's control. It is understood, however, that whenever possible the company will give the consumer notice of its intention to shut off the service, and that so far as possible the service will be shut off only at such times as will cause the consumer the minimum of inconvenience. As part consideration for this contract, the consumer agrees to reimburse the company for any costs or damages that may be awarded or adjudicated against the company by reason of injuries to persons or property accruing or resulting from any use of such electricity within the limits of the Naval Ordnance plant, except that the consumer shall not reimburse the company for injuries to the persons or property of the company's employees.

Fourth. The consumer agrees to pay the company for all electric power delivered and taken or contracted for by the consumer as recorded by the company's meter installed on the high-tension side at the Government substation located at the naval ordnance plant, South Charleston, W. Va., at the following rates:

A charge of 6 mills (\$0.006) per kilowatt hour, when the cost of coal to the party of the first part is \$1.75 per short ton delivered at the power plant of the company at Cabin Creek Junction, W. Va. Should the price of coal to the company at said plant per short ton be increased or decreased from the price given above, the rate per kilowatt hour shall be increased or decreased one-tenth of a mill for each 10 cents of such increase or decrease. Bills for said electric power shall be rendered monthly by the company to the Government on or before the 10th day of each month for electric power consumed during the preceding month. Maintenance of meters at high voltage being difficult, it is agreed that the company may measure power delivered to the consumer at 6,600 volts, and adjust such measurement to measurement at 66,000 or 44,000 volts by using a factor representing the loss in transformation, which factor shall be determined by the Government.

Fifth. The consumer shall at all times have access to the plant and property of the company for the purpose of ascertaining if proper precautions are being taken for providing reserves in case of emergency, and further to ascertain whether equipment furnished by the Government is being properly maintained as required by this agreement, or for such other reasons as may be deemed necessary or desirable, and it is further agreed that the consumer shall have the right to advise the company regarding the operation of the plant or the maintenance of the equipment owned by the Government.

Sixth. The consumer shall advise the company from time to time of its prospective needs for electric power, in order that the company may more efficiently and economically operate its station, and at the same time provide the capacity required by the consumer.

Seventh. It is agreed and understood that the company shall have the right to operate the apparatus and equipment furnished by the Government for the generation of electric power at the Cabin Creek plant of the company whenever in its judgment it shall be considered necessary or desirable.

Eighth. The company shall have the right to connect up on Government line No. 2 an industrial load, the character of which shall be subject to the approval of the United States not exceeding an aggregate maximum demand of 3,000 kilowatts; in return for this concession the Government shall have the right to use the company's present two-circuit line from Cabin Creek Junction to Charleston, W. Va., for the delivery of electric power to the Naval Ordnance plant at South Charleston, W. Va., whenever occasion demands. In case of failure on the part of the company to deliver electric power of the required capacity over Government line No. 2, the aforesaid two-circuit line shall be capable of delivering a capacity of 14,000 kilowatts to the naval ordnance plant.

Ninth. In the event of dispute as to the accuracy of the company's meters, the consumer shall have the right to make a written request to have them tested and, if necessary, recalibrated, and, if found to be incorrect, proper allowance shall be made, but not for a longer period than 30 days prior to the time when written complaint of such inaccuracy is made. If the company's meters are found to be correct within 2 per cent above or below standard, the expense of the test and recalibration shall be borne by the consumer; otherwise the cost of the test and recalibration shall be borne by the company. If the meters of the company are found to be incorrect by more than 2 per cent above or below standard, then the bill for electric power from and including said 30-day period to the time of test shall be corrected accordingly; otherwise no allowance shall be made by either party. If for any reason the electric power furnished by the company and taken by the consumer shall fail to be registered by the meters, the amount of such power shall be determined by the consumer from the best available data, judged by previous registrations and by knowledge of the Government load, and payment therefor shall be made accordingly.

Tenth. The company will, during the life of this agreement, or as renewed from time to time, repair and maintain at its expense all apparatus and equipment furnished by the Government at the Cabin Creek plant of the company; and, further, the company will furnish all labor necessary to maintain in operation power transmission line No. 2 and the line from Charleston to South Charleston, the consumer to furnish all material required for such maintenance of transmission lines.

Eleventh. The United States will, without expense to the company, supply all necessary rights of way for transmission lines on its property and a suitable place thereon for the installation of such equipment of the company as may be necessary for the supply or measurement of electric power to the consumer.

Twelfth. The consumer will not permit anyone to interfere with the meters or other appliances of the company, and will further take precautions for the protection and safe-keeping of such meters and other appliances.

Thirteenth. The company shall have the right of access to said premises at all reasonable times during the period of this agreement and on its termination for the purpose of reading meters or inspecting or repairing appliances used in connection with the furnishing of electric power under this contract, or for removing its property, and for any other purpose proper under this agreement.

Fourteenth. Under and by virtue of that certain contract for construction work by and between the Government and the Virginian Power Co., dated March 8, 1918, the United States will furnish necessary line materials, generators, boilers, substations and auxiliaries, procure or cause to be procured necessary rights of way, and construct or cause to be constructed an electric transmission line extending from the company's plant at Cabin Creek Junction, W. Va., to the Naval Ordnance Plant, South Charleston, W. Va., to be known as Government line No. 2, and also a transmission line extending from the terminus of the company's present two-circuit line in the company's substation at

Charleston, W. Va., to the Naval Ordnance Plant, South Charleston, W. Va., adequate for the furnishing of electric power as herein provided. During the continuation of this agreement, or until such time as the contract to purchase is enforced, the company will pay to the United States semiannually, on or about the 1st day of July and the 1st day of January next following, covering the preceding six months' period, the following rental:

(a) For the generators, boilers, substations, and auxiliaries furnished by the Government and installed at the company's plant at Cabin Creek Junction, W. Va., an annual rental equal to 9 per cent of the cost of the demand capacity used by the company, after deducting from the total maximum demand of the Government and the company a demand equal to the company's agreed existing capacity, 20,000 kilowatts, plus the actual demand capacity furnished the Government, determined as follows:

Let A = maximum demand in k. w., measured at the company's plant at Cabin Creek Junction, W. Va.

Let B = total demand in k. w., measured at the outdoor substation at the Naval Ordnance Plant, South Charleston, W. Va., in the same hour in which A is measured.

Let C = cost to the Government of the equipment furnished and installed by it at the company's plant at Cabin Creek Junction, W. Va.

Then $\frac{C}{20000} (A - (20000 \text{ plus } B)) = \text{cost of demand capacity upon which an annual rental shall be paid.}$

"Demand" as used above shall mean the kilowatt hours of output in one integral hour; maximum demand shall mean the demand occurring at the time of maximum load on the Virginian Power Co.'s system.

Fifteenth. In case of interruption of service due to causes beyond the control of either of the parties hereto each party shall use the greatest possible speed in rectifying the cause of the trouble; in such case neither party shall have any claim against the other for damages caused by inability to give or take power as provided in this contract during the period of disability.

Sixteenth. The period of service under this agreement shall be from the date of the commencement of furnishing electric power to the consumer, and continuing thereafter until in the judgment of the Government the need for electric power under this agreement no longer exists; not extending, however, beyond June 30, 1920, except that after said date this agreement may be renewed from year to year, at the option of the Government, in order to insure continuous service.

Seventeenth. The Government, by its duly authorized representative, shall at all times be afforded proper facilities for the inspection of all plants and equipment engaged in furnishing services under this agreement, and at all times shall have access to the premises and to all books, records, correspondence, plans, drawings, receipts, and memoranda of every description of the company pertaining to said services.

Eighteenth. The Government reserves the right to terminate this agreement upon the termination of the period of service, as defined under clause 16 above, provided, however, that the Government shall give the company written notice 30 days prior to the date of termination of its intention so to do.

Nineteenth. The company agrees to purchase the equipment furnished by the Government to the company used in supplying electric power to the naval ordnance plant, except the transmission line along the K. & M. right of way, within three years from the date of receipt of written notice from the Government so to do; provided, however, that the company shall not be forced to purchase the apparatus prior to June 27, 1924, or permitted to purchase same until they have received notice so to do, and that the Government shall have the right to renew this contract throughout this three-year period, as provided under paragraph 16 above. The price to be paid the Government for equipment purchased under this contract by the company shall be determined by a board of three members, one member of which shall be appointed by the Secretary of the Navy, one by the company, and the two members so appointed shall appoint a third. If either party dissents from the decision of the board, then the question shall be referred to the Court of Claims, whose decision shall be final. Nothing herein contained shall prevent the Government from disposing of its property at the best price obtainable, except that upon receiving an offer for the disposal of any portion of its property used in the furnishing or the transmission of electric power under this agreement the Government shall notify the company of the receipt of such offer and a preferential right of purchase shall be accorded the company, which right, however, must be exercised by the company within 10 calendar days after the receipt of such notice in writing.

Twentieth. In the event of the failure of the company to comply with the stipulations of this agreement, as hereinbefore set forth, the consumer shall have the right to procure the necessary electric power in such manner as may be deemed best for the interests of the Government. In case of failure of the company to so operate and maintain its power stations and transmission lines and the transmission lines and the property of the Government used by the company as to provide a suitable and continuous supply of electric power to the naval ordnance plant, South Charleston, W. Va., during the continuation of this agreement the consumer may require the company to make such changes in its operating force and equipment as shall in the opinion of the consumer be necessary in order to provide said continuous and reliable supply of electric power for the naval ordnance plant, South Charleston, W. Va., and such maintenance of Government property.

Twenty-first. No transfer of this agreement or of any interest therein shall be made by the company to any other party, and in case of the violation of this provision the consumer, reserving all rights of action for any breach of this agreement by the company, may refuse to carry out this agreement with either the transferor or the transferee. However, subject to the option of the Government to annul this agreement under the circumstances as stated above, should the company sell, dispose of, or transfer the plant and equipment to be used in the performance of this agreement to any other party or parties such sale or transfer shall be made only on the conditions that the successor of the company in the ownership of the plant and equipment shall assume the obligations of this agreement and perform the stipulations therein set forth according to their true intent and meaning, said successor to be bound as fully and to the same extent by the provisions of this agreement as is the company.

Twenty-second. No Member of or Delegate to Congress, or Resident Commissioner, is or shall be admitted to any share or part of this agreement, or to any benefit which may arise therefrom, but, under the provisions of section 116 of the act of Congress approved March 4, 1909 (35 Stats., 1109), this stipulation, so far as it relates to Mem-

bers of or Delegates to Congress, or Resident Commissioners, shall not extend or be construed to extend to any agreement made with an incorporated company for its general benefit.

Twenty-third. In the performance of this agreement the said company shall not, directly or indirectly, employ any person undergoing sentence of imprisonment at hard labor which may have been imposed by a court of any State, Territory, or municipality having criminal jurisdiction, nor permit such employment by any person furnishing labor or materials to said company for use in fulfillment of this agreement.

Twenty-fourth. The company shall hold and have the United States Government and all officers and agents thereof harmless from and against all demands of any nature or kind for or on account of the use and continued use of any patented article, combination, or process which may apply to or affect the articles, materials, or services furnished under this agreement.

Twenty-fifth. The party of the first part expressly warrants that he has employed no third person to solicit or obtain this contract in his behalf, or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that he has not paid, or promised or agreed to pay, to any third person, in consideration of such procurement, or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount receivable by him hereunder; and that he has not, in estimating the contract price demanded by him, included any sum by reason of any such brokerage, commission, or percentage; and that all moneys payable to him hereunder are free from obligation to any other person for services rendered, or supposed to have been rendered, in the procurement of this contract. He further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sums due or to become due thereunder an amount equal to any brokerage, commission, or percentage so paid, or agreed to be paid.

Twenty-sixth. Subject to the consent hereto of the Secretary of War or his duly authorized representative, upon the signing of this agreement, the obligation of the Government to take and of the power company to furnish power under the "contract for electric-power operating," entered into under date of March 8, 1918, by and between the United States of America and the Virginian Power Co., shall cease and determine, but all other rights and obligations thereunder unless specifically modified herein shall remain intact.

In witness whereof, the parties aforesaid have hereto placed their hands the date first hereinbefore written.

By THE VIRGINIAN POWER CO.,

RECAPITULATION.

Operating expenses:		
Prorated on basis of increased demand	-----	\$4,315.12
Prorated according to demand	-----	3,759.80
Prorated according to energy	-----	21,512.17
Segregated actual items	-----	2,046.50
		31,633.59
Fixed charges:		
Interest prorated according to demand	-----	\$12,371.00
Depreciation—		
Prorated according to demand	-----	\$4,206.34
Prorated according to use	-----	3,014.00
		7,220.34
Total of operating expenses and fixed charges	-----	\$19,591.34
Add 10 per cent.	-----	5,122.49
Total based on contract	-----	56,347.42
Deduct amount paid to Dec. 31, 1918	-----	42,309.93
Balance due based on contract	-----	14,037.49
Supplementary items:		
Power commandeered by nitro	-----	\$2,779.92
Cost of reblading No. 2 turbine	-----	7,601.06
Excess boiler repairs	-----	3,099.88
Increased cost of construction labor	-----	5,050.70
Excess cost of operating labor	-----	17,619.74
Increased cost of operating labor	-----	28,283.11
Excess cost of coal, 1918	-----	13,373.83
Excess cost of coal, 1919	-----	60,500.00
Excess cost of replacement of material	-----	18,557.93
Total	-----	156,866.17
Add 10 per cent.	-----	15,686.62
Total supplementary items	-----	172,552.79
United States construction-contract items:		
Items pending and / or disallowed	-----	332.34
Pay roll checks unclaimed, etc.	-----	777.88
Total United States construction items	-----	1,110.22
Grand total	-----	187,700.50

EXHIBIT No. 2.
Memorandum.

The equipment, material, supplies, transmission lines, etc., which are transferred to the Virginian Power Co. by the United States of America by virtue of contract of which this memorandum is a part, consists mainly of rights of way, poles, fixtures, hardware, conductors, insulators, transformers, switches, and appurtenances of same, also the hoist-house extension, leanto, and storehouse at Cabin Creek Junction, but equipment at Cabin Creek Junction which is contained in the list of material in the possession of the power company and to be used in constructing lines to the naval ordnance plant on rights of way owned by the Government or the transmission line on the Kanawha & Michigan Railway is not included.

The equipment, material, supplies, transmission lines, etc., transferred are more especially described in the following sheets:

U. S. 3.

Burnwell to Leewood, 4.53 miles, 44,000 volt, single circuit, wood pole transmission line, B-arrow arms, 2/0 stranded copper, 40-foot wood poles, Thomas disk insulators No. 1129, Thomas pine insulators No. 4000.

Wierwood to Milburn, 8.82 miles, 44,000 volt, single circuit, wood pole transmission line, wishbone cross arms, 2/0 copper conductors, 40-foot poles, Thomas disk insulators No. 1129, Thomas pine insulators No. 4000.

U. S. 3.

Changing copper on Sun-Pax line, 4.76 miles, from 1/2-inch copper clad to 2/0 stranded.

Changing copper on Paint Creek Co. line, 5.34 miles, from No. 2 solid copper to 2/0 stranded copper. Total length 10.10.

U. S. 4.

Layland, W. Va., 44,000-23 volt, wood substation, 3-300 K. V. A. Westinghouse transformers.

Berry to Layland, W. Va., 6.06 miles, 44,000 volt, single circuit, wood pole transmission line, wishbone cross arms, No. 2 copper conductors, 40-foot poles, Thomas disk insulators No. 1129, Thomas pin insulators No. 4000.

Layland, W. Va., 2,300 volt wood pole distribution line, 35-foot poles, Thomas disk insulators No. 1074, Thomas pin insulators No. 1009, 3/0 copper conductor. Total length 15 miles.

U. S. 5.

Gamoca to Ansted, 5.75 miles, 44,000 volt single circuit, wood pole transmission line, wishbone arms, 1/2-inch copper-clad conductors and ground wire, 40-foot poles, Thomas No. 1129 disk insulators, Thomas No. 4000 pin insulators.

Ansted, W. Va., 2,300 volt single circuit, wood pole distributing line, No. 2 solid copper, 30-foot poles, Thomas disk insulators No. 1074, Thomas pin insulators No. 1009.

Ansted, W. Va., 1.05 miles 2,300 volt, single circuit, wood pole distribution line, 2/0 stranded copper, 30-foot poles, Thomas disk insulators No. 1974, Thomas pin insulators No. 1009.

U. S. 5.

44,000-2,300 volt, wood substation, 3-200 K. V. A. Westinghouse transformers, 30-foot poles, located at Ansted, W. Va.

U. S. 6.

Appalachian tie line, 12.1 miles, survey only for tie line from Hot Coal to Mullens, W. Va.

U. S. 7.

Campbells Creek line, Dana to Big Bottom, 3.74 miles; 44,000-volt, single-circuit, wood-pole transmission line; bow-arrow arms; 40-ft. poles; 3/4" copper-clad conductors; Thomas disk insulators, No. 1129; Thomas pin insulators, No. 4000.

U. S. 8.

McAlpin, W. Va., 44,000-2,300-volt, wood substation, 3-200 K. V. A. Westinghouse transformers, 30' poles.

44,000-volt single-circuit, wood-pole transmission line, bow-arrow crossarms; 40-ft. poles; Thomas disk insulators, No. 1129; 2/0 stranded copper conductor.

McAlpin, W. Va., 0.04 miles, 2,300-volt, single-circuit, wood-pole transmission line; 30-ft. poles; 2/0 copper conductors; Thomas disk insulators, No. 1074; Thomas pin insulators, No. 1009.

U. S. 9.

Mordue, W. Va., 44,000-2,300-volt wood substation; 3-250 K. V. A. Pittsburgh transformers; 30-ft. wood poles.

U. S. 10.

Emerson to Eunice, 3.36 miles H. T.; 0.46 miles L. T.; 44,000-volt, single-circuit, wood-pole transmission line; wishbone crossarms; 40-ft. wood poles; 3/4" copper clad conductors; 2,300-volt, single-circuit, wood-pole distribution line; 30-ft. poles; 2/0 copper conductors.

U. S. 11.

Paint Creek Coal Mining Co., at Benner, W. Va., 1.13 miles; 44,000-2,300-volt substation and 2,300-volt distribution line to mine No. 2; solid copper conductors.

U. S. 12.

Kellys Creek Colliery Co., Ward, W. Va., 0.52 miles, 2,300-volt, single-circuit, wood-pole distribution line from war substation to mine No. 5.

U. S. 14.

Powellton, W. Va., 0.208 miles H. T. 44,000-volt, single-circuit transmission line; wishbone crossarms; 3/4" copper clad conductor; and 2,300-volt, single-circuit distribution line to Vulcan mine, 1/0 solid copper conductors.

U. S. 15.

Vincova, W. Va., 44,000-2,300-volt wood substation and 2,300-volt distribution line; No. 2 copper conductor.

U. S. 16.

Berlin, W. Va., 44,000-2,000-volt wood substation; 3-100 K. V. A. Pittsburgh transformers; 30-ft. poles.

U. S. 17.

Beards Fork, W. Va., 44,000-2,300-volt wood substation; 2-200 K. V. A. Westinghouse transformers.

U. S. 18.

Minden, W. Va., 44,000-2,300-volt, double-circuit, steel substation. Minden, W. Va., 0.23 miles, 44,000-volt, double-circuit, wood-pole transmission line; bow-arrow crossarms; 40-ft. poles; 3/4" copper clad conductors; Thomas disk insulators, No. 1129; Thomas pin insulators, No. 4000.

Minden, W. Va., 2.29 miles, 2,300-volt, single-circuit, wood-pole distribution line; 30-ft. poles; Thomas disk insulators; Thomas pin insulators, No. 1009; 4/0 copper conductors.

One brick warehouse, including floor slab. Both warehouse and floor slab are supported by a concrete settling basin, the title of which remains vested in the Government.

One brick leanto, being an extension of the Virginian Power Co.'s control room.

The extension to the Virginian Power Co.'s hoist house, this structure being of brick.

List of material to be transferred to the Virginian Power Co.

Quantity	Description
377	post type insulators No. 7130.
4,581	±4000 pin insulators
2,280	±1129 strain insulators.
400	4400 pin insulators.
100	glass insulators—Brookfield.
250	disconnect insulators ±1104.
35	No. 1074 insulators.
96	2 pin cross arms.
800	galvanized 3/4" steel cable.
3,310 #	±8 solid copper wire.
170,106	4/0 copper stranded wire.
103	insulator plates.
525	3/4" cast-iron washers.
400 #	railroad spikes.
1,000	wood brackets.
1,512 #	6"x12" channels.
24	galvanized cross-arm braces.
7	rolls 36" poultry wire.
24	1" turnbuckles.
24	3/4" turnbuckles.
18	1/2" turnbuckles.
18	1/4" turnbuckles.
36	1x1 1/2" set screws.
100 #	7" boat spikes.
74	7x18" machine bolts.
18	terminal lugs.
50	3/4" Crosby clamps.
25	3/4"x4" lag screws.
400	2"x4" lag screws.
200	1 1/2"x7 1/2" standard belts.
500	3"x2" machine bolts.
100	3"x1 1/2" machine bolts.
2	14" 2-sheave wood blocks.
2	14" 3-sheave wood blocks.
2	16" 3-sheave steel blocks.
1 1/2	gross #14 brass wood screws.
1	1 1/2" pop valve.
4	quires emery cloth.
10	gross #7 2 1/2" F. H. wood screws.
8	gross #7 1 1/2" F. H. wood screws.
16	gross #7 1" F. H. wood screws.
1	set discs, 1 1/2"-2.
3	3/4" hose connectors.
8	door locks.
10	3/4" bolt tops.
11	3/4" straight shank drills.
3	3/4" straight shank drills.
2	3/4" straight shank drills.
4	3/4" straight shank drills.
6	3/4" straight shank drills.
1	stop cock.
2	#2 ejectors.
1	pair 3/4" hinges.
1	lubricator.
2	#6 pipe cutters.
627	3/4"x14" through bolts.
100	3/4"x14" through bolts.
50	3/4"x18" through bolts.
8,225	3/4"x14" stud bolts.
16	H. P. ells.
200	3 bolt clamps.
200	3/4"x14" space bolts.
200	3/4"x4" lag screws.
53 1/2	lbs. Garlock packing.
1	2 1/2" fire hose.
1	#10 washers.
2	1 pt. brass lubricators.
1	gal. white enamel.
4	2" steel gaskets.
46	4" steel gaskets.
79	6" steel gaskets.
111	8" steel gaskets.
44	10" steel gaskets.
39	12" steel gaskets.
34	14" steel gaskets.
29	16" steel gaskets.
8	24" steel gaskets.
43	2 1/2" steel gaskets.
11	3" steel gaskets.
300	3/4"x4" galvanized bolts.
75	washers.
250	3/4"x7" galvanized bolts.
9	4" H. P. ells.
41	1 1/2" H. P. ells.
9	3" H. P. ells.
7	4" H. P. ells.
45	3" L. P. ells.
4	4" L. P. ells.
2	3" blank flanges.
1	4" blank flanges.
12	2" floor flanges.
40	3" flanges.
12	4" flanges.
12	3" flanges.
3	3" gate valves 125 #.
6	3" globe valves.
7	2" globe valves.
2	3" gate valves 125 #.
1,372 #	33 pes. 3/4"x10" square rein. steel.
340 #	25 pes. 3/4"x10" rein. steel.
720 #	30 pes. 3/4"x10" round rein. steel.
6,500	Lee pin cones.
1	G. 11 circuit breakers.
1	phase 44000 V Delta star airbrake switch.
300	2/o copper sleeves.
1	Burke horn cap arrester.
550	single band arrow arms.
1	2 1/2"x4" valve stem.
128	double band arrow arms.
250	standard bayonets.
2	200 Pittsburgh transformers.

Recapitulation covering settlement.

	Present values.	Agreed values.	Total for depreciation, 5 years.	Agreed future value.
			Per cent.	
Transmission line.....	\$240,970.72	\$225,104.56	35	\$146,317.96
Substation.....	42,282.30	35,054.07	50	19,027.04
Warehouse.....	50,102.00	50,491.80	11 1/2	44,811.47
Hoist house.....	6,907.60	6,218.84	11 1/2	5,517.45
Lean-to.....	11,145.00	10,090.50	11 1/2	8,902.07
Stores at Cabin Creek.....	357,407.62	323,807.77		224,575.99
	46,096.98	41,487.28	37 1/2	25,923.55
Plus stores yet to be billed, Virginian Power Co.....	403,504.60	371,385.05		250,505.54
	19,000.00	19,063.00		19,000.00
Less costs incurred.....	422,504.60	390,385.05		269,505.54
Cash payment.....				81,803.04

EXHIBIT No. 3.

This deed, made this 28th day of August, 1910, between the United States of America, party of the first part, and the Virginian Power Co., a corporation created under the laws of the State of Massachusetts, and having its place of business at Charleston, in the State of West Virginia, party of the second part, witnesseth:

That whereas an agreement was entered into between the parties hereto on the 28th day of August, 1910, whereby the said party of the first part contracted for the consideration named in said agreement to grant unto the party of the second part all the right, title, and interest with the privileges and appurtenances thereunto belonging and vested in the United States of America in and to the rights of way conveyed to the party of the first part by the following deeds, respectively, recorded in the office of the County Clerk of the following-named counties in the State of West Virginia—

Fayette:	Book.	Page.
Mrs. Fannie Humphrey.....	46	607
Wm. Canterbury.....	46	605
Jeff Tyree and wife, E. K. Lively and wife.....	46	596
J. S. Lively and wife.....	46	602
G. W. Lively.....	46	603
C. S. Lively and wife.....	46	608
Roy Lively.....	46	593
George Lively, sr.....	46	589
R. Sutphin and wife.....	46	611
W. B. Honaker.....	46	601
J. W. Lively.....	46	599
Charley H. Davis and wife.....	46	587
Irvine Davis.....	46	590
Mrs. M. E. Wriston and Harold Wriston.....	46	609
James H. Winegrove and wife.....	46	596
Mrs. Elizabeth Winegrove (widow).....	46	612
E. T. Winegrove and wife.....	46	595
L. O. Davis and wife.....	46	586
Solvay Collieries Co.....	47	500
G. W. Lively.....	46	592
J. B. Powers.....	47	502
Charles Tyree.....	47	502
George W. Williams.....	46	575
Ephraim Creek Coal & Coke Co.....	46	577
Mrs. J. E. Dearing (widow).....	46	577
The Fire Creek Coal & Coke Co.....	47	514
Beury Bros. Coal & Coke Co.....	47	516
Beachwood Coal & Coke Co.....	47	505
G. W. Imboden and wife.....	47	511
T. D. Childress and wife.....	47	512
W. C. Nuckols and wife.....	47	507
Geo. C. Taylor and wife.....	47	509
P. P. Hendrick.....	47	504
Lynchburg Collieries Co.....	47	504
Midvale Colliery Co.....	46	581
B. E. Tarley and wife.....	46	580
Joseph Potter.....	46	584
P. H. Thompson and wife.....	46	578
Thomas E. Webster and wife.....	47	136
Thomas Elliott.....	47	135
E. L. Hornaby and husband.....	46	582
John Boken and wife.....	47	133
M. B. Treadway and husband.....	47	133
Kanawha:		
Paint Creek Coal & Land Co.....	187	552
Howard Clay and wife.....	188	88
William Stone and wife.....	188	80
Mark Harless and wife.....	188	82
Charles Wolf and wife.....	188	71
Alex. Morton and wife.....	188	53
W. D. Lewis and wife.....	188	96
Norman F. Belcher and wife.....	188	50
William Walker and wife.....	188	55
John Trigg and wife.....	188	84
J. L. Wilson and wife.....	188	92
R. H. Wiley.....	190	35
George W. Stanley and wife.....	188	94
Mrs. Rhoda McConthay.....	188	86
Hewitt Flowers and wife.....	188	77
Alfred Moss and wife.....	188	90
Grant Underwood and wife.....	193	291
Raleigh:		
Ida Farley.....	67	278

Now, therefore, for the consideration aforesaid, the said party of the first part doth grant, bargain, sell, and convey unto the said party of the second part all the right, title, and interests with the privileges and appurtenances thereunto belonging now vested in said parties of the first

part under and by virtue of the deeds aforesaid, to which reference is made for a more particular description of the property hereby conveyed. To have and to hold unto the said Virginia Power Co., its successors and assigns, forever.

Witness the following signature and seal of the United States of America by its duly constituted contracting officer.

R. H. HAWKINS,
Lieutenant Colonel, Ordnance Department,
United States Army.

Witness:
HELEN HIETT.

NOTE.—The following deeds have not been recorded in the office of the county clerk of Fayette County, State of West Virginia; therefore the book and page numbers are shown in blank on this deed, but to be inserted when deeds are recorded:
George W. Williams,
Beury Bros. Coal & Coke Co.
Lynchburg Collieries Co.
G. W. Lively.

EXHIBIT No. 4.

List of material in possession of the Virginia Power Co. owned by the Government to be used in the construction of transmission lines to the naval ordnance plant, South Charleston, W. Va.

- 2 Sets 66,000-volt delta star air-brake switch.
- 156 Miles 2/0 stranded copper wire.
- 781 Miles 5/16" galvanized stranded ground wire.
- 150 Anchor rods, 5/8 x 6' 0".
- 300 2/0 copper sleeves.
- 1,100 Hooks for suspension hangers.
- 1,050 Suspension hangers.
- 8,004 Locke suspension insulators.
- 12 Locke strain clamps.
- 12 Insulator yokes.
- 161 Type "M" transmission towers.
- 15 Side hill extensions, slope along line for "M" towers.
- 44 Side hill extensions, slope across line for "M" towers.
- 12 10' square extensions for "M" towers.
- 19 20' square extensions for "M" towers.
- 45 Type "P" transmission towers.
- 2 Side hill extensions, slope along line for "P" towers.
- 16 Side hill extension, slope across line for "P" towers.
- 10' square extensions for "P" towers.
- 20' square extension for "P" towers.
- 4 Type "S" transmission towers.
- 20' square extensions for "S" towers.
- Miscellaneous tools and camp equipment.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more and that I may have 5 minutes more.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois shall have 10 minutes additional, and that he shall have 5 minutes additional. Is there objection?

Mr. FESS. Mr. Speaker, I regret, but the Committee on Education can not give way further. I object.

The SPEAKER. Objection is heard.

Mr. GARRETT. Mr. Speaker, may I call the attention of the gentleman from Ohio to the fact that we are asking for only 15 minutes more? There is one phase which the gentleman has discussed to which reference was not made in his original statement, and to which I would like to refer a moment. I am asking that he have five minutes more than I.

Mr. FESS. Mr. Speaker, we have given way before, and this is the third time that we have given way. Others are asking us further to give way, after the gentleman from Illinois [Mr. GRAHAM] is through. We must have some place where we shall stop, and I object.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, I shall have to make the same request, although I never do that.

The SPEAKER. Is there objection?

There was no objection.

THE BUDGET.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the bill (H. R. 9783) to provide for a national budget be given a privileged status in order that it may be called up without bringing in a rule at the conclusion of the consideration of the bill H. R. 4438, the vocational education bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the budget bill be given a privileged status so that it may be taken up after the education bill. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object—and I shall not object—I want to ask the gentleman how much time we are going to have to discuss the bill?

Mr. GOOD. Mr. Speaker, I have talked with the gentleman from Tennessee [Mr. BYRNS], the ranking Democratic member on the committee, and we have rather come to the conclusion that it would be better not to ask any definite time to be fixed in order that free opportunity may be given for discussion of the bill.

Mr. CLARK of Missouri. I think that bill is one of the most important that has been suggested in this Congress. It is an

entirely new departure and should be thoroughly discussed, and of course the speeches should be confined to the subject.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Unless we have assurance that we will have free discussion of it, I would object.

Mr. GOOD. Mr. Speaker, I would say to the gentleman that when we reach the bill I shall ask that general debate be confined to the bill. So far as I am concerned, I want to say that absolutely full and free discussion of the merits of the bill shall be given every Member of the House who desires to speak.

The SPEAKER. Is there objection?

Mr. HAUGEN. Mr. Speaker, reserving the right to object, this is very important, and the House ought to know now how much time shall be given to a discussion of the bill, so that both sides may be given an opportunity to be heard. I shall object to any unanimous consent unless we have an understanding that both sides shall be given an opportunity to be heard on this all-important proposition, as was pointed out by the gentleman from Missouri [Mr. CLARK].

Mr. GOOD. Mr. Speaker, I have just said that, so far as I am concerned, I shall do all I can to see to it that the discussion shall be full and free, and that anyone who wants to speak on the bill shall be given full opportunity to discuss it.

Mr. HAUGEN. If that is the purpose, then the gentleman can have no objection to now fixing the time for general debate, when he asks unanimous consent. I think the gentleman should ask for a limit of time, so that we may know what is going to take place, so that we may be assured that the opposition is going to be heard as well as the proponents of the measure.

Mr. GOOD. I will say to the gentleman that the bill that I have referred to has no relation and does not refer to the resolution changing the rules of the House. That will not be brought up under this bill at all.

Mr. HAUGEN. I only wish it could be brought up in connection with this bill, so that we might discuss the two propositions at one time, so that it might be decided whether we are going to increase the Appropriations Committee or decrease the committees to one. If we are going to adopt this system, one which has been condemned, discredited, and discarded by other nations that have tried it, there ought to be full and free discussion of the subject, and if we are going to force it on the House now by unanimous consent, then we should understand that free opportunity shall be given to those who are opposed to the bill as well as to the proponents of the measure. If the time is to be disposed of, let it be divided and fixed now, so that the opposition may be heard as well as the proponents.

Mr. GOOD. I will say to my colleague that if unanimous consent is not given it will be necessary to ask for a rule. The rule which will be asked for will not limit the debate. We do not desire to limit debate now, because if we should fix on 12 hours, the amount that has been talked about for debate, there might be objection on the floor of the House to agreeing to that much time. I am willing that the House shall debate it for 12 hours or longer time, if Members want to discuss it. I have no disposition to shut off debate. I think debate should be free and open. I hope the gentleman will not object, because that will simply mean that we must take up an hour in discussing the rule.

Mr. HAUGEN. Mr. Speaker, generally it has been customary for the House to determine and not the Committee on Rules or any other committee. That matter can be discussed and arranged at that time.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. Of course, I take it that it would be impossible to undertake to fix the time now in advance of taking up the bill, but I want to supplement what the chairman of the committee has said. There is no disposition upon the part of any member of the Special Budget Committee or any Member of the House to prevent free discussion of this bill. We all recognize that it is one of the most important pieces of legislation that has been brought before the House. It is the disposition of every member of the committee, in connection with the chairman, to see to it, so far as we can, that everyone who wants to discuss it may have the fullest and freest opportunity to do so.

Mr. HAUGEN. There is no question that it is a most important question to depart from established practice and plunge headlong into a proposition that has proven a failure and been condemned in other countries, and which other nations are now turning heaven and earth to get away from. You are now going to foist it upon the country in 12 hours of debate—

Mr. BYRNS of Tennessee. There has been no suggestion as to how many hours of debate.

Mr. HAUGEN. You are not willing to leave it to the House to determine the debate that shall be granted. It has been customary when unanimous consent is made that we agree upon a time, that we may have an idea as to when the matter is to be disposed of.

Mr. GOOD. Will the gentleman yield?

Mr. HAUGEN. Why resort to this practice? What is the necessity of it? Are you so afraid of it? Why should not light be shed upon it?

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

The SPEAKER. Is there objection?

Mr. KING. Mr. Speaker, I object.

INDUSTRIAL, VOCATIONAL, REHABILITATION.

Mr. FESS. Mr. Speaker, I call up the bill H. R. 4438.

The SPEAKER. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4438.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4438, with Mr. MADDEN 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, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

Mr. TOWNER. Mr. Chairman, the committee amendment, I suppose, will take precedence over any other amendment?

Mr. WALSH. We do not have to vote on a committee amendment before another can be offered.

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

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 4, line 1, beginning with the word "that," strike out all of the balance of the paragraph and insert in lieu thereof the following: "The vocational rehabilitation provided for herein shall be given under the supervision and control of the State board, and all courses shall be available, under such rules and regulations as the Federal board shall prescribe, to all persons in such destitute circumstances that they are financially unable to provide their own rehabilitation, disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, all mechanic arts, and to civil employees of the United States disabled while in the performance of their duty: *Provided*, That persons who have received compensation for injuries and other disabled persons who are able to pay for same may be given rehabilitation training upon paying reasonable tuition therefor."

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. There is a committee amendment pending. Is it not the practice that the committee amendment shall be disposed of before other amendments are offered?

The CHAIRMAN. The Chair thinks that is the practice; but it has not been called up by the committee. In this case the gentleman from Texas was recognized before any member of the committee undertook to call up the committee amendment.

Mr. TOWNER. Mr. Chairman, I called the attention of the Chair to the matter.

The CHAIRMAN. But the gentleman from Texas had been recognized before the gentleman did that.

Mr. BLANTON. And I am also a member of the committee, Mr. Chairman.

The CHAIRMAN. That would not make any difference as to the committee amendment.

Mr. BLANTON. Mr. Chairman, during the general debate on this bill the other day I called the attention of the committee to the fact that in stating the purpose of this bill in the beginning it stated that it was to provide rehabilitation to those disabled persons who were unable financially to provide it for themselves, and yet when this bill attempts to define the persons who would be entitled to this training it left out entirely those persons disabled who were in destitute circumstances and who were not able to pay for the training. The colloquy which occurred between the gentleman from Michigan [Mr. SMITH] and the gentleman from Ohio [Mr. FESS] on this very subject showed conclusively that the bill does not do that which it intends and purports to do. The preamble of the bill starts out by saying that it is to provide rehabilitation to those persons who are without sufficient means to provide for their own rehabilitation, yet the chairman admits that the bill will do nothing of the kind, as the only persons it will fur-

nish any relief to are those able to pay tuition for such training, for when the gentleman from Michigan [Mr. SMITH] asked, "What about those persons disabled who are in destitute circumstances and who are not able to pay for it," the distinguished educator from Ohio [Mr. FESS] answered, "Oh, they are unfortunate; they are unfortunate." Now, disabled persons who have property and money do not need any consideration from Congress so far as rehabilitation is concerned. They can go to the best institutions and employ the best talent of this Nation and be rehabilitated and retrained educationally. It is the poor devil who has nothing, who has had his arms or legs or eyes taken from him, who has to meet the world in competition, and who has nothing in the way of property—he is the one, if any, who should be entitled to this training.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. In a moment. He is the one who should get this training if anyone should get it at all. Now, I called the attention of the chairman to that fact, and I call the attention of this committee to the fact, that the only provision in this bill that names the persons to whom these courses shall be given is found in subdivision 5 under section 2 of the bill. It says that civil employees of this Government shall be entitled to it, and that was an amendment which was suggested by the Senate committee, if you please. If you pass this bill as it is in its present state you would find that no persons are entitled to this training except civil employees of this Government who have been injured during the course of their employment. I now yield to my colleague, the gentleman from Texas.

Mr. HUDSPETH. I did not catch the gentleman's amendment clearly. Does it provide that any person in any walk of life or pursuit shall obtain the benefits of this bill?

Mr. BLANTON. It provides that every person in any one of these industrial vocations, including farming, who shall become injured and who is in destitute circumstances and unable to pay for his rehabilitation shall receive this training free.

Mr. HUDSPETH. Why not provide for every destitute person, take all in?

Mr. BLANTON. It takes all persons in except soldiers, and soldiers are provided for by another law. It provides for every class of employee in this land in destitute circumstances, unable to pay for this training, and it should provide for them if such a bill as this is passed at all.

Mr. BEE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BEE. I am in sympathy with the gentleman's statement, but I think the gentleman's use of the word "destitute" is in a rather offensive sense. It rather carries the same meaning as the word "pauperize."

Mr. BLANTON. Oh, no; it does not. It does not carry it to my mind, because I have been in destitute circumstances myself in my earlier life, and I was not ashamed of it, and did not consider it was a disgrace either to me or to any other person similarly situated. It is no disgrace to be poor or in destitute circumstances.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLANTON. Mr. Chairman, I ask for two minutes more.

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

Mr. JOHNSON of Washington. As I understand it, the gentleman's amendment provides for those unable to pay for rehabilitation.

Mr. BLANTON. Yes; and that is the very purpose of this bill, as stated in its preamble.

Mr. JOHNSON of Washington. The gentleman is a member of the committee. This bill provides rehabilitation for persons generally.

Mr. BLANTON. It says that in the preamble, but when it goes to make provision for it in the bill it just provides for one class, and that is the civil employees of this Government, as contained in subdivision (5).

Mr. JOHNSON of Washington. Do not the provisions of this bill run to Indians?

Mr. BLANTON. Please do not take up further of my time, because I have only two minutes.

Now, gentlemen, if we are going to carry out the purpose and intent of this bill there must be a provision in it that will take care of a poor person who, as I said the other day, looks through the glass of life darkly. He is the person who should receive the benefits of this bill. He is the one who is entitled to rehabilitation, and without this amendment he may not get it, according to the statement of the chairman in reply to the gentleman from Michigan the other day.

Mr. FESS. Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. BLANTON] injects into the bill the item of compensation.

Mr. BLANTON. Oh, no.

Mr. FESS. This bill is not written on that basis at all. This bill is simply contributing by the Federal Government a fixed sum, written in the law, for the use of the State, under the approval of the Federal board, and nobody is excluded. There is not anyone excluded from the training. There are 38 States of the Union that maintain compensation commissions administering compensation laws. We do not interfere with them. This is simply opening the training schools for the admission, as administered by the States, for the training of these employees who come to the schools. The Government is not contributing any money at all to individuals, as is the case in the Federal rehabilitation of disabled soldiers. This is not on that basis at all. And I hope that no member of the committee here will be prevailed upon to make out of this a training bill. It is purely a cooperation with the States, in which the Government gives no money to any individual, but gives it to the States to be used in the schools directed by the States, and will not mix the element of compensation in with the training feature.

Mr. ROSE. Will the gentleman yield?

Mr. FESS. I yield to my friend from Pennsylvania.

Mr. ROSE. I was present the other day during the colloquy between the gentleman from Ohio [Mr. FESS] and the gentleman from Michigan [Mr. SMITH], and now we have the amendment offered by the gentleman from Texas [Mr. BLANTON]. I would like to have the gentleman from Ohio explain the colloquy between himself and the gentleman from Michigan the other day.

Mr. FESS. The gentleman from Texas thinks the Federal Government ought to assist a poor cripple to get into the school by paying his allowance while he is in there.

Mr. BLANTON. I hope the gentleman will not misconstrue my statement. I provide for no allowance, but merely for the tuition. No allowance whatever.

Mr. FESS. The tuition is not charged to anyone unless the State itself will charge it, and that would have to be on the approval of the Federal board. The gentleman's amendment, if he does not mean to support the individual in the school, does not add anything to the bill.

Mr. BLANTON. Nothing but his tuition and board; no allowance whatever.

Mr. FESS. The board may be allowed providing the State that is directing the school would permit it, but that would have to be with the approval of the Federal board. I do not think this Congress wants to allow the Federal Government to step over into the States and dictate what shall be done in the States. This would be done by the State boards on the approval of the Federal Government.

Mr. BLANTON. That is what the bill seeks to do.

Mr. JOHNSON of Washington. It says that it shall be under a general plan of supervision determined by the Federal board, and it is either that or nothing, probably. If that is not the case, I would like to know.

Mr. FESS. No money will go from the Federal Treasury unless the use of it is to be approved by the Federal board, and this is by a general plan or provision.

Mr. JOHNSON of Washington. Then there will be no escape from what this Federal board proposes, and we have been through that before.

Mr. FESS. The Federal board will probably do something about the manner in which the administration of the appropriation in the State will take place, but it is wholly a matter of the States, with the approval of the Federal board.

Mr. JOHNSON of Washington. The Federal board telling the States what to do.

Mr. FESS. The gentleman from Washington would not vote money out of the Federal Treasury to go to a State without any suggestion as to how the money was to be used. But we do not step over into the State and control it. We simply say to the State, "If you want it, you accept it upon the approval of the general plan."

Mr. JOHNSON of Washington. I would not vote for a measure by which the Federal Government would draw the State into this thing.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, I am opposed to this amendment offered by the gentleman from Texas [Mr. BLANTON], because it simply shows the absolute illimitable operation of this bill if it is ever passed. On Saturday I made some remarks, and I am going to make a few more. The principal objection to this bill, in my mind, is—and I wish the gentleman from Ohio

[Mr. Fess] would listen to what I have to say just now—that it starts up or initiates or begins a brand-new kind of expenditures by the Congress of the United States.

Now, there is no question in the world about that. For instance, on page 8 is set out a lot of salaries. Beginning on line 11 it is provided:

No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of \$5,000 per annum, to not more than one person; at the rate of \$4,000 per annum each, to not more than four persons; at the rate of \$3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of \$2,500 per annum.

Now, the number that are under this bill that might receive \$2,500 per annum may be very numerous, and what are these men going to do? The \$5,000 fellow will tell the \$4,500 fellow what to do, and he will tell the \$3,500 fellow what to do, and he in turn will tell this brood of \$2,500 fellows what to do, and the Government will be loaded down with a lot of salary drawers down there that could not be elected dog pelter in the communities in which they live. [Applause.]

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

Mr. CLARK of Missouri. Yes; with pleasure.

Mr. FESS. This is not in the form of an amendment, but it is in the form of a supplement to the Smith-Hughes Act. The Smith-Hughes Act provides for the use of money in the 48 States. That is for the vocational education of pupils in school. This uses the same facilities to train we already had, adding the additional feature of salvaging the human wreckage which unfortunately is crippled in the industries and on the farms; and in order to use the existing institutions now used by the Smith-Hughes bill, there will be a different sort of training, and medical officers will be required. We provide here for four surgeons to be utilized for the purposes of 48 States in cooperation with the States. The Smith-Hughes Act has 14 districts. Each one is presided over by a director. There is a provision here that there may be an additional person to a district to take care of the industrial cripple. This limitation was put in to secure the thing which my friend the distinguished ex-Speaker is complaining about, and the limit of expenditure is fixed in the appropriation authorized to be made for the administration in the bill.

Mr. CLARK of Missouri. I know that economy is an exceedingly dry theme—dry as a powder house. Anything in favor of cutting down the expenses usually devolves upon the chairman of the Committee on Appropriations and his associates and fellow members, because they seem to think that that duty is devolved upon them.

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

Mr. CLARK of Missouri. I would like to have five minutes more. Dr. Fess used up my time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Economy is also a disagreeable subject. It is unpleasant to stand up here and undertake to defeat anybody's plan or scheme. But nevertheless and notwithstanding, I have made up my mind that the time has come when it has to be done. [Applause.] It does not make any difference how unpleasant it is; it is a most important performance to try to secure economy. When I was a boy there was an old rough country doctor in the neighborhood I lived in who was a great hand at making epigrams, and he said, "The most sensitive nerve in the human anatomy is the nerve leading to the pocketbook." I believe it, and we are liable to find it out before very long, when the people conclude they will express their opinion.

While not a pleasant or a cheerful subject, everybody almost is and must be interested in economy, and this bill starts up a brand-new way to spend money. Innumerable bigwigs, male and female, are going about over the country preaching thrift. The Hon. William Gibbs McAdoo, when he was Secretary of the Treasury, Director General of Railroads, and so forth, and so on, and so forth [laughter], in order to encourage thrift stated that he wore half-soled pantaloons. That was a very good example he set, but he did not have that kind on the day we met Pershing over in New York. [Laughter.]

Mr. Secretary of the Treasury Carter Glass made a speech in Richmond some time ago urging thrift, in which he stated that the suit of clothes he had on he had worn five years, and he proposed to continue to wear it until it fell to pieces. [Laughter.] That was a very valuable example. I am not making fun of it at all.

Everybody is enjoined to practice thrift. If you and I and the rest of us are disposed individually to practice thrift,

why should not the Congress of the United States practice thrift? [Applause.] And this is the very place to begin. We are the most extravagant people on the globe, and always have been, simply because we are the richest people on the globe. But here is a deficiency staring us in the face of \$3,500,000,000 this fiscal year. Where are you going to get the money? How are you going to pay it? Why, there are only two ways in the world, maybe three, to do it. One of them is by economy—a little here and a little there. Another is to increase taxes. The other is to issue bonds, and issuing bonds simply postpones the evil day. They must be paid at last by taxes, together with the interest thereon. We are habituated to extravagance. Hence economy is very difficult for us to initiate or carry into practice. I do not see how 90 per cent of the people of the United States, with these high prices prevailing, manage to make buckle and tongue meet at the end of the year, and in a country where granaries are bursting with grain and cattle feeding on a hundred thousand hills, a large part of the people in this country are hungry. A lot of anemic children are growing up that never will develop into robust men and women.

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

Mr. CLARK of Missouri. Yes.

Mr. FESS. A point of economy: Has the gentleman considered the proposition of taking 22,500 total cripples per year, restoring them and making them self-producing—whether that is economy or not?

Mr. CLARK of Missouri. I think it is; but I say it belongs to the States. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. CLARK of Missouri. I would like to have five minutes more, since I have got started.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri may be allowed to finish his remarks, whatever time it takes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Missouri be allowed to complete his remarks. Is there objection?

There was no objection.

Mr. CLARK of Missouri. I think that the purpose underlying this bill is a good and laudable purpose. I do not object to that. This plan of a dollar from Uncle Sam and a dollar from the States is very seductive. These legislators will say, "Why, Lord, Lord; here we are getting some money out of Uncle Sam. Let us vote for this bill." [Laughter.]

Mr. FESS. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. FESS. Does the gentleman think the Smith-Hughes legislation was a mistake?

Mr. CLARK of Missouri. No; I do not.

Mr. FESS. Does the gentleman think the Smith-Lever legislation was a mistake?

Mr. CLARK of Missouri. No; I do not.

Mr. FESS. Does the gentleman think the land-grant-college system was a mistake?

Mr. CLARK of Missouri. I do not; but that was away back yonder about the time I was born. As I stated on Saturday, Uncle Sam was land poor when Senator Morrill introduced that bill to give public lands to schools, colleges, and universities. And I say that now, notwithstanding what some of these doctrinaires say, Uncle Sam has no good agricultural land left. There is a whole lot of it that can be made good if you will spend enough money on it for irrigation or drainage. Undoubtedly there are some Indian reservations that will be opened up for settlement after awhile, but they are not a drop in the bucket.

Those bills that the gentleman from Ohio [Mr. Fess] has named go pretty far themselves. This bill goes much further. The gentleman himself will not deny that this is a brand-new scheme for the expenditure of public money. He can not deny that.

Mr. FESS. If the gentleman will permit, I am not inclined to deny that, because the rehabilitation of the industrially crippled is entirely new for State, Federal, or municipal Government. It is a matter that we are entering upon.

Mr. CLARK of Missouri. I will ask the gentleman from Ohio [Mr. Fess], while he is on his feet, if it is right and proper for the United States Government to employ a lot of doctors to go around and patch up people who are crippled, why is it not a proper function to patch them up for every disease that they may have?

Mr. BUTLER. Tuberculosis.

Mr. FESS. Probably we will do that yet.

Mr. CLARK of Missouri. For smallpox, measles, or tuberculosis.

Mr. FESS. I think it would be better to do that than to keep them in sanitariums and poorhouses.

Mr. CLARK of Missouri. But is that a national function or a State function?

Mr. FESS. Both.

Mr. CLARK of Missouri. Are we abolishing the States or not?

Mr. FESS. No; we are encouraging the States; stimulating them. If my friend will yield, past experience has shown that the increase of Federal appropriations for the purposes we have been discussing has not been material, while the increase of State appropriations has reached ten times the original amount; and this amount, if it increases, as I think it will, will not be an enlarged toll on the Federal Government, as the Smith-Hughes Act has not been and as the Smith-Lever Act has not been, but it will be an enlarged toll on the State governments, if they see fit to do it.

Mr. CLARK of Missouri. The very statement of the gentleman himself ought to beat this bill—that it will go on enlarging. Now, where does the State get its money? From taxation. Where does the National Government get its money? From taxation; and we tax the very same people.

Mr. FESS. Has my friend realized the amount of tax that this bill entails on the individual?

Mr. CLARK of Missouri. Yes; I realize it.

Mr. FESS. Five cents apiece.

Mr. CLARK of Missouri. Suppose it is. You start in with a million dollars, and I am willing to bet my ears that if you pass this bill it will be \$2,000,000 or \$3,000,000 next year. And it will go on until it will be one of the most expensive concerns under the Government of the United States.

Mr. FESS. The first year it is \$500,000, the second year \$750,000, and the third year it reaches the limit of \$1,000,000, and it will not be increased after that if we follow the past experience of the Federal Constitution.

Mr. CLARK of Missouri. That is the limit now in this bill?

Mr. FESS. Yes.

Mr. CLARK of Missouri. The way I made the mistake about the \$1,000,000 was in listening to the gentleman from Wyoming [Mr. MONDELL], who said it was \$1,000,000. But if you start this thing, that does not keep Congress from raising the limit.

Mr. FESS. We have not raised it on these other matters.

Mr. CLARK of Missouri. They have not been running long enough.

Mr. FESS. The land-grant colleges have been running since the days of the youth of my distinguished friend.

Mr. CLARK of Missouri. Yes, they have; but this is not a parallel case at all to that.

Mr. GOOD. The gentleman says the amount of those appropriations has not been raised. My recollection is that the Agricultural appropriation bill this year carried \$1,500,000 to supplement the permanent appropriation of the Smith-Hughes bill.

Mr. FESS. The gentleman is chairman of the Appropriations Committee. He ought not to allow anything of that kind.

Mr. GOOD. That is under the jurisdiction of the Committee on Agriculture. The gentleman said that the amount of the appropriation under the Smith-Hughes Act had not been enlarged, and I call his attention to the fact that the last Congress did appropriate \$1,500,000 in excess of the permanent appropriation carried in the Smith-Hughes Act.

Mr. HAUGEN. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. HAUGEN. Mr. Chairman, I can not let that statement go unchallenged. The facts are that the Committee on Agriculture reduced the appropriation for the work \$3,000,000 below what it was a year ago instead of increasing it, as the gentleman from Iowa [Mr. GOOD] has stated.

Mr. JOHNSON of Washington. How much was the appropriation?

Mr. GOOD. You did not reduce the permanent appropriation.

Mr. HAUGEN. We reduced the annual appropriation \$3,000,000 below what it was a year ago.

Mr. GOOD. The gentleman's committee has no control over the permanent appropriation carried by the Smith-Hughes Act.

Mr. HAUGEN. The permanent appropriation had nothing to do with the appropriation bill.

Mr. GOOD. Certainly.

Mr. HAUGEN. But my statement is that we reduced the amount in the annual appropriation bill for this purpose \$3,000,000 below what it was the year before.

Mr. GOOD. Yes; but it did carry \$1,500,000.

Mr. HAUGEN. It carried \$1,500,000 instead of \$5,000,000, which it carried the year before.

Mr. GOOD. That is what I say.

Mr. CLARK of Missouri. When I see these Republicans quarreling I think of the one hundred and thirty-third psalm—

Behold, how good and how pleasant it is for brethren to dwell together in unity.

Or as the late Mr. Brosius, of Pennsylvania, rendered it on one occasion—

Behold, how good and how pleasant it is for brethren to dwell together in mutiny.

[Laughter.]

We are extravagant in Congress; we are extravagant in the State legislatures; we are extravagant in the city councils; we act just exactly like money grew on trees.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. McLAUGHLIN of Michigan. This bill provides for dictation by the Federal Government of courses of study. The gentleman from Missouri has plenty of time, and we are all pleased at that; we should like to hear the gentleman say something about the advisability and safety in the Federal Government dictating the study to be pursued in States.

Mr. CLARK of Missouri. I do not think the Federal Government has any right or license to do anything of that sort. That was the reason I was talking about the Bureau of Education the other day.

Mr. FESS. Will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. FESS. We have the same thing in the Smith-Hughes bill. The Federal board dictates the course of study.

Mr. CLARK of Missouri. If there is anything wrong in the Smith-Hughes bill, the gentleman from Ohio ought not to cite it as a precedent.

Mr. FESS. I do not think there is anything wrong in the Smith-Hughes bill.

Mr. CLARK of Missouri. I do not know whether there is or not; I have not read it for some time. Mr. Secretary Glass made a speech the other night in Washington, in which he warned Congress that it must let up on all of these unnecessary expenditures; that we are drifting on the rocks. You all know Secretary Glass as well as I do. He is a very able man to begin with, and the duties of his office compel him to study these matters more than any of us study them. Nobody wants to see the United States bonds hawked around over the country at a discount, and nobody wants to see a new issue of bonds if it can be avoided. There is no man in the House that wants to vote for an increase of taxation, and the people do not want it.

Mr. STEPHENS of Ohio. Will the gentleman yield?

Mr. CLARK of Missouri. I will.

Mr. STEPHENS of Ohio. In the matter of thrift, would it not be a good idea to have the prohibition ban raised, so that they could sell the large amount of whisky in bond, so that we might raise \$500,000,000 in taxes?

Mr. CLARK of Missouri. The gentleman knows how the House voted and how the Senate voted. In the whisky business the jig is up. [Laughter and applause.] I understand that they are selling moonshine down in Georgia and that country for \$15 a quart. I will tell you gentlemen what will happen about these agencies. Every fellow wants to magnify his office. It happens right here. The gentleman from Ohio [Mr. Fess] is magnifying his office by bringing in this bill, and all the people in the departments and bureaus will magnify their offices. You set this thing agoing and the United States Government agents will be scouring the country finding people who are crippled in order to spend money on them. I am opposed to it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. JOHNSON of Washington. In addition to scouring the country to find men to spend money on, the probability is that the bureau will issue newspapers and monographs and mimeographs at the cost of the Government on the subject.

Mr. CLARK of Missouri. I have no doubt that that is true. The printing bills of this Government are simply outrageous and scandalous. It does not make any difference who runs it.

One thing more: Nobody appointed me to lecture the Republicans. You men came in with a great blare of trumpets and pronouncements about what you were going to do. One of those things was that you were going to economize. Here you are, the most extravagant set the sun ever looked down on [laughter and applause on the Democratic side], if you let Dr. Fess get these bills through. I suggest to you gentlemen on the Republican side, that even if the Democrats sit mute on this bill, you should defeat it for your own sakes. [Applause.]

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. I want to welcome the honored and beloved gentleman from Missouri [Mr. CLARK] to the ranks of the economists. I did not discover any great amount of enthusiasm on his side when in the early days of this session we trimmed the appropriation bills nine hundred and thirty-six million and some odd dollars below the amount they carried when his side had them before the House in the last session of Congress.

Mr. CLARK of Missouri. All that grew out of the coming of peace, did it not?

Mr. MONDELL. Peace and war one time and another as occasion arose have been made the excuse for a great many things. Gentlemen on that side are now very anxious that we shall not increase the number of Federal agents running hither and thither throughout the country, but in the time of war the gentlemen were very willing, perfectly willing, not only willing but anxious, to increase the Federal agents and agencies to an unlimited extent, by the thousands and tens of thousands, costing millions and hundreds of millions, and they charged it all up to the war.

If a bill came in giving a few deserving Democrats some soft jobs at the expense of the Federal Government, if anybody complained, why, we were not patriotic, we were not supporting the administration in the vigorous prosecution of the war. [Laughter on the Republican side.]

When at the end of hostilities we trimmed a few appropriation bills \$1,680,000,000 below the estimates of the administration and \$936,000,000 below the guess of the Democratic majority of the last session, gentlemen say it is due to the coming of peace.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. CLARK of Missouri. Suppose all of that is true, and I do not think it is, is that any justification for an appropriation in a brand-new line that there is no call for?

Mr. MONDELL. No; I think it is not, but I propose to proceed to analyze the proposition before us, if I may be allowed to do so, to prove that this is not an appropriation for which there is no call. I said yesterday that probably no man on this floor has been more emphatic and outspoken in his opposition to unnecessary extension of Federal authority than I. I have sometimes claimed to be about the best Democrat in Congress in that line. Our dear friend and former colleague on the Democratic side, Charley Bartlett, insisted that he was the best Democrat who ever came down the pike in that regard. Charley, however, was willing to admit that next to him was Uncle Joe, and he was good enough to tag me as entitled to honorable mention in that connection. I have never been, and I am not now, in favor of undue or improper extension of Federal authority, jurisdiction, and control, and for two reasons: First, because my experience is that frequently it is not wisely exercised, and, further, because I know of no way under heaven among men whereby self-government may be maintained and continued except by putting on the people of the communities the responsibility of taking care of their own affairs. [Applause.] I think you can easily break down the institutions of free government by unduly centralizing government.

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

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, if we are to continue to have a government of the people, for the people, and by the people the people must learn to govern themselves by exercising the duties and responsibilities of self-government in the communities, in the States, in the municipalities. That is one of the reasons why undue and improper extension of Federal authority, jurisdiction, and control is unwise.

But there is a vast difference between improperly, unwisely, and unduly extending Federal jurisdiction and providing for Federal leadership and Federal encouragement. This is a day of combination, a day when every association of any sort or kind engaged in a useful work or purpose has a central head or body generally covering and embracing the Nation. It has come to be universal in our plan of organization to have a central head controlling or at least encouraging and promoting useful enterprises and activities, and that is what is proposed under this bill.

May I digress for just a moment for a further discussion of the matter of economy? Of course, when the gentleman from Missouri [Mr. CLARK] assailed us as being extravagant, and grossly so, he forgot that up to this time this Congress has not appropriated any moneys at all during this session except those

necessary to maintain the Government under a Democratic administration, and maintain the Government for a period that should have been provided for by the appropriations of the last Congress. [Applause on the Republican side.] If you had done your duty in passing the appropriations for the present fiscal year and for the balance of the fiscal year which ended the 1st of last July, it would not have been necessary for us to have made an appropriation up to this time except for the expenses of the session of Congress.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment; and up to this time we have not appropriated a dollar—oh, we have appropriated a few dollars to run the Congress, but we have appropriated practically no money at all, except the appropriations necessary to carry on the Government during the period for which the last Congress ought to have made appropriations; and in doing that we have saved, as I said, \$1,680,000,000 below the estimates and \$936,000,000 below the bills of last year, not counting the very great saving we made below the estimates on which the recent or present pending deficiency bill is based. I think they amounted to about \$50,000,000 or somewhere thereabouts, and our appropriations were, as a matter of fact, about \$15,000,000.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BYRNS of Tennessee. Does not the gentleman know that, as a matter of fact, this Congress has increased the appropriations for every department in this Government except in the case of the Army and the Navy and the Shipping Board? [Applause on the Democratic side.]

Mr. MONDELL. On the contrary, this Congress has reduced the bills of the last Congress \$936,000,000 below the same items in the bills of the late Democratic Congress—I am sorry I have to say it so often—and \$1,680,000,000 below the estimates; and the recent deficiency bill—the one now pending—was reduced, as it passed the House, from \$50,000,000, approximately, of estimates to \$15,000,000 as it passed the House.

Mr. BYRNS of Tennessee. Will the gentleman yield further?

Mr. MONDELL. Oh, I can not yield to enable the gentleman to make a speech and excuse his party.

Mr. BYRNS of Tennessee. Was not that saving, to which the gentleman referred, in the Army and Navy appropriations made at the instance and suggestion of the Secretaries of War and the Navy?

Mr. MONDELL. On the contrary, in the first place, the savings were not altogether in those lines. In the second place, as I said on this floor at the time, the Secretary of War and the Secretary of the Navy and the officers of the War and the Navy Departments haunted, as the gentleman from Tennessee knows, the corridors of the other end of the Capitol, after we passed the Army and the Navy bills, trying to get the Senate to increase those appropriations above those the House made. The gentleman knows that. He knows that we had to decline to agree to a conference report in order to reduce the Army bill by \$85,000,000; and we reduced it, as I recall, some \$250,000,000 below what the Secretary of War was demanding at that very moment. Let no man say that it was due to the cessation of hostilities when at the very time these bills were being considered both the Secretary of War and the Secretary of the Navy were demanding more money than we gave them.

I want to call just one or two things to the attention of gentlemen who have been suddenly stricken with a spasm of economy, who have suddenly come to a very conservative view of what the Federal Government should do. There is no more useful bill, no more important bill, no more altogether indispensable bill passed by the Congress than that providing for the Department of Agriculture. There are some very interesting items in it, and I desire to call some of them to the attention of gentlemen who have suddenly become panic-stricken lest the Federal Government shall become extravagant in its expenditures and lest we spend money for purposes for which we are not justified in spending it. The current appropriation act for the Department of Agriculture provides an appropriation of \$525,000 for the purpose of the inspection and cure of scabies in sheep and in cattle, and diseases of that character. It is a very useful work, but gentlemen who voted for it, gentlemen who voted for a half million dollars for the eradication of those diseases in domestic animals, should not be so tremendously disturbed when we propose to appropriate \$200,000 a year to superintend the work of returning to lives of usefulness the industrial cripples among 110,000,000 people.

I notice that in that same bill there is an appropriation of \$1,500,000 for the control and eradication of tuberculosis in domestic animals.

I think it is a wise work, a helpful work, a hopeful work. I am quite inclined to the opinion that while primarily the responsibility is upon the localities to take care of their own cattle that are tubercular, still there is a very good argument in favor of the Federal Government expending \$500,000 to eradicate and a million to repay the owner whose cattle are killed in order to eradicate tuberculosis, but when gentlemen enthusiastically support appropriations of a million and a half for the purpose of reducing tuberculosis among domestic animals I do not think they are highly justified in objecting to an appropriation which at the most can not be over two-thirds that amount for the purpose of encouraging and aiding the States of the Union in restoring crippled humanity. [Applause.]

In this same bill we appropriate about half a million to eradicate, or rather help control, hog cholera. The bill also provides three-quarters of a million to help destroy the cattle tick in Texas. It strikes me as curious that gentlemen think that hog cholera and Texas cattle tick are proper subjects for Federal attention and appropriations, but that the rescue of humanity from lives of crippled helplessness is not. Verily, I do not understand the philosophy of gentlemen who insist we may properly do for swine what we may not do for humanity.

Mr. BANKHEAD. Mr. Chairman, as a sincere friend of the proposed legislation I deeply regret that any phase of a political issue should have been injected into this controversy. Let us try this case, gentlemen, upon the merits of it and not upon false issues. I have never seen before legislation presented to this House against which there were offered more specious and ad hominum arguments. For instance, as I pointed out a day or two ago, the gentleman from Massachusetts [Mr. TREADWAX] says there is no general demand for this legislation, and that sentiment was reiterated a few moments ago by the distinguished gentleman from Missouri [Mr. CLARK]. What is the proposition? Out yonder scattered all over this country to-day are 300,000 men and women disabled more than 50 per cent, and that much of an incubus, that much of a handicap upon the community, that much of a loss to the economic employment of this Nation. It is true they have no lobby here looking after their interests. Why, if the economic loss of some business interest of this country of \$1,000,000 a year were involved the corridors of this Capitol would be swarming with special advocates to represent that interest; and yet that vast silent, unfortunate multitude of American citizens, invested with wonderful potentiality to be developed, are silent and not represented by any lobby, and I want to say to you, gentlemen of this House, speaking only for myself, that their very silence, knowing their condition, makes a wonderfully articulate appeal to my humanity and to my sense of justice to that particular part of society. [Applause.]

Mr. RICKETTS. Will the gentleman yield?

Mr. BANKHEAD. I have not the time. I desire to answer some of the arguments that have been made. The gentleman from Massachusetts says that Massachusetts, Pennsylvania, and New York and a few of the great, rich Commonwealths of this country are going to have their taxpayers to contribute something to aid industrial cripples in Alabama.

Why, gentlemen, I dare say there are five and possibly ten times as many of these unfortunate men in the great old Bay State as there are in my State of Alabama. Are you going to raise that character of an issue upon a great humanitarian proposition like this? I want to say to you that the people of Alabama, and I believe I voice their sentiments, feel just as kindly to any unfortunate man in the State of Massachusetts as they do to their own citizens down there in the Sunny South. [Applause.] Let us not, gentlemen, as I say, consider this question upon false premises and upon specious arguments. And the distinguished gentleman from Missouri [Mr. CLARK] draws a great many red herrings across the trail of the merits of this bill in order to befog the issue and get your minds drawn away from the merits of the legislation by saying that it is only the case of the camel getting its nose under the tent and there will be no end of appropriations of this character to follow. Gentlemen, there is only one appropriation pending of a half million dollars to help the States get going to rebuild and remake men and women, so that instead of their being a dead economic loss and charges upon the community, they may reenter the industrial and commercial life of the Nation, and by earning this money themselves possibly be able to pay taxes to carry on its great purposes for others.

Mr. MOON. Will the gentleman yield?

Mr. BANKHEAD. I regret my time is limited, unless I can get an extension of time—

Mr. MOON. For a matter of information purely. How much would it give to each cripple in the United States if we pass this measure?

Mr. BANKHEAD. I will state to the gentleman from Tennessee it is not proposed to make a direct appropriation to any cripple.

Mr. MOON. I mean if it were divided—

Mr. BANKHEAD. I will ask my friend if he has read this bill?

Mr. MOON. Oh, yes.

Mr. BANKHEAD. Then the gentleman must know, as an able man and as a critic of legislation, that the purpose of this bill is simply to afford Federal aid and stimulation of half a million dollars under a general plan of supervision vested in the Vocational Board, just like it is under the Smith-Hughes bill for which my friends on this side of the aisle, I expect, almost unanimously voted, to appropriate that sum of money to be divided among the States in proportion to their population to that of the United States, the burden being upon the State and the people of the States through their legislatures to put the machinery into operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. I would like five minutes more as I was the author of the original bill here and a good many arguments have been made against it.

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

Mr. BANKHEAD. I regret to have to ask that of the House after so much time has been consumed. I want to see this bill stand upon its merits. I could not undertake to figure out how much money it would mean to each man—

Mr. MOON. Would it not be less than \$3 apiece after the expenses are paid?

Mr. BANKHEAD. If it meant only 1 cent each, as a matter of argument, it is a proposition to enter this field and have it developed with the aid of these public entities of the Nation and the State. They say what we offer them, as I stated before, is a proposition making appeal to the sentimentality of the members of this committee. This is not essentially a sentimental bill. It is essentially an economic measure of the soundest common sense, and if you analyze it in that spirit you will see it will accomplish that result.

We are talking about a period of reconstruction. My friend from Texas [Mr. HARDY] said it was a trespass upon States' rights, and he hesitated to do it. When the boll weevil came across the Mexican border and into the State of Texas my friend did not raise that issue. It was only in the State of Texas, but it meant a national menace to the cotton production of the whole country, and they asked and accepted an appropriation from the Federal Government to repel that insidious invasion. When floods come upon the country, essentially, under that doctrine, the people of the States should take care of it, and yet we have precedent after precedent where the Government has gone to the aid of particular units of society.

Mr. HARDY of Texas. I would like to say to the gentleman on this flood question—

Mr. BANKHEAD. We will waive that. If that is offensive to my friend, as appearing illogical to his position, I will withdraw it.

Mr. HARDY of Texas. I just wanted to correct the gentleman's statement about getting appropriations to aid flood sufferers.

Mr. BANKHEAD. Here was a new kind of boll weevil that appeared in Texas last year, the pink boll worm, and they said that unless we stopped it it was going to destroy the cotton crop, and they went before the Agricultural Committee, and I expect my good friend voted for it, when, according to the logic of his argument, it was simply a matter for the State of Texas.

We have spent millions of dollars directly for educational purposes. Under the Smith-Hughes bill we spent \$3,000,000,000 to educate normal children in the schools under the same machinery as proposed in this bill. Why? You gentlemen—and every one voted for the bill, I suppose—conceived the idea that the individual elements of our society would form the aggregate of national intelligence and efficiency. The same is the case here.

Mr. HUDDLESTON. If the gentleman will yield, I would like to say that we have been removing the tick from cattle by appropriations in the Agricultural bill, and I have not heard any of the gentlemen objecting to that.

Mr. BANKHEAD. That is right.

You talk about economy. I see where a bill is up in the Senate to give \$15,000,000 more for aviation. If it comes over here, we could lop off about one-half a million from that and put it to this purpose. There are many cases where you can save appropriations for meeting this issue.

Mr. THOMAS. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. THOMAS. This bill is not confined to American citizens, is it? Is it not a fact that any alien or any unnaturalized person could take advantage of this bill?

Mr. BANKHEAD. Well, that question is not raised directly in the bill. It would be a question for the State boards to decide.

I want to say that there is another misapprehension. They seek to leave an impression here that the Federal Government is going to put its strong arm upon the educational institutions of the States, and these institutions we propose to aid. Not so at all. If you will read the bill, you will see that it provides this money shall be expended under the absolute control of the States. [Applause.]

Mr. WALSH. Mr. Chairman, the gentleman from Wyoming, in a few eloquent remarks upon economy in behalf of this bill, sought to convey the impression that another half million dollars spent on a new venture was a common thing to do. The gentleman from Wyoming comes from a State where but for the expenditure of Federal money it would be a howling wilderness to-day. [Laughter.] And there are a few other States in the same category. Because the people out there have come to rely upon the Federal Treasury for all improvement, they have lost the spirit of initiative and individual enterprise.

Now, Mr. Chairman, the other day the distinguished gentleman from Iowa, my good friend Judge TOWNER, sought to offer as a cure for Bolshevism in the country a Federal expenditure of money to cure unfortunate cripples. Well, we have had many cures suggested for Bolshevism. That is rather a novel one. But I submit that if we put our attention to problems seeking to conserve the Federal Treasury and to problems seeking to restore to the States their original prerogatives and to keep the Federal Government along its proper lines and within its lawful jurisdiction, we will be doing much to inspire confidence in both Federal and State Governments and discourage Bolshevism. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. WALSH. But it is when the Congress of the United States responds to these appeals such as has been made here that the Bolshevists and socialists and the wild-eyed theorists begin to think that the Government is made for their particular benefit, and that they owe no duty to the Government, but that the Government must spend money for their particular benefit.

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

Mr. WALSH. Yes.

Mr. BLANTON. Does not the gentleman from Massachusetts know that about the only sure cure for Bolshevism is a good stout rope and a telegraph pole?

Mr. WALSH. I know they use that cure in Texas for other things besides Bolshevism; and in Alabama also. [Laughter.]

Mr. Chairman, I want to say and reiterate and reenforce, if I may, in my feeble way, the suggestion of the gentleman from Missouri that this is a new departure on the part of the Government, and the hearings do not show any great demand from any one of these 38 States that have workmen's compensation laws, from any considerable portion of our population, that we should embark upon this enterprise and start spending money. As for getting the camel's nose under the tent, to which I referred Saturday, and to which the distinguished gentleman from Alabama [Mr. BANKHEAD] made mention a few moments ago, I submit if we seek to alleviate the sufferings of the poor unfortunate who has lost one finger or two fingers, or an arm, it will be only a short time when these same benevolently inclined gentlemen, most of them distinguished educators, however, both those advocating the bill and those appearing before the committee, will come in with a scheme whereby we shall furnish to the unfortunate medical service at the expense of the Federal Treasury.

Now, when you appropriate money from the Federal Treasury you make it conditional that the States shall appropriate a like sum, and you are imposing by this appropriation upon the States the requirement that they shall appropriate the money, for if they do not they bear their burden of expenses by contribution to the Federal Treasury for the benefit of the States which do seek to take advantage of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I believe I have been as consistent a supporter of economy as any Member of this House. I have worked as much to keep down appropriations as any other Member. But there are some debts that this Nation ought, in good conscience and honor, to pay, and one of those is the debt that it owes to these men who have been crippled in building up great industries of this country. It has

often been a subject of remark that our industries have expanded more than those of any other nation, that great fortunes have been built upon them, and that our progress in all of these industries has been beyond the wildest imagination of a few years ago. But the path of this progress has been strewn with thousands of these derelicts for whom it seems so many gentlemen care nothing, and for whom it seems this great Government took no thought.

The gentleman from Iowa [Mr. TOWNER], my colleague, in a former discussion of this bill referred to the fact of the development of Bolshevism. We all know that this world is full of unrest, and in this respect this country is like the remainder of this globe. One of the charges that has been made most often against this Government is that it is built and maintained solely for the interests of the rich and the powerful, while the poor, the crippled, and the needy may go their way, and when somebody gets up here on this floor and wants to appropriate a little money for them it will be dashed aside in the interest of economy.

I have thought, Mr. Chairman, as this discussion has proceeded, that perhaps after all there was some reason for that belief when gentlemen can say that they will vote millions for the extermination of the cattle tick, millions to eradicate hog cholera, millions to get rid of the boll weevil, and oppose the granting of a few thousand dollars to raise the wretched ones who have been crippled in industry from a condition where they are neither able to be of use to the community or society or able to take care of themselves. Then it seemed to me that there might, after all, be some justice in that charge.

Gentlemen say we are embarking upon a new policy. Why, we have been engaged in that policy for to these many years. We discovered a long time ago that in these great movements for the benefit of society, great movements to uplift mankind in this country, Congress had to take the lead. The State legislatures would not take it. So we passed the Lever bill for the encouragement of education in agriculture. So we passed the Smith-Hughes bill for vocational education in the States. So, now, we offer this small sum as an inducement to the States to do their share, and possibly more.

Gentlemen say there will be an increase in these appropriations. I do not believe it. It has not been so in a similar case with respect to the Smith-Hughes Act, which is framed on exactly the same lines as this bill. The appropriations to carry out this bill have not been increased.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. JOHNSON of Washington. I will try to get the gentleman more time. I would like to know about this: This is a long paragraph, with many provisions. We want to get some facts about it. The gentleman keeps referring to the Smith-Hughes bill. That is education for persons residing in the States, is it not?

Mr. GREEN of Iowa. Yes.

Mr. JOHNSON of Washington. And this is for all persons, no matter where they reside. Take, for example, a port where a large number of sailors come, not citizens of that State, or where there is a large number of aliens, not citizens of that State. Are they to be assisted under Federal prompting still further than the degree to which they are now taken care of by the States?

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

Mr. JOHNSON of Washington. I ask unanimous consent that the gentleman from Iowa may have five minutes more.

Mr. BLACK. Mr. Chairman, a committee amendment is pending.

Mr. JOHNSON of Washington. I have an amendment that I wish to offer.

The CHAIRMAN. A committee amendment is pending.

Mr. BLANTON. Mr. Chairman, I ask that my amendment be again read.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Texas will again be read.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 4, line 1, beginning with the word "that," strike out all of the balance of the paragraph and insert in lieu thereof the following: "The vocational rehabilitation provided for herein shall be given under the supervision and control of the State board, and all courses shall be available, under such rules and regulations as the Federal board shall prescribe, to all persons, in such destitute circumstances that they are financially unable to provide their own rehabilitation, disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, all mechanic arts, and to civil employees of the United States disabled while in the performance of their duty: *Provided*, That persons who have received

compensation for injuries and other disabled persons who are able to pay for same may be given rehabilitation training upon paying reasonable tuition therefor."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BLANTON. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—aye 1, yeas 72.

So the amendment was rejected.

Mr. FESS. I ask for a vote on the committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 4, strike out "the industry and otherwise" and insert "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts."

Mr. BLACK rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. TOWNER rose.

The CHAIRMAN. If the gentleman from Iowa [Mr. TOWNER], a member of the committee, wishes to be recognized in favor of the amendment, the Chair will recognize him. If not, the gentleman from Texas [Mr. BLACK] will be recognized.

Mr. FESS. Just one word, Mr. Chairman, and then I will give way to the gentleman from Texas. The phrase "industry or otherwise" has no limitation, and while it is true that this phrase was in the Senate bill it was thought by the House committee that it would be well to limit it by using the explanatory expression "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all mechanic arts." That is the reason why the phrase was stricken out and this language inserted.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to my friend from Minnesota.

Mr. NEWTON of Minnesota. As I understand it, the bill, as originally drawn, would cover a man who was injured in an accident which is in nowise connected with the industry in which he was employed. For instance, if a mechanic were on his way to the factory to work and were run over by a street car or automobile, the bill, as originally drawn, would take care of him, but as it is now drawn he would not be injured in the industry in which he was employed, and he would not be taken care of. Am I correct?

Mr. FESS. I think the gentleman is not correct. I yield to the gentleman from Iowa [Mr. TOWNER], who is the author of this amendment.

Mr. TOWNER. In the case the gentleman mentions, as the bill is drawn, a man going to or coming from his work would be entitled to this, just the same as he now is under the general law. He is assumed to be in employment when he is going to or coming from his employment.

Mr. NEWTON of Minnesota. Let me assume this state of facts, that on a Saturday afternoon or upon a Sunday, when he was not going to or coming from his work, he was injured by an automobile, a street car, or in some other way, would he then come under the provisions of the act?

Mr. TOWNER. He would not come under the provisions of this amendment.

Mr. NEWTON of Minnesota. The State of Minnesota, anticipating favorable action by the Congress upon this act, has passed a law which reads as this was originally drawn, "in industry or otherwise." They intend to take care of men injured, whether in industry or in any form of accident. Now, what would be the effect of a change in the law regarding a State which has passed a law in the original form of this bill?

Mr. TOWNER. It would have no effect, because of the fact that they would approximate their bill to this law, and it would have no effect except as it pertained to those particular provisions which might be included in the one and not included in the other. I think no difficulty would arise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I wish to use five minutes in a discussion of this amendment, and of no other feature of the bill.

The bill, as originally written, and as I understand as it passed the Senate, would include persons who were injured or disabled in any sort of way, whether by accident while at work or by accident off duty; but the amendment now proposed by the committee would limit the benefits of the bill to those who were disabled under certain conditions, for instance, who were disabled while engaged in industrial pursuits, including agri-

culture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts.

Now, I contend that if we are justified in passing this bill at all—if it is a proper subject for congressional legislation—it must be based upon the general-welfare clause of the Constitution. Gentlemen have spoken—I remember, in particular, the gentleman from Iowa [Mr. GREEN]—of the debt that the Government of the United States owes to men employed in industry. I submit that so far as the general welfare is concerned, the Government would owe the same duty to any man who was disabled under any condition, unless by his own willful misconduct. Why do I say that? What do I base that assertion upon? We are going to provide the money to carry out the purposes of this bill by general taxation, which will fall upon all classes of the public. We are not going to tax industry especially to pay the expenses of this bill. We are not going to tax agriculture in any particular way to pay the expenses of this bill. We are not going to tax the mechanic arts in any special manner to pay the expenses of this bill. We are going to tax the general public; and therefore I say that if a man is disabled within the meaning of the purposes of this bill, whether in industry or otherwise, unless by his own willful misconduct, he ought to receive the benefit of this act. If the committee votes down the committee amendment I shall offer an amendment "except by his own willful misconduct." I will do that for the reason that it would probably be unwise from a standpoint of public policy to permit a man to take advantage of his own wrongful conduct.

Mr. LAYTON. Why make that reservation at all about willful misconduct?

Mr. BLACK. It is not in the bill.

Mr. LAYTON. I know; but if I apprehend the spirit of this bill, it is to make good that which is bad, to return to a state of capacity what is incapacitated, for the general welfare of the country. Why limit it at all? Why not leave the words "in industry or otherwise," so that any man or any boy who is injured will receive the benefit of it?

Mr. KITCHIN. It will do what you want if you strike them both out, leaving simply the words "who is disabled."

Mr. BLACK. The words "except by his own willful misconduct," which I have suggested, are not in the bill now, and the only reason I suggested them was that it might be against public policy for the Government to take up the rehabilitation of a man who had disabled himself by his own misconduct. But that is only a suggestion of mine. I do say that the bill ought to be general in its application and ought not to be limited by the provisions suggested by the committee amendment. For that reason I hope that the committee amendment will be voted down and that the bill will be allowed to remain as it was originally written in that respect.

Mr. LAYTON. I thoroughly agree with the gentleman to this extent: If we are going to pass this bill at all, I see no reason why we should limit it in its application.

Mr. TOWNER. Mr. Chairman, if I may have the attention of the committee, I will say that the reason for this amendment is simply this: The bill is a vocational education bill. It is drawn for the benefit of those who are in employment. That is the object of the bill all the way through. The bill has been drawn for that purpose. It is in a sense a complement to the Smith-Hughes Act, which was for vocational education.

Mr. BLACK. Will the gentleman permit one statement?

Mr. TOWNER. Certainly.

Mr. BLACK. It is true that the Smith-Hughes Act is a vocational bill, but at the same time it is open alike to all the citizens of the country, and I am thoroughly in sympathy with the idea, and that is the suggestion I make, that it be just as broad as the population of the country.

Mr. TOWNER. But the gentleman does not recognize that this is for the purpose of taking care of those people who are in employment and who have been injured in employment. Now, our experience and the experience of all the nations has shown that these men can in most cases be reeducated in a very short time so that they can return to employment. Ordinarily it takes only a few weeks to rehabilitate these people and put them back in employment.

Mr. BEE. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Texas.

Mr. BEE. I want to ask the gentleman from Iowa if the purpose of this bill is not to eliminate the economic loss by reason of the destruction of the earning power of the man?

Mr. TOWNER. Yes; that is one of the objects of the bill.

Mr. BEE. Then what difference does it make to the economic welfare of the country how a man is injured, as long as the loss is suffered by reason of his injury?

Mr. TOWNER. That is very true, I admit; but we can not include everything. Now, this is intended as a particular act for a particular purpose. It is intended for the purpose of supplementing the act for the education of these men. We assist the State in educating them for a particular employment. They come into the employment, an accident happens, they are disqualified for continuing it. The men are not able to take care of themselves. We do not want to extend it to people who can take care of themselves. This amendment is a limitation on the bill and not an extension. It is to put back again the men who have been stricken out of employment; it is to put them back into employment, so that they may be again self-supporting, instead of being a burden on the State and the Nation.

Mr. JONES of Texas. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman.

Mr. JONES of Texas. Suppose a man has been working every day and he takes a day off for recreation and is injured, under the bill would he be entitled to the benefits?

Mr. TOWNER. No; I think he would not. The gentleman from Minnesota has called attention to the law in his State. I think the States would take care of those exceptional cases.

Mr. JONES of Texas. Does not the gentleman think the man should be entitled to the privilege just the same as though he had the accident while he was at work? Does the gentleman see any practical difference?

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

Mr. TOWNER. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. I will say to the gentleman from Texas that that may be true, but we can not draw the line between a case of that kind and a case which would include everybody that was incapacitated by sickness or injury. We want to keep it as close as we can, the bill being itself a vocational bill. We want to help those in occupations, to help workmen that ordinarily have not laid up enough to support themselves and their families and have not enough to pay for sickness or accidents. We want to put them back into the industries.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. NEWTON of Minnesota. Has the gentleman any figures showing the proportion of accidents in industries to the number of accidents outside?

Mr. TOWNER. No; the experts have never been able to determine that. They are pretty well able to determine the accidents in industry, because they can get reports and pretty accurate statistics, but general accidents to men outside—a man going along the street, clerk in a store, men engaged in no occupation—nobody can tell how many accidents there are.

Mr. NEWTON of Minnesota. There is a publication gotten out by the Carnegie Institute giving a survey of the State of Michigan, and that publication states that of all accidents only 11 per cent occur in industries.

Mr. TOWNER. I think that must be largely a matter of speculation, because, gentlemen, experts who testified before the committee said that it must be a matter of speculation as to the number of accidents outside of industries.

I recognize that it would be a generous thing to do, but gentlemen say that we should not unduly extend the operations of this act. This, being a vocational bill, ought to be limited to those engaged in the vocations, who are in employment, who are the workmen of the country.

Mr. JOHNSON of Washington. This bill would include a hired man working on a farm who lost a leg in his employment. He would be entitled to the benefits of the act. Does that apply to the hired girl making biscuit on Sundays?

Mr. TOWNER. I think it would.

Mr. JOHNSON of Washington. Would it apply to the wife of a laborer in the city making biscuits on Sundays?

Mr. TOWNER. I think not; she would not be in employment.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. EVANS of Nebraska. Is it not a fact that in some States where compensation is made it is charged to the industry?

Mr. TOWNER. There may be some States which have that provision, but most of the States do not.

Mr. EVANS of Nebraska. Do not the major portion of the States have it?

Mr. TOWNER. I think not; I am not certain about the number.

Mr. EVANS of Nebraska. If your bill goes to its logical conclusion, distributing your relief on broad morals, you will become a communist, will you not?

Mr. TOWNER. The gentleman is assuming a thing that has no justification, no reason, nor any good sense, nor any good judgment. I am not a communist; far from it.

Mr. GARLAND. Mr. Chairman, I am for the bill and for the amendment now before the House.

The rehabilitation of a human being who has met with an accident and who has lost a limb or limbs or an eye in the occupation in which he may be engaged and thereby is unable to enter into the occupation which means existence to him and those dependent upon his earning power for a living is virtually the lifting from the depth of utter despondency to happiness, in the fact of again acquiring the ability to earn a living and to feel he is a live being of consequence and able to forget the handicap endured from accident.

That men terribly maimed do lose heart in contemplation of the future I can testify from personal experience, and that men can be rehabilitated I know from observation. Several notable cases have occurred recently at Mooseheart, Ill. The Loyal Order of Moose of the World, a fraternal order consisting of nearly 600,000 members in the United States and Canada, six years ago bought 1,014 acres of splendid land on the Fox River, 35 miles west of Chicago, for the purpose of taking orphan children of members of any age up to 16 years for the purpose of giving to each a good common-school education and at the same time teaching them a vocation. Thirty-five different trades are taught there and there are in this institution 765 children—orphans. There were necessarily some crippled children among them. One boy with the right arm lost, taken off at the shoulder socket, and face and body horribly burned, became head of the life-saving corps, is the most expert swimmer and diver in that part of the country, owns and runs and repairs his own automobile, and can do about anything that anyone with a whole body can do; has become a finished photographer and is the official photographer at that institution.

Another with a deformed leg, of which he had no use, studied gas engines and is now the superintendent of a large garage in Indiana at a good salary. Another with a withered arm is an athlete and has taken most of the honors in running, jumping, and shot putting in the meets with neighborly high schools, and has finished as a mechanical engineer. These are some instances.

When the World War was at its height the Government wanted to fit soldiers to go to the front who understood concrete and cement construction; several hundred soldiers were stationed at Mooseheart to take three months' training in that work and were sent from there finished workmen, and since the endeavor to rehabilitate maimed soldiers and sailors 55 of them have been placed there and soon 100 will be located there to be taught trades, and the Federal board has offered large inducements to the chief engineer at Mooseheart to take charge of cantonments and camps where rehabilitation is being carried on for soldiers and sailors.

I simply make these statements as to what is being done at Mooseheart as proof of what can be done in the work of rehabilitation. The Mooseheart schools are not connected with the State, but are supported entirely by a small contribution by each member of the Order of the Loyal Order of Moose.

The State of Pennsylvania has gone into the work of rehabilitation of industrial employees on a large scale, a report on which for the State I will insert in the Record, if permitted. I understand other States are also doing this work.

The last several Congresses have appropriated large sums of money for the building of highways under practically this same plan. They have appropriated sums of money in every Congress that I have been a Member of for the experimental eradication of diseases among animals, tuberculosis of animals, killing of the boll weevil, and other like work, and to my mind it is high time and the necessity is much greater to take care of human beings and their happiness, than some of these other enterprises. [Applause.]

The following is the law of Pennsylvania that I referred to:

An act providing for the establishment of a bureau of rehabilitation in the department of labor and industry, and conferring upon the commissioner of labor and industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employees, and furnishing suitable accommodations; and making an appropriation.

SECTION 1. *Be it enacted, etc.*, That (a) the term "bureau," as used in this act, shall mean bureau of rehabilitation.

(b) The term "commissioner" shall mean the commissioner of labor and industry.

(c) The term "physically handicapped person" or "persons," wherever used in this act, shall mean any resident or residents of the Commonwealth of Pennsylvania whose capacity to earn a living

is in any way destroyed or impaired through industrial accident occurring in the Commonwealth.

(d) "Rehabilitation" shall mean the rendering of a physically handicapped person fit to engage in a remunerative occupation.

SEC. 2. A bureau of rehabilitation is hereby established in the department of labor and industry. The central office of the bureau shall be located in the city of Harrisburg.

SEC. 3. The commissioner, with the approval of the governor, shall appoint a chief of the bureau of rehabilitation, who shall be subject to the direction and supervision of the commissioner, and shall fix his salary, which, when so fixed, shall be paid out of the sums hereinafter appropriated.

SEC. 4. It shall be the duty of the chief of the bureau of rehabilitation to direct, as hereinafter provided, the rehabilitation of any physically handicapped person: *Provided*, That said duty of the chief of the bureau shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind or deaf persons under the care of any State or semi-State institution, or to any epileptic or feeble-minded person, or to any person who may not be susceptible to such rehabilitation.

SEC. 5. The chief of the bureau of rehabilitation shall have power with the approval of the commissioner—

(a) To establish relations with all public and private hospitals to require prompt and complete reports of any physically handicapped persons under treatment in such hospitals. The persons thus reported may be promptly visited by representatives of the bureau of rehabilitation, who shall make record of their condition, and report to the chief of the bureau, who shall then determine whether the person is susceptible to rehabilitation. Such persons as may be found susceptible shall be acquainted by the chief of the bureau with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any physically handicapped person who chooses to take advantage of these rehabilitation facilities shall be registered with the chief of the bureau, and a record kept of every such person, and the measures taken for his or her rehabilitation. The chief of the bureau shall prefer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

(b) To receive applications of any physically handicapped persons for advice and assistance regarding their rehabilitation. The persons thus known to be physically handicapped may be visited, examined, and advised in the same manner and for the same purposes as specified in clause (a) of this section.

(c) To make a survey to ascertain the number and condition of physically handicapped persons within the Commonwealth. The persons thus known to be physically handicapped may be visited, examined, registered and advised in the same manner and for the same purpose as specified in clause (a) of this section.

(d) To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physically handicapped persons who have registered with the chief of the bureau.

(e) To procure and furnish at cost to physically handicapped persons who have registered with the chief of the bureau limbs and other orthopedic and prosthetic appliances, to be paid for in easy installments when such appliances can not be otherwise provided: *Provided, however*, That if it be shown that any physically handicapped person is unable to pay for such artificial limbs or other appliances, the chief of the bureau may direct, with the approval of the commissioner, that such limbs or appliances shall be supplied to such physically handicapped person and the cost thereof paid out of the funds appropriated for the rehabilitation activities of the bureau; such payments to be made by the State treasurer on the warrant of the auditor general or requisition of the commissioner of labor and industry.

(f) To arrange with the superintendent of public instruction for training courses in the public schools in the Commonwealth in selected occupations for physically handicapped persons registered with the chief of the bureau.

(g) To arrange with any educational institution for training courses in selected occupations for physically handicapped persons registered with the chief of the bureau.

(h) To arrange with any public or private organization or commercial, industrial, or agricultural establishment for training courses in selected occupations for physically handicapped persons registered with the chief of the bureau.

(i) To provide maintenance costs during the prescribed period of training for physically handicapped persons registered with the chief of the bureau; *Providing*, That when the payment of maintenance costs is authorized by the chief of the bureau, with the approval of the governor, it shall not exceed \$15 per week, and the period during which it is paid shall not exceed 20 weeks unless an extension of time is granted by the commissioner; said payments to be made by the State treasurer on the warrant of the Auditor General on requisition of the Commissioner of Labor and Industry.

(j) To arrange for social service, for the visiting of physically handicapped persons registered with the chief of the bureau and of their families in their homes, during the period of treatment and training and after its completion, to give advice regarding any matter that may affect rehabilitation.

(k) To conduct investigations and surveys of the several industries located in the Commonwealth to ascertain the occupations within each industry in which physically handicapped persons can enter upon remunerative employment under favorable conditions, and work with normal effectiveness, and to determine what practicable changes and adjustments in industrial operations and practices may facilitate such employment.

(l) To make such studies and reports as may be helpful for the operation of this act.

(m) To cooperate with any department of the Federal Government or of the government of this Commonwealth or with any private agency in the operation of this act.

SEC. 6. The commissioner, with the approval of the governor, shall appoint such officers, physicians, clerks, stenographers, and other employees as shall be necessary to carry out the purposes of this act. He shall determine their duties and shall fix their salaries, which when so fixed shall be paid out of the sums hereinafter appropriated. The board of public grounds and buildings shall furnish suitable accommodations for the use of the bureau.

SEC. 7. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this act.

SEC. 8. A report on the activities of the bureau of rehabilitation authorized by this act shall be submitted biennially to the governor, together with a statement of the sum necessary to conduct said activities during the ensuing two years.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 10. If any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Approved the 18th day of July, A. D. 1919.

WM. C. SPROUL,

The foregoing is a true and correct copy of the act of the general assembly No. 418.

CYRUS E. WOODS,
Secretary of the Commonwealth.

Mr. GOOD. Mr. Chairman, if we were legislating during normal times much that has been said would pass with little notice, and perhaps the bill would pass without opposition. But these are not normal times; they are very abnormal times; and Congress will be legislating the next 20 years during abnormal times so far as the Treasury of the United States is concerned.

For 52 years, from 1866 to 1917, inclusive, the receipts of the Treasury of the United States exceeded the expenditures by \$2,591,453,184. But very little of the receipts during those years came from direct taxes. Then the people did not feel the burden of taxation. When we were getting in money in that way there was but little attention given as to how the money was expended. Those days are past. Now our expenditures are so large that the revenue must come by direct taxation, and the people of the United States are scrutinizing the work of Congress as never before. They are, and should be, watching what we do. The issue in the United States in the political campaigns for the next decade or more will be waged not on what you voted against but rather on what you voted for when it took money out of the Treasury of the United States. The issue is going to be economy, and the man who is going to be singled out for slaughter is the Member who is willing at all times to vote for bills that might be very desirable if we could afford them, but that are not absolutely necessary, especially if they mean large appropriations.

Now, I have been amused at the learned gentlemen on the Committee on Education. I do not profess to know very much about this question, but I have supposed that the members of the committee that reported out this bill did know a great deal about it. The learned gentleman from Ohio, the chairman of the committee, Dr. Fess, said, on October 9:

A very careful investigation was made by the Federal Government, and a report was made to the effect that there are 22,500 total disabilities resulting from injury every year. If we take the total number who suffer both total and slight disability, it will approach very close to 300,000 per year.

My very dear colleague, Judge Towner, equally learned and well informed, on October 11, two days later, took the floor, and this is what he said, and mark his words:

Now, I want to call attention to one other great mistake: Gentlemen say we will have to take care of 300,000 cripples. There is no proposition of that kind before you. It is estimated that there are now in existence in the United States 300,000 men who have been injured in industry; but a very small proportion of them need assistance. Let me tell you how that works out: There are 74,000 men injured in industry in the United States every year, but 52,000 out of the 74,000 have lost only one finger, and 9,000 more have lost only two fingers. Now, these men do not have to be reeducated.

But it remains for the learned gentleman from New Hampshire [Mr. Burroughs] to give us the full picture of what we are about to do. I read from his remarks on page 6746 of the Record of the same day, October 11:

From testimony appearing in the printed joint hearings before the Senate and House committees it was shown that each year there are more than 2,000,000 industrial accidents in this country, resulting in loss of time, and more than 700,000 where inability to work extends to a period of at least four weeks.

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

Mr. GOOD. For a question.

Mr. BURROUGHS. Will the gentleman permit me to read three or four lines from the testimony?

Mr. GOOD. Following that?

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

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. I do not want to do the gentleman any injustice, and I will read a couple of more sentences if he desires—

The representatives of the National Association of Manufacturers of the country—

I do not see that what follows there has anything to do with or modifies what I have stated in the slightest degree. The proposition that I am trying to state is that the gentleman from Ohio [Mr. Fess] says there are 300,000 every year who are dis-

abled or partially disabled; that the gentleman from Iowa [Mr. Towner] says there are only 300,000 of such injured persons in the United States in existence; and that there are 74,000 injured every year, while the gentleman from New Hampshire [Mr. Burroughs] says there are 2,000,000 industrial accidents resulting in 700,000 personal injuries.

Mr. BURROUGHS rose.

Mr. GOOD. Mr. Chairman, I regret I can not yield further. Gentlemen state that there will be no growth in this appropriation. I call attention to the fact that in 1914 on May 8 we passed what was known as the Smith-Lever Act for agricultural extension and appropriated, as I recall, as a permanent appropriation \$500,000 a year. Perhaps it was \$600,000. The act provides that that amount should be augmented each year by \$500,000 additional until the total permanent appropriation would be \$4,500,000 per annum. Notwithstanding that, for this year we have supplemented that permanent appropriation in the Agricultural appropriation bill by \$1,500,000 of additional appropriation.

Gentlemen well know what this bill does. It transfers to the Vocational Board, already overworked, the problem of making a survey or of administering this act, and when soldiers complain to you, if you pass this act, that they were not able to get rehabilitation because the Federal board was not functioning, point your finger to this act, and say ours was the responsibility. The American Legion of New Jersey has, I am informed, passed a resolution protesting against the passage of this act. You place these added responsibilities upon a board already overburdened with work, a board that is unable to function, a board which is under fire and about to be investigated by a committee of this House, and then expect it to function in giving vocational training to our returning soldiers.

Notwithstanding that fact, you would now place upon this board the responsibility of an examination into the claims of 700,000 men, women, and children in America every year who are either totally or partially disabled in industry, to see which of them are entitled to the benefits of this act.

Let us consider the expenses of that board. The recent hearings developed that the expenses of the board have wonderfully increased. In February they had 107 employees in Washington and in July they had 307. In July, when this statement was made, their annual compensation was \$941,000, but on July 15 the vice president of the board wrote me as follows:

In response to your telephonic request, I take pleasure in advising you that the pay roll for personal services for persons employed in the administration of the vocational rehabilitation act during the month of June, 1919, amounted to \$291,000. This multiplied by 12 equals \$3,488,537.60.

Mr. Chairman, this legislation may be thought by some to be desirable, but I say to the membership of this House that this is no time for the consideration of legislation that will admittedly take the first year \$1,000,000 out of the Treasury of the United States and an amount eventually which in the final analysis no man can tell. It will be followed logically by social insurance, sick insurance, old-age pensions, and other socialistic demands upon the Treasury that it can not stand. The people are not demanding it; the taxpayers do not want it, and we should not support it.

Mr. FESS. Mr. Chairman, the gentleman from Iowa, the chairman of the Committee on Appropriations [Mr. Good], in quoting what was stated in reference to the number of disabilities, made an effort to show that there has been a discrepancy in statements of the various members of the committee. I stated that there were 22,500 total disabilities annually. That statement has been made by the other two gentlemen to whom he referred. The statement of John Mitchell, who as an authority would be equal to the gentleman who has just spoken, is that 2,000,000 men annually are crippled slightly and otherwise to the extent that there is some loss of time and that 700,000 are crippled to the extent where there is a loss of time up to four weeks. That was the statement of the gentleman from New Hampshire [Mr. Burroughs]. That statement was made also by other men who came before our committee. The gentleman also states that this Federal board has increased the pay roll, quoting 1914. The Federal board was not created until 1917, on the 23d of February.

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

Mr. FESS. I do not yield.

Mr. GOOD. But the gentleman is stating what is not true, what I did not state.

Mr. FESS. On the 23d of February, 1917, the Federal board was created and it then had—

Mr. GOOD. I said nothing about 1914.

Mr. FESS. I do not yield. Later on we gave to the Federal board the work of the rehabilitation of the soldiers crippled, and does the gentleman object to the increase in the pay roll for the

administration of that board? The gentleman came on this floor and used his power as the chairman of the Committee on Appropriations to cut the appropriation of \$6,000,000 to \$4,000,000 for the administration of that act, and when we invoked the vote on the floor of the House and defeated his motion and passed the \$6,000,000, it went over to the Senate and the \$6,000,000 bill became a law. When the sundry civil bill was under consideration the gentleman tried to reduce it to \$4,000,000 and the gentleman himself led the fight on this side of the House to make that bill \$14,000,000 that he attempted to cut down to \$4,000,000 when we had it before the House.

And the gentleman is making just such a specious argument as he did at that time and will be called upon, I fear, to eat his words as he did at that time. [Applause.] Gentlemen, this measure is to salvage the human wreckage, which is a cheaper and more economical plan than it will be to keep them in the poorhouse or in sanitariums. It is to take the hopeless, train them, put them in a position to be self-supporting, and instead of being a charge upon the Treasury of the Government they are to become an economical advantage to the Government and avoid waste. And therefore, Mr. Chairman, the argument is specious and has absolutely no force so far as the chairman of the Committee on Appropriations is concerned.

Mr. WALSH. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the enacting clause of the bill.

The question was taken.

The CHAIRMAN. The ayes seem to have it, but the Chair is in doubt.

The committee again divided; and there were—ayes 78, noes 58.

Mr. FESS. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. WALSH and Mr. FESS) reported that there were—ayes 69, noes 65.

So the motion was agreed to.

Mr. WALSH. Mr. Speaker, I move that the committee do now rise and report the action of the committee to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4438, had directed him to report the same back to the House with the recommendation that the enacting clause of the bill be stricken out.

Mr. WALSH. Mr. Speaker, I move that the recommendation of the committee be adopted, and on that I move the previous question.

Mr. FESS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Does the gentleman demand the yeas and nays—

Mr. FESS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Did the gentleman include in his motion the previous question alone?

The SPEAKER. The first question is on the previous question.

Mr. FESS. I do not want the yeas and nays on that.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on concurring in the recommendation of the committee.

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

Mr. BLAND of Indiana. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Indiana makes the point of order there is no quorum present.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Does the Chair rule that if no quorum is found to be present at the time the demand was made the House was dividing?

The SPEAKER. The Chair thinks the House was dividing.

Mr. FESS. The House was not dividing; the Chair was attempting to ascertain if a sufficient number had arisen in response to the demand for the yeas and nays. We had not voted on the question.

Mr. BLANTON. The House had divided and we were voting.

The SPEAKER. The Chair is not certain, but that is the Chair's recollection, and the Clerk confirms the Chair's recollection that the House was dividing. The Chair will rule that the vote will come, if the Chair should find there is no quorum, on

the question of concurring in the recommendation of the committee. The Chair will count. [After counting.] The Chair thinks no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 147, answered "present" 5, not voting 160, as follows:

YEAS—118.

Alexander	Denison	Johnson, S. Dak.	Sanford
Aswell	Dewalt	Jones, Tex.	Sherwood
Ayres	Dominick	Kincheloe	Slemp
Bacharach	Doughton	Kitchin	Small
Begg	Dunn	Kraus	Smithwick.
Blackmon	Echols	Layton	Snyder
Bland, Va.	Edmonds	Lehbach	Stegall
Blanton	Evans, Nebr.	Lufkin	Stedman
Boles	Evans, Nev.	McFadden	Stevenson
Booher	Flood	McKinley	Stiness
Eox	Fordney	McLaughlin, Mich.	Strong, Kans.
Brinson	Freeman	Major	Sumners, Tex.
Brooks, Ill.	Gard	Mansfield	Sweet
Brooks, Pa.	Garner	Martin	Thomas
Browning	Garrett	Merritt	Tillman
Buchanan	Good	Michener	Tilson
Burdick	Gould	Montague	Treadway
Butler	Graham, Ill.	Moon	Venable
Byrnes, S. C.	Greene, Mass.	Moore, Va.	Walsh
Byrnes, Tenn.	Greene, Vt.	Mott	Watkins
Campbell, Pa.	Hardy, Tex.	Oldfield	Watson, Va.
Candler	Harrison	Padgett	Webb
Cannon	Haugen	Quin	Whaley
Clark, Fla.	Hersey	Radcliffe	White, Me.
Clark, Mo.	Holland	Ramsey	Williams
Connally	Hudspeth	Rayburn	Wilson, La.
Cramton	Hull, Tenn.	Robinson, N. C.	Woods, Va.
Crisp	Humphreys	Rogers	Young, Tex.
Dale	Jacoway	Sanders, La.	
Davis, Tenn.	Jefferis	Sanders, N. Y.	

NAYS—147.

Almon	Elston	Linthicum	Ricketts
Anderson	Emerson	Loneragan	Riddick
Andrews, Nebr.	Ferris	Longworth	Rodenberg
Asbrook	Fess	Lubring	Romjue
Baer	French	McCulloch	Rose
Bankhead	Garland	McGlennon	Schall
Barbour	Goodwin, Ark.	McKeown	Scott
Bee	Green, Iowa.	McKiniry	Sears
Benham	Griest	MacCrate	Shreve
Black	Hadley	Magee	Siegel
Bland, Ind.	Hardy, Colo.	Mapes	Sinclair
Bland, Mo.	Hastings	Mason	Sinnett
Bowers	Hawley	Mays	Smith, Ill.
Briggs	Hayden	Miller	Smith, Mich.
Browne	Hays	Minahan, N. J.	Stephens, Ohio
Burke	Hernandez	Monahan, Wis.	Summers, Wash.
Burroughs	Hersman	Mondell	Taylor, Colo.
Carrs	Hickey	Moore, Ohio	Taylor, Tenn.
Chindbloom	Hoch	Morgan	Temple
Christopherson	Howard	Mudd	Thompson
Clason	Huddleston	Nelson, Mo.	Timberlake
Cole	Hullings	Nelson, Wis.	Towner
Cooper	Hull, Iowa	Newton, Minn.	Vestal
Crago	Igoe	Nichols, Mich.	Vinson
Crowther	James	Nolan	Voigt
Currie, Mich.	Johnson, Ky.	O'Connor	Volstead
Curry, Calif.	Johnson, Wash.	Osborne	Walters
Dallinger	Juul	Parrish	Weaver
Darrow	Kearns	Pell	Webster
Dickinson, Mo.	Keller	Pou	Welling
Dickinson, Iowa	Kelly, Pa.	Rainey, J. W.	Welty
Dowell	King	Rainey, Ala.	Wheeler
Drane	Kinkaid	Raker	White, Kans.
Dunbar	Klecicka	Ramseyer	Wingo
Dupré	Lampert	Randall, Calif.	Young, N. Dak.
Dyer	Lanham	Reed, W. Va.	Zihman
Elliott	Lankford	Rhodes	

ANSWERED "PRESENT"—5.

Coady	Madden	Wason	Wood, Ind.
Knutson			

NOT VOTING—160.

Ackerman	Eagan	Hicks	McDuffie
Andrews, Md.	Eagle	Hill	McKenzie
Anthony	Eilsworth	Houghton	McLane
Babka	Esch	Husted	McLaughlin, Nebr.
Barkley	Evans, Mont.	Hutchinson	McPherson
Bell	Fairfield	Ireland	MacGregor
Benson	Fields	Johnson, Miss.	Maher
Brand	Fisher	Johnston, N. Y.	Mann
Britten	Fitzgerald	Jones, Pa.	Mead
Brumbaugh	Focht	Kahn	Mooney
Caldwell	Foster	Kelley, Mich.	Moore, Pa.
Campbell, Kans.	Frear	Kendall	Moore, Ind.
Cantrill	Fuller, Ill.	Kennedy, Iowa	Morin
Caraway	Fulcr, Mass.	Kennedy, R. I.	Murphy
Carew	Gallagher	Kettner	Neely
Carter	Gallivan	Kiess	Newton, Mo.
Casey	Gandy	Kreider	Nicholls, S. C.
Cleary	Ganly	LaGuardia	O'Connell
Collier	Glynn	Langley	Ogden
Copley	Goowin, N. C.	Larsen	Oliver
Costello	Goldfogle	Lazaro	Olney
Cullen	Goodall	Lea, Calif.	Overstreet
Davey	Goodycoontz	Lee, Ga.	Paige
Davis, Minn.	Graham, Pa.	Leshner	Park
Dempsey	Griffin	Little	Parker
Dent	Hamill	Luce	Peters
Donovan	Hamilton	McAndrews	Phelan
Dooning	Haskell	McArthur	Platt
Doremus	Heflin	McClintic	Porter

Purnell	Rubey	Snell	Vaile
Rainey, H. T.	Rucker	Steele	Vare
Randall, Wis.	Sabath	Steenerson	Ward
Reavis	Sanders, Ind.	Stephens, Miss.	Watson, Pa.
Reber	Saunders, Va.	Strong, Pa.	Wilson, Ill.
Reed, N. Y.	Scully	Sullivan	Wilson, Pa.
Riordan	Sells	Swope	Winslow
Robison, Ky.	Sims	Taylor, Ark.	Wise
Rouse	Sisson	Tincher	Woodyard
Rowan	Smith, Idaho	Tinkham	Wright
Rowe	Smith, N. Y.	Upshaw	Yates

So the recommendation of the committee was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.
 Mr. KAHN with Mr. DENT.
 Mr. FAIRFIELD with Mr. UPSHAW.
 Mr. TINCHER with Mr. JOHNSON of Mississippi.
 Mr. HICKS with Mr. OLIVER.
 Mr. LANGLEY with Mr. FIELDS.
 Mr. ROBISON of Kentucky with Mr. NICHOLS of South Carolina.
 Mr. McARTHUR with Mr. SISSON.
 Mr. KENNEDY of Rhode Island with Mr. EAGAN.
 Mr. MCKENZIE with Mr. LARSEN.
 Mr. JONES of Pennsylvania with Mr. McLANE.
 Mr. PORTER with Mr. EVANS of Montana.
 Mr. McLAUGHLIN of Nebraska with Mr. KETTNER.
 Mr. VARE with Mr. BRUMBAUGH.
 Mr. McPHERSON with Mr. JOHNSTON of New York.
 Mr. WATSON of Pennsylvania with Mr. BENSON.
 Mr. MACGREGOR with Mr. HEFLIN.
 Mr. PURNELL with Mr. EAGLE.
 Mr. MANN with Mr. HAMILL.
 Mr. HUTCHINSON with Mr. MEAD.
 Mr. ACKERMAN with Mr. WRIGHT.
 Mr. ANDREWS of Maryland with Mr. WISE.
 Mr. KLESS with Mr. LESHNER.
 Mr. ANTHONY with Mr. WILSON of Pennsylvania.
 Mr. KREIDER with Mr. LEE of Georgia.
 Mr. MOORE of Pennsylvania with Mr. GRIFFIN.
 Mr. MOORES of Indiana with Mr. GOLDFOGLE.
 Mr. BRITTEN with Mr. TAYLOR of Arkansas.
 Mr. MORIN with Mr. GODWIN of North Carolina.
 Mr. IRELAND with Mr. MAHER.
 Mr. MURPHY with Mr. GANLY.
 Mr. NEWTON of Missouri with Mr. GANDY.
 Mr. CAMPBELL of Kansas with Mr. SULLIVAN.
 Mr. LAGUARDIA with Mr. LEA of California.
 Mr. LITTLE with Mr. LAZARO.
 Mr. WARD with Mr. BRAND.
 Mr. COPLEY with Mr. STEPHENS of Mississippi.
 Mr. OGDEN with Mr. GALLIVAN.
 Mr. SANDERS of Indiana with Mr. COLLIER.
 Mr. SMITH of Idaho with Mr. CLEARY.
 Mr. FULLER of Illinois with Mr. ROUSE.
 Mr. COSTELLO with Mr. STEELE.
 Mr. DARROW with Mr. SMITH of New York.
 Mr. WINSLOW with Mr. BARLEY.
 Mr. FULLER of Massachusetts with Mr. RIORDAN.
 Mr. GLYNN with Mr. HENRY T. RAINEY.
 Mr. GOODALL with Mr. PHELAN.
 Mr. DAVIS of Minnesota with Mr. SIMS.
 Mr. DEMPSEY with Mr. SCULLY.
 Mr. SNELL with Mr. CASEY.
 Mr. ELLSWORTH with Mr. SAUNDERS of Virginia.
 Mr. YATES with Mr. BABKA.
 Mr. GOODYKOONTZ with Mr. PARK.
 Mr. STEVENSON with Mr. CARTER.
 Mr. GRAHAM of Pennsylvania with Mr. OVERSTREET.
 Mr. HAMILTON with Mr. OLNEY.
 Mr. STRONG of Pennsylvania with Mr. CAREW.
 Mr. PAIGE with Mr. GALLAGHER.
 Mr. ESCH with Mr. SABATH.
 Mr. HASKELL with Mr. OLIVER.
 Mr. HILL with Mr. O'CONNELL.
 Mr. SWEET with Mr. CARAWAY.
 Mr. HOUGHTON with Mr. NEELY.
 Mr. PARKER with Mr. FITZGERALD.
 Mr. PETERS with Mr. FISHER.
 Mr. TINKHAM with Mr. CANTRELL.
 Mr. RANDALL of Wisconsin with Mr. DOREMUS.
 Mr. VAILE with Mr. CALDWELL.
 Mr. REAVIS with Mr. DOOLING.
 Mr. FOCHT with Mr. RUCKER.
 Mr. REBER with Mr. DONOVAN.
 Mr. FOSTER with Mr. RUBEY.

Mr. HUSTED with Mr. MOONEY.
 Mr. KELLEY of Michigan with Mr. McDUFFIE.

Mr. REED with Mr. DAVEY.

Mr. ROWE with Mr. CULLEN.

Mr. FREAR with Mr. ROWAN.

Mr. KENDALL with Mr. McCLINTIC.

Mr. KENNEDY of Iowa with Mr. McANDREWS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The House refuses to agree to the recommendation of the committee and automatically resolves itself again into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 4438, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

The CHAIRMAN. The question is on the committee amendment on page 1 of the bill.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BANKHEAD. Division, Mr. Chairman.

The committee divided; and there were—yeas 70, yeas 60.

Mr. BLACK. Mr. Chairman, I demand tellers.

Mr. PARRISH. Mr. Chairman, I ask unanimous consent that the amendment be reported. There are many gentlemen who do not seem to understand it.

Mr. WALSH. I object, Mr. Chairman. We have already voted twice on it.

Tellers were ordered, and Mr. FESS and Mr. BLACK took their places as tellers.

Mr. BLAND of Indiana. Mr. Chairman, I make the request that the amendment be reported. We do not understand what we are voting for. I see no reason why it should not be reported.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

First committee amendment: Page 1, line 4, strike out the words "industry or otherwise" and insert "industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, and all the mechanic arts."

The committee again divided; and the tellers reported—yeas 74, yeas 49.

So the amendment was agreed to.

Mr. FESS. Mr. Chairman, I ask for a vote on the next amendment.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 9, after the word "hereby," insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 4, strike out "1919" and insert "1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 6, strike out "1920" and insert "1921."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 7, strike out "1921" and insert "1922."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 2, line 15, at the beginning of the line, insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next.

The Clerk read as follows:

Page 2, line 19, strike out "1919" and insert "1920."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 20, strike out "1920" and insert "1921."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 21, strike out "1921" and insert "1922."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 24, strike out the word "provided" and insert the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 4, strike out the word "made" and insert the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 7, after the word "shall," insert the words "by a general plan of supervision."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment which I wish to offer.

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

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 8, after the word "State," insert "and Territories"; and in line 10 strike out "Territories."

Mr. JOHNSON of Washington. Mr. Chairman and gentleman, I would like to ask the chairman of the committee in charge of this bill what objection there is to giving the benefits of this measure to the citizens and residents of the Territories of Hawaii and Alaska?

Mr. FESS. The committee did not take jurisdiction over those Territories because we had no jurisdiction.

Mr. JOHNSON of Washington. How can that be? The committee did not have jurisdiction?

Mr. FESS. No; but Hawaii and Alaska are under the Committee on Territories, and we can not enter into the education of people in those Territories, coming from the Committee on Labor.

Mr. JOHNSON of Washington. I would like to say to the gentleman that I am a member of the Committee on Territories, and I feel that if the benefits or blessings or charges, or whatever they are to be, coming from this measure are to be extended to the States they should also be extended to the Territories. Accordingly I offer this amendment, and if it prevails I shall ask permission to place the word "Territories" elsewhere in the bill wherever necessary.

The particular reason for this is that in addition to the desire to give the people resident in those parts of the United States the same rights, privileges, and benefits that we give to people elsewhere, is so that people living in Alaska who have lost an arm or a leg or a hand or an eye need not remove to the States in order to receive these benefits at the expense of the United States and the expense of the States to which they are sent.

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

Mr. JOHNSON of Washington. Yes.

Mr. FESS. In all the preceding legislation on subjects of this order the Territories were omitted on the basis I have just mentioned. If the Committee on Territories want to include

Territories, so far as I know there will be no objection on the part of the committee.

Mr. JOHNSON of Washington. Of course, I can not speak for the whole Committee on Territories. This bill was not presented to the Committee on Territories, and no member of the Committee on Territories has been called before the Committee on Education, so far as I know. I can see clearly that Territories should be added.

Mr. KEARNS. This does not include the District of Columbia.

Mr. JOHNSON of Washington. I have not included the District of Columbia in my amendment, because the District of Columbia does not have District funds in the same way that Territories have funds that could be used in putting up their end of it. The District government apparently is all Federal. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 38 ayes and 50 noes.

So the amendment was rejected.

Mr. GARD. Mr. Chairman, I desire to offer an amendment. The Clerk read as follows:

Page 1, line 8, after the word "employment" insert a comma and the following: "and in the opinion of the board are unable to carry on a gainful occupation, to resume their former occupation, or to enter upon some other occupation, or having resumed or entered upon such occupation are unable to continue the same successfully."

Mr. GARD. Mr. Chairman, the basis of the present legislation is contained in the act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States. In other words, the basis of this, putting it even on the educational feature, is the practice and policy of rehabilitating the soldier of the late Great War. I hold in my hand the law which gives the discharged soldier the privilege of vocational education, and it contains the same restrictions which I have embodied in the amendment read from the Clerk's desk. If members of the committee will note this significant fact, the bill we have under consideration, on line 4, provides for the rehabilitation of persons disabled in industrial pursuits. The language does not say the degree of disability—even a slight disability may allow one to come within the purview of the law. Whereas the law which we passed providing for education in a vocational way for the discharged soldier provides that he must be unable to carry on a gainful occupation or to resume his former occupation or to enter upon some other occupation.

I am of those who believe we can not go too far in affording relief for those who bore the brunt of battle, and, therefore, I and everybody in the House, I presume, was glad to vote for a law to rehabilitate the wounded soldier.

But there should be no policy which would give the outsider a higher privilege of vocational education than the discharged and wounded soldier. If we insert these words, "carrying on a gainful occupation, resuming his former occupation," and like words, then we have provided a limitation, and it seems to me a rightful limitation against the entrance of a lot of people who may be solicited and brought in by those who may be employed in a great and growing phase of new Government work. By that I mean that he may be very slightly injured and may come within what they call rehabilitation by education.

I take it that everyone must agree that the rehabilitation which gives to a person in any pursuit is not, first, an educational rehabilitation but a physical rehabilitation, since the man must be made well physically before he can respond intellectually to the educational advantages. And I present this amendment seriously for the consideration of the House, because, as I say, I think it affords a proper limitation; and I would not wish to go on record, and I think the House would not, of affording a broader opportunity for a man outside who may be injured slightly getting this vocational education when you have denied it to the soldier unless he is able to carry on a gainful occupation.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARD. I will.

Mr. BANKHEAD. What board does the gentleman have in mind?

Mr. GARD. The same board that is mentioned in the bill, the Federal Vocational Board.

Mr. BANKHEAD. The gentleman seems to have lost sight of the fact that the actual administration of the retraining of these men will be by the State boards and not the vocational board in Washington.

Mr. GARD. The national board is a supervisory board; they present the plan and it is under control of the national board, which provides the plan of vocational education.

Mr. FESS. Mr. Chairman, the reason the committee hesitate to accept the amendment of the gentleman from Ohio is that it takes from the Federal rehabilitation law a matter that is purely Federal. The gentleman's amendment would put the eligibility of the subject to be assisted under the control of the Federal Government instead of under the control of the State government. We have no intention of designating to the States who can be trained, leaving that to the States.

Mr. GARD. If the gentleman will agree to an amendment providing that it shall be done by some State board I will offer that—I do not care who does it, if there is some limitation on those who come in.

Mr. FESS. I would not object; but I do not see how we as a body can say to a State board whom it shall admit. We could not prescribe the rules for the State boards.

Mr. GARD. But you do make a qualification. You say "who are without sufficient means to provide for their own rehabilitation." That is the only limitation.

Mr. FESS. Leaving that to the judgment of the State board.

Mr. GARD. Then leave the rest to the judgment of the State board. I ask unanimous consent to modify my amendment so that the word "State" may be inserted before the word "board."

The CHAIRMAN. The Clerk will report the amendment as modified, if there is no objection.

There was no objection.

The Clerk read as follows:

Modified amendment by Mr. GARD: Page 1, line 8, after the word "employment," insert a comma and the following language: "And in the opinion of the State board are unable to carry on a gainful occupation, to resume their former occupation, or to enter upon some other occupation, or, having resumed or entered upon such occupation, are unable to continue the same successfully."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. FESS) there were—ayes 55, noes 60.

Mr. GARD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. GARD and Mr. FESS.

The committee again divided; and the tellers reported—ayes 63, noes 49.

Accordingly the amendment was agreed to.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the committee, in this brief moment that I have under the rules I will not attempt to discuss the bill under consideration, but I want to call your attention to a condition that prevails with reference to the removal and reburial of our dead heroes in France. Recently the subcommittee on foreign affairs of the Select Committee on Expenditures in the War Department made investigation and collected data concerning the whole situation in France. We found that the American dead there were buried in 829 cemeteries, and that there were 75,318 graves. These are all identified but probably about 1,500, and some of these are being identified slowly as new facts and evidence come in. In the month of August they identified 150 graves. The Graves Registration Service in France, which is an Army organization in France, believes that it is the best thing to do to concentrate all these graves into one or more magnificent cemeteries in France, and I think they are of the impression that such action will soon be taken in Congress so as to start them on their work of concentrating these graves. They stated to our committee that they were waiting now for a definite policy to be declared before beginning concentration. I think this is the proper thing for them to do in view of the fact that it would be a tremendous amount of trouble and expense to reinter these bodies in France and later take them up and move them to America. A bill has passed the other branch of this Congress and is now pending before this body authorizing the expenditure of \$500,000 for concentrating the graves in France, and I am of the impression that this is the bill upon which the Graves Registration Bureau is waiting upon for a declaration of policy, and if this bill passes the bodies of our soldiers will be gathered from the 829 cemeteries and taken to one concentrated cemetery.

That means that they will be there forever. Now, my colleagues, I have no doubt but what these bodies will be carefully moved to a beautiful spot, which would be made much more beautiful as the years go on, as a last resting place for the heroes of this Great War; but it is my unalterable opinion, after

considerable thought and investigation and after hearing from many of my constituents, that the question of whether the bodies should be brought back to America should not be determined by the War Department, nor by any hasty, ill-considered action on the part of Congress, but it should be determined upon the wishes of the parents and relatives of those who gave their lives to the cause. We promised the parents that we would bring the bodies of their loved ones home. We certainly can not fail in this solemn duty, and I warn you now that unless we do something soon a permanent policy will be fastened upon us with reference to the last resting places of these heroes, which will be difficult and expensive to change.

Mr. GARD. Will the gentleman yield?

Mr. BLAND of Indiana. I will yield to the gentleman in a moment. These more than 75,000 graves are scattered all over France. France has taken the position that we should not bring them home within three years, and I know it is their belief that we ought not to bring them home at all. The American Expeditionary Forces for the most part—although there is a divergence of opinion—have taken the position that they ought to remain where they fell. The representative of Graves Registration, who testified before us, expressed this opinion and contended that it is almost impossible to bring them home, and that almost insurmountable difficulties, if not insurmountable difficulties, presented themselves against moving these bodies to America. The chief objection raised was the question of transportation in France; also the attitude of the French Government. Now, I introduced a bill to-day, and I want to insert a copy of the same in the Record, which provides that a commission be appointed to ascertain the wishes of the relatives and to proceed at once to get the data and information and adopt rules and regulations and determine upon a plan for bringing these bodies home, and to proceed to do so within the next two and a half years.

I do not mean that these bodies should be brought home now. I have studied this question considerably and I have arrived at the conclusion that it is not possible, nor advisable, for many reasons, to undertake to bring these bodies home immediately; but we ought to be making arrangements now to bring them home at the earliest possible date. I yield to the gentleman from Ohio.

Mr. GARD. Mr. Chairman, I desire to state to the gentleman that I hold in my hand the copy of the statement of the Secretary of War, in which he says this, if the gentleman will permit me to read it:

In view of the very large number of dead interred in France, and the fact that they are in well-kept and well-cared-for cemeteries, and that those cemeteries will constitute a great field of honor in France, the War Department hopes that a large number of parents will sympathize with the feeling of the department that it is the wiser and better course to leave those bodies in France; but the War Department has promised to return the bodies of those whose families insist upon it as soon as arrangements can be effected.

Mr. BLAND of Indiana. Mr. Chairman, there has been but one body returned from France—that is, the body of a man who died in the line of duty—and that was the son of Gen. Harries, who died in an automobile accident at Brest, France. As far as I know, the War Department has made no arrangements for bringing these bodies home nor are they contemplating being required to perform this task. I am not sure that they have the authority to do so, and I certainly am not blaming them for not doing so until some definite policy is determined upon by Congress, and I think that Congress should be guided, not by what the War Department or the individual Members of Congress might in their cold calculation think best but that we should be guided by the prayers and wishes of the parents and relatives—the mothers and fathers are the ones to determine the policy. Adj. Gen. Harris informs me that they have tried to ascertain the wishes of the parents and relatives with reference to the return of the bodies of their relatives; that many of them have not answered his query, but that of those who did answer there are at least 75 per cent or more in favor of having the bodies of their relatives brought home. Of course, it is the intention to remove all bodies forthwith out of Germany.

Mr. GARD. That is what the War Department says. If the parents want the bodies brought back, they will be brought back.

Mr. BLAND of Indiana. The testimony before this committee is to the effect that the organization of the War Department is waiting for authority and an appropriation to enable them to concentrate the graves in France. I think they have plenty of information from the parents to the effect that a great majority of the parents want their sons' remains returned.

Mr. GARD. This is the authorized statement of the Secretary of War.

Mr. BLAND of Indiana. The bill I refer to was introduced in the other body by the Senator from Missouri, and I have no doubt but what it expresses the wishes and intentions of the

War Department. There are some parents who want the remains of their sons to continue to rest in French soil. If that is their wish, it should be supreme as to their sons, but this should not interfere with bringing home the loved one of the other parent who would be inconsolable if their loved one was not brought back to American soil. Most of those who want the remains of the one they gave to this service to remain in France are people who are financially able to make the pilgrimage to France to visit the grave, as has been the case with Mrs. Theodore Roosevelt. There are many parents of soldiers who are not physically or financially able to make this trip, and I am especially concerned and interested in obtaining their viewpoint. I have heard from many of them, and I know that many of you gentlemen have also been informed of their wishes.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. BLAND of Missouri. I understand the War Department has issued an order to return all of the bodies of American soldiers from England, Belgium, Luxemburg, Russia, and Italy, and that the French Government has for the time being made application, or rather requested this Government, on account of the morale of the French nation, not to return the bodies from France because of the large number that might be returned. I further understand that it is the intention of the War Department to return these bodies as soon after the first of the year as it possibly can.

Mr. BLAND of Indiana. It can not be done at this time.

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

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to proceed five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. BLAND of Indiana. In a moment. I will say to the gentleman that I do not know of any provision of law whereby the War Department is enabled to bring back, or is bringing back, any of these bodies at an early date, and, to be frank with you, I doubt the feasibility of bringing the bodies home from those countries immediately. I do know that in France to-day there is a bill pending before the Chamber of Deputies preventing the removal of bodies in France, which includes American bodies, for a period of three years, and that the President of France has issued a decree putting that law into force. This action is actuated by two motives. There are the graves of 4,500,000 people who fell in this war now sleeping in French soil. More than half of these are French. They fear an attempt on the part of America to remove these bodies at this time would bring forth agitation to remove French bodies, which would result in enormous economic loss to France. Besides, the future pilgrimages of American parents and relatives to the graves of their fallen heroes in France is not entirely objectionable to the Frenchman. France is naturally a haven for tourists, and the French reap a great harvest from the tourists. There is not the same necessity for the removal of French bodies as there is for the removal of American bodies. The French soldier is sleeping on his own soil. The Republic is small and the parent can quickly go to the grave of the son. It is otherwise with American parents. We must not overlook the fact also, gentlemen, that we may not always be at peace with France, and I am sure that those interested in having their loved ones brought home will always feel more secure if they rest in American soil. One of the reasons given by the graves registration service why we should not remove these bodies was that the Americans and Chinese are the only people in the world who remove their dead. As far as I am concerned, I am willing to take my position along by the side of the Chinaman if the American fathers and mothers of these soldiers who fell in this great conflict want the bodies of their heroes removed. We moved them from the Philippines and brought them across the great expanse of water that they might rest in the soil that they were fighting for, and I am not going to permit the insinuation that the boys who fell in France were not fighting for the interest and the preservation of the land of their birth and devotion, although there has been much said about crusading and unselfish sacrifice, and so forth. It is true that all of the bodies shipped back from the Philippines were not claimed by relatives, and in my bill I intend to provide against this by arranging it so that only those whose relatives want them shall be brought back.

Mr. HUDDLESTON. If the gentleman will permit, I desire to call his attention to the fact that his colleague [Mr. Wood of Indiana] introduced a similar measure some weeks ago, and it is before the House Committee on Foreign Affairs, and in our

hearings there it developed that an agreement had been made whereby we undertook not to remove the bodies until the last of our soldiers had been brought back from France. There the matter is being taken up. Now, in reference to the measure pending in the French Assembly, at the request—

Mr. BLAND of Indiana. I only yielded for a question.

Mr. HUDDLESTON. I wanted to give the gentleman that information.

Mr. BLAND of Indiana. I have that information.

Mr. HUDDLESTON. The action was withheld at the request of our Government and that measure is not in force—

Mr. BLAND of Indiana. There is no one there to remove any bodies before the first of the year. I have the resolution referred to here before me, and it merely provides that we request the Government of the Republic of France to modify its law with reference to the bringing home of our dead. Whatever action we take toward determining our future policy should be taken before the first of the year. Anyone who has studied this question and is looking into the future, I believe, will arrive at the conclusion that this Government should not now determine upon a policy, and especially an expensive one, which would in the future prevent or tend to prevent the movement of these bodies back to America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Why should we not bring them back now? I ask that the time of the gentleman be extended for two minutes.

Mr. CANDLER. Make it five minutes.

Mr. BLAND of Indiana. I would be very glad indeed to answer in three minutes.

The CHAIRMAN: Is there objection to the time of the gentleman being extended for three minutes? [After a pause.] The Chair hears none.

Mr. BLAND of Indiana. The gentleman asked why it is not possible to bring them back now.

Mr. HASTINGS. I am in favor of bringing them back now.

Mr. BLAND of Indiana. I am not, and I will tell the gentleman why.

Mr. HASTINGS. The sooner the better; and I think that every American boy ought to be brought over here and buried in American soil.

Mr. BLAND of Indiana. That is right, as soon as it is practicable to do so.

Mr. HASTINGS. And I have always entertained that view.

Mr. BLAND of Indiana. I only differ with you as to when they should be brought home.

Mr. HASTINGS. Why?

Mr. BLAND of Indiana. I visited the great cemetery at St. Romagne, where 23,000 boys were interred. Most of these fell in the Argonne-Meuse offensive. I visited a number of cemeteries. I saw them bring in the bodies from the battle areas and bring in new bodies that had been discovered. You could hardly go near the men or conveyances. It is too grewsome a thing to talk about, and probably we ought not to discuss it. The parents will never be able to recognize the form of their loved one. They are sensible and know this. It is a terrible task to perform, and for sanitary reasons alone it should be postponed for a little while; in fact, the opposition of the French Government against the wholesale removal of American bodies at this hour is, in a sense, justified on account of sanitary reasons alone. This reason will not prevail in a little bit. It is thought that by the time the extensive arrangements required are made we can move them without the objection that now prevails. In my opinion, Mr. Chairman, the contention of the graves registration service that the problem of transportation is insurmountable is not well founded. To my mind, it is absurd to contend that the American Government, which does big things in a big way, can not remove a portion of 75,000 bodies back to this country. It is contended that labor in France is scarce. I happen to know that the French airplane factories, making planes for America, continued to run after the war to give Frenchmen employment. We can find the labor, we can find the transportation—both railroad and water transportation. Water transportation will be the least of our troubles. The expense will probably be considerable, but, as was said by Maj. Shipman, who testified for the registration service, "If it were practicable and possible, the expense is a matter of the least importance."

Mr. CANDLER. Will the gentleman yield?

Mr. BLAND of Indiana. I will.

Mr. CANDLER. The Secretary of War has issued the order referred to by the gentleman from Missouri with reference to bringing these bodies home. I think, like the gentleman from Oklahoma, that the sooner we bring them home the better, and

I would like to ask the gentleman if there is not some law upon the statute books now authorizing the return of these bodies.

Mr. BLAND of Indiana. I know of none; yet I may be in error. But if you inquire at the War Department you will find that its hope is for concentrated cemeteries in France, and, in my judgment, the War Department is now waiting the outcome of the bill, which recently passed the Senate and which I am to-day warning you against.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. Is there not a provision in the Army appropriation bill now providing for bringing them back?

Mr. BLAND of Indiana. I do not know.

The bill, H. R. 9927, is as follows:

A bill authorizing the appointment of a commission to remove the bodies of deceased soldiers, sailors, and marines from foreign countries to the United States, and defining its duties and powers.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission to be known as the reinterment commission, consisting of five persons, one of whom shall represent the Army, one of whom shall represent the Navy, one of whom shall represent the Marine Corps, and two to be appointed from and represent the civilian population of the United States; that said commission shall forthwith examine into the subject of the reinterment of all soldiers, sailors, marines, and other persons connected with the American Expeditionary Forces whose remains are now beyond the territorial limits of the United States, and, at the earliest practicable date and before the 1st day of January, 1920, file with the President, to be by him transmitted to Congress, a detailed statement of its conclusions and recommendations and as to what further legislation or action, if any, is deemed necessary for the proper carrying out of the purposes of this act.

SEC. 2. That said commission is further authorized and directed to ascertain the wishes of the relative or relatives of said deceased soldiers, sailors, marines, and other persons as to whether it is the desire of such relative or relatives to have such bodies reinterred in the United States. When such information is obtained said commission shall, on or before the 1st day of January, 1922, cause all of such bodies and remains of such soldiers, sailors, marines, and other persons whose reinterment shall be desired by said relative or relatives, to be reinterred in the United States in the cemetery or burial place designated by such relative or relatives; and said commission is hereby empowered to make rules and regulations governing its conduct in the ascertainment of facts and to subpoena and administer oaths to witnesses, if necessary.

SEC. 3. That said commission is hereby authorized to employ a secretary and such clerks and laborers as may be necessary, to purchase all necessary office and other equipment, and to enter into contracts and agreements for the proper carrying out of the purposes of this act: *Provided,* That no employee shall receive compensation hereunder exceeding a rate of \$5,000 per annum.

SEC. 4. That the compensation of each member of the commission created by this act shall be at the rate of \$5,000 per annum.

SEC. 5. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act the sum of \$50,000,000, or so much thereof as may be necessary, which amount shall be disbursed by said commission through an officer appointed by it, who shall be required to give bond in such sum as the commission may fix for the faithful performance of duty.

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent to proceed for 10 minutes.

Mr. BLACK. Reserving the right to object, on what subject?

Mr. LEHLBACH. On the subject on which for the last two days I have been trying to get a few minutes in which to reply to the gentleman from Tennessee [Mr. Moon]. Will the gentleman reserve his objection for a moment?

Mr. BLACK. I will.

Mr. MOON. Mr. Chairman, I hope there will be no objection made to the gentleman's request.

Mr. FESS. Reserving the right to object—

Mr. MOON. The gentleman certainly ought to be heard on the question if he wants to be heard. I only ask it to save time. If I see anything that I want to reply to, I should at least have half the time.

Mr. FESS. Reserving the right to object, I do not want to object if I know we are going to stop this pretty soon. If this is the last request, I shall not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. It is understood, Mr. Chairman, that I ask for one-half of the amount of time that the gentleman occupies.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may proceed for five minutes in reply. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Mr. Chairman, on Saturday last the gentleman from Tennessee, of the Committee on the Post Office and Post Roads, insinuated on the floor of this House that I had preferred false charges against the Postmaster General's Department, and in support of that charge he inserted correspondence between him and the Postmaster General in the RECORD. The gentleman spoke as follows:

Mr. Speaker, on the 11th of September a debate occurred in the House in reference to the Newark, N. J., post office and the action of the Postmaster General in attempting to control, as was alleged, the Civil Service Commission in the appointment of an official—a postmaster. This debate is fully set out in the RECORD; and in it the gentleman from New Jersey [Mr. Lehlbach] charged not only that the post-office inspectors were falsifying records but he charged the Postmaster General with stating that which was not true in reference to the matter.

Then he stands sponsor for a denial of the charge I am alleged to have made on September 11 and inserts, in support of the fact that my charge was false, this correspondence to which I have alluded. Now, it seems to me that when a Member of this House stands sponsor for a charge of falsehood against a colleague, and states that it occurred in the course of a certain debate, he ought at least to take the trouble to read that debate; and if he had he would have found that subject was not mentioned at all on September 11. As a matter of fact, I said nothing concerning the falsifying of any statement by post-office inspectors on September 11, and did not in the remotest allude to the incident in which that falsification did occur. What I stated on September 11 was this, that there existed throughout the United States a large number of vacancies in post offices of the presidential class, and that these vacancies remained unfilled because of the unwillingness of the Postmaster General to follow the plain dictates of the President's order of March 31, 1917.

And in order to ascertain how long these vacancies did exist and where they existed, when a request for examination had been made to the Civil Service Commission, when they had certified a list of eligibles to the Postmaster General to submit under the general order, a resolution was passed. And as an example of what existed in the country, I pointed to the situation in the post office in the city of Newark, N. J., where, since the 1st day of May, 1918, we have been without a permanent postmaster, and where the highest on the eligible list, a former incumbent of that office, was refused the appointment because he did not suit the Postmaster General; that the Postmaster General had asked the Civil Service Commission for a rerating; that after examining into the question they had refused the rerating, but stood by their original act; that notwithstanding that fact, the Postmaster General refuses to carry out the order of the President and submit the name of that first eligible for appointment. I merely spoke of the Newark office as an example of what is going on all over the country. The vacancies of this character, the Postmaster General has since informed us, are to the number of 766 throughout the country.

Now, this is what the Postmaster General—and when I use the term "Postmaster General" it may be the First Assistant Postmaster General or anybody for whom he is responsible—says, in speaking of this Newark post-office situation, the highest eligible being Mr. Bock:

It is also contended by the First Assistant Postmaster General that the ratings given Mr. Bock and Mr. Entemann do not accord with the papers on file in this case. Mr. Bock has a business rating of 75, which seems to have been given him on the ground that he was formerly postmaster, and without any attempt to establish whether he personally discharged the duties of his position at that time or whether the condition of the Newark post office was due to any work on his part.

They say the rating is wrong because they have nothing to show here in the civil-service records or in the post-office records whether Mr. Bock while postmaster of Newark is entitled to credit for conditions in his office. And yet there is on file in the Post Office Department, by its own inspectors, this concerning Mr. Bock:

Interviews with employees and patrons of the office disclosed that the postmaster has devoted, since he assumed charge of the office, about six hours daily to his official duties. While he has no fixed office hours, as a rule he reports at the office about 9 a. m. and remains there until noon, returns to the office about 2 p. m. and remains until 5 p. m., and frequently visits the office in the evenings after business hours.

The official duties performed by him consist of general supervision of all divisions of the office; personal attention to complaints by the public and to all correspondence of importance; reviewing reports and financial statements of the office; selecting employees and assigning their duties; the discipline of employees and presiding at semi-monthly conferences of the various supervisory officers for considering ways and means of improving the local service; and making daily tours of the workroom and the various divisions of the office. It might also be stated that he has, since January 1, 1913, given much personal attention to the inauguration and handling of the parcel-post system.

From careful inquiry and observation we are satisfied that, as a result of the intelligent personal attention the postmaster has devoted to the office, there has been much improvement in the service, and this is a subject of frequent favorable comment on the part of the employees and the public.

And yet they say there is nothing to show that he is entitled to any credit under the rating of "business experience" on account of his previous conduct of that office. This is taken from the files of the Post Office Department in 1913, when Frank J. Bock was postmaster.

The Postmaster General brought up the subject at a subsequent date and claimed that Frank J. Bock had at one time been charged with political activity as treasurer of the Republican county committee. That charge had been investigated by the Civil Service Commission after the post-office inspectors, and he had been cleared of it, and the Postmaster General acquiesced in the vindication of Mr. Bock and permitted him to serve three years longer after the charges had been dismissed by the Civil Service Commission. When the Postmaster General brought in this question that had been settled and decided by the judgment of the Civil Service Com-

mission over six years ago I then replied that the report of the post-office inspectors in that case was based in part upon statements of witnesses in Newark, which were subsequently falsified, and that the department had based its action on falsified statements. I am not going to take up much of the time of the House, but I am going to read the affidavit of a man who has been well and favorably known all his life in Newark and who was assistant postmaster of Newark under four different postmasters, some being Republicans and some being Democrats, and as good a citizen as resides in Newark. I read:

STATE OF NEW JERSEY,
County of Essex, ss:

William F. Cyphers, of full age, being duly sworn according to law, upon his oath says that he entered the Postal Service in the city of Newark in the year 1898; that he continued therein until April 1, 1918, serving under the following-named postmasters: David D. Bragaw, James L. Hays, Frank J. Bock, and John F. Sinnott. Throughout this period of 20 years he acted as assistant postmaster. In the spring of 1913, during the postmastership of Frank J. Bock, he was examined by two men who represented themselves to be post-office inspectors, whose names he does not know; that these men questioned him at length and purported to take down in writing what he said; that these statements he so made were never submitted to him by these post-office inspectors nor was he asked to sign them; that to the best of his knowledge the questions he was asked on this occasion dealt principally with the question whether Postmaster Frank J. Bock held political conferences in his office in the post office and whether he habitually received visitors there for the discussion of political business; that he stated in answer to such questions that his room as assistant postmaster adjoined the room occupied by Postmaster Frank J. Bock; that there was a connecting door and that at no time was this door closed, and that consequently he had a general knowledge of the business being conducted by Mr. Bock in his office during office hours; that to the best of his knowledge no political conferences took place and that Mr. Bock did not devote his time in the post office in attending to or discussing political matters nor was he in the habit of receiving during such business hours visitors on such political business.

Deponent further stated to post-office inspectors, in answer to their inquiries, that he handled all official mail addressed to the postmaster, and that it was his habit to lay aside such mail as was addressed to Mr. Frank J. Bock by name; that practically all of such mail so laid aside was by Mr. Bock referred to him for his attention, and that Mr. Bock received practically no mail in his office as postmaster which was not on postal business and which as such passed through deponent's hands.

Deponent further says that some time subsequent to the taking of his statement by postal inspectors as aforesaid, a Mr. Doyle, who introduced himself as secretary of United States Civil Service Commission, came to the Newark post office and spent a number of days there in making an investigation; that deponent placed at his disposal desk room in his own office; that Mr. Doyle showed to him a writing which he informed deponent purported to be a copy of the statement which deponent had made to the postal inspectors in the manner above related; that deponent read such statement and immediately called to the attention of Mr. Doyle certain and sundry alleged statements ascribed to him in said writing which he in fact had not made to the postal inspectors and which in fact were not true. Mr. Doyle thereupon reduced to writing the information thus given him by deponent in the form of an affidavit in which affidavit was incorporated the truth regarding Mr. Bock's alleged activities, and also the fact that the paper shown him by Mr. Doyle purporting to contain deponent's statement to the postal inspectors included falsifications of his statement to the postal inspectors.

WILLIAM F. CYPHERS.

Subscribed and sworn to this 6th day of October, 1919.

DAVID LESNICK,

Master in Chancery of New Jersey.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The gentleman from Tennessee [Mr. Moon] is recognized for four minutes.

Mr. MOON. Mr. Chairman and gentlemen, I really do not know that there is anything that the gentleman from New Jersey [Mr. Lehlbach] has said that calls for any special reply from me except the reference to the debate of September 11. A reference to that debate will show that the gentleman not only charged the post-office inspectors with changing and falsifying records, but charged the Postmaster General with lying about his relations with the Civil Service Commission in these matters.

Now, as a matter of fact in these first, second, and third class post offices there is no law that gives the Civil Service Commission any control over the matter. It is only under the President's order that they act as a matter of courtesy to give the information as to the fitness of the applicants for postmaster.

Now, I said the other day, and I repeat it, if a gentleman has made a statement upon this floor which under the facts which develop afterwards he finds to be incorrect, as a gentleman he must retract them. It is a very serious thing to say that a Cabinet officer has lied about the discharge of his duties. The gentleman from New Jersey does not retract what he has said, but he practically repeats what he has said. I assume therefore that the gentleman believes that he is correct in what he said or else, as a gentleman, he would apologize for having made a misstatement. I assume that the gentleman thinks he is correct. Then is it not true that in the estimation of every honorable man, when he has made a charge of that sort, he must make it good by the proof? What proof has he offered here to sustain his charge in face of the denials in the traverse and the record of the evidence offered by the Postmaster General that

I put in this record, that shows that the gentleman was mistaken about the whole matter? I said further that if a man would not apologize for an error, but believed it to be true, he must offer proof to sustain it, and if he did not do it—would do neither—he must be relegated to a position of degradation as having breached the rules of the House of Representatives without having the manhood to stand by the position that he has taken, by the proof, or offering an apology.

Now, what has the gentleman done along that line? I am not here to say that he has spoken falsely. I said in my discussion of the matter before that I did not know whether he was correct or not, that I had no reflection to make upon him. I laid down a general rule, that is recognized as binding, to control the conduct of gentlemen. He can bring himself under those rules if he wants to. If he does not, if he does not see fit to do that, and if he does not apologize or make good his charges, in view of the traverse and the evidence showing that the gentleman was incorrect, then let him take that position in the judgment of the honest men of this House—and I include him among the number—to say what the opinion of the House ought to be concerning that sort of conduct.

I will ask the gentleman, Does he feel in connection with this matter that in view of the very unkind things he has said about the Postmaster General, in view of the fact that there is nothing to sustain those charges, that he stands to-day as a Representative on the pedestal of honor, or is he in darkness at the foot of the throne of degradation?

Mr. LEHLBACH. Will the gentleman yield?

Mr. MOON. I was about through, but I will yield.

Mr. LEHLBACH. I merely want to say the gentleman reiterates that in the debate on September 11 I made the charge of falsification against post-office inspectors.

Mr. MOON. I say that in the debate on that day you charged the Postmaster General with having not told the truth in reference to the matter.

Mr. LEHLBACH. The question was not brought up until the 24th of September.

Mr. MOON. It may be the gentleman is correct as to the date. You do not deny that you said that, do you?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I neglected to ask unanimous consent to revise and extend my remarks.

Mr. MOON. I object to the extension of remarks of that kind.

The CHAIRMAN. The gentleman from Tennessee objects.

Mr. CARSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. CARSS: Page 1, lines 7 and 8, strike out the words "and who are without sufficient means to provide for their own rehabilitation."

Mr. CARSS. Mr. Chairman, I have offered this amendment to bring the attention of the committee to the fact that if a workman engaged in industry is injured and he happens to be possessed of a little money, or if he belongs to an organization that pays him a benefit, he is barred under the law from receiving rehabilitation. It seems to me that that places a handicap on him that should not be placed on him.

Mr. FESS. Will the gentleman yield?

Mr. CARSS. Yes.

Mr. FESS. I will state to the gentleman from Minnesota that that was not in the bill as originally introduced, but was placed in it by an amendment voted in by the Senate after considerable discussion; and as far as I am personally concerned, and the members of the committee, we do not seriously resist the amendment.

Mr. CARSS. I am very glad to hear the gentleman say so, and the fact that he admits that they do not resist this amendment is pretty good evidence to me, and should be to the rest of us, I think, that the amendment should be agreed to.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

I shall vote for this bill and I am not entirely in sympathy with opposition to it. The first opposition seems to be old State rights. I had supposed that the question of State rights was settled a great many years ago. But when the question came up here to prevent children from working in factories old State rights came up. When other questions come up here old State rights is often pushed in here as a reason why this or that particular bill or amendment should not pass. I am not in sympathy with it.

Another objection that is presented to this bill is the question of economy. It seems that the question of economy is very

seldom raised here, as the ex-Speaker [Mr. CLARK of Missouri] has said, but it seems to some gentlemen to be a very opportune time to bring in economy when the matter of education is under consideration.

I believe in education. I do not think we spend money enough on education. I think it is the duty of this Congress and the duty of this country, if this Republic is to live, to spend every dollar that it can on education. Gentlemen talk about the cure of Bolshevism, and I. W. Wism, and socialism, and anarchy, and things of that kind. The best remedy I know of to cure them is education. It should not be left entirely to the States. A Republic can exist only when a great majority of the people in it are intelligent enough to cast their ballots properly, and to understand the questions that come before them on each election day. We should encourage education of all kinds. The Government should encourage it. I sometimes think it would be a good idea if the Government itself took control of the question of education. If we had had a good, strong, healthy American sentiment in this country before April, 1917, we would never have had to go to war with Germany. The German Government believed that we would not go to war with them under any circumstances. The reason they believed that was because they felt that there was a sort of un-American sentiment in this country against war and against going to war with them. They thought an organized minority in this country could perhaps prevent the Congress of the United States from declaring war against the Imperial German Government. What we need in this country is a strong, vigorous, healthy American sentiment, and the only way that can be produced is through the schools and colleges of this country. [Applause.]

Mr. Chairman, the judges of the common pleas court of Cuyahoga County, Ohio, in which county the city of Cleveland is located, have appointed a conservancy commission, the objects and purposes of which are to make the Cuyahoga River more navigable and to control the waters of that river so that the supply may be more evenly divided during the season of navigation.

This is a legally constituted body and has the right to levy a tax for that purpose. At the request of parties interested I have made an investigation during the past two weeks as a member of the Rivers and Harbors Committee of this House. While this conservancy commission is authorized by law to control the water supply, over half of the benefits of their work will help navigation.

Congress has pledged its support to this project some years ago, and I will ask this Congress at its next session to assist financially in bringing about the successful conclusion of this work.

There are many industries located along the banks of this river, and if the Government will cooperate with this new conservancy board the Cuyahoga River may be made navigable for many miles.

Millions of dollars worth of commerce pass up this river every year and millions of dollars are invested in industries along its banks.

The city of Cleveland has done more than its share to assist in widening and straightening this river, and I feel that the Government should work in conjunction with this conservancy board and help these men who have invested millions in the industrial life of the city of Cleveland.

Thousands of tons of iron ore are landed in Cleveland from up the Lakes every year. Thousands of tons of coal are shipped to Cleveland every year and thousands of tons of steel are manufactured there every year.

I wish to urge the Members of this House to study this situation and I assure you that I am ready and willing to give them any information that they may desire.

Cleveland has waited long for this assistance and the citizens of that city have done more than their part.

There is no harbor in the United States where the expenditure of a few thousand dollars would help build up the commerce of this country more than in the city of Cleveland.

Mr. GARD. Mr. Chairman, I rise in opposition to the amendment. It is certainly wise for us to legislate with our eyes open. I fear sometimes members of the committee accept all too lightly things that come from the governing committee having the matter in charge. Just what are we doing? This is intended to be a bill to provide vocational rehabilitation for those who are unable to help themselves. A few moments ago we adopted an amendment putting further restrictions on the bill.

Now, an amendment is offered to strike out "without sufficient means to provide for rehabilitation and their return to civil employment." This means that the field is wide open.

No matter if a man is worth \$100,000, if he falls off a mule in his own barnyard and sprains his ankle you can go so far as to put him in one of these institutions where he can be rehabilitated at the public expense. That is precisely the situation made by the amendment offered by the gentleman from Minnesota, when he wants to strike out those words. The real object of the bill in the minds of the proponents must have been to afford relief to the man who could not help himself. We are traveling far, far afield on the original proposition, gentlemen of the committee, but when we go so far as to say no matter what a man's financial responsibility may be, if he be worth \$50,000, \$100,000, \$500,000, if he be injured in trade or commerce, if he be a wholesale grocer and a barrel rolls on his toe, you can send him, at the public expense, to one of these institutions where the United States of America provides dollar for dollar, surely that is not intended in this bill.

I will go as far as anyone in my desire to aid the afflicted in this country, but I do not believe that you should draft a bill to afford relief to those who are abundantly able to help themselves.

Mr. CARSS. Will the gentleman yield?

Mr. GARD. Yes.

Mr. CARSS. This is to be a public institution.

Mr. GARD. What is?

Mr. CARSS. The rehabilitation schools.

Mr. GARD. Not necessarily, you may take it up in a private institution.

Mr. CARSS. No; they are administered under the State government. Would the gentleman bar a man from sending his children to a public school because he happens to be worth \$100,000?

Mr. GARD. Certainly not.

Mr. CARSS. Then how can you bar a man because he is worth \$100,000 from taking advantage of an institution the support of which he helps to pay for?

Mr. GARD. Because these men can take care of themselves; take the case that I cited of the wholesale grocer, if a barrel rolls on his foot.

Mr. BANKHEAD. He would not be covered by this bill.

Mr. GARD. Certainly he would, and he could go to a rest cure at public expense and he has plenty of money to pay for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NOLAN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Minnesota [Mr. CARSS]. I do not think you will accomplish the purpose of this bill unless you adopt this amendment. The restrictions put on the bill a short time ago provide that a man shall be rehabilitated in certain pursuits and industries. I think it is far-fetched for the gentleman from Ohio [Mr. GARD] to bring in the case of a man worth \$100,000 who might be engaged in work in his own place and a barrel of sugar rolling over his foot and think for one moment that that man is going to secure the benefits of rehabilitation, putting in his time and becoming rehabilitated and reeducated when he does not need it.

This is along the line of the workmen's compensation act in the State of Ohio, and there is not a State in the Union that has a better workmen's compensation act than has the gentleman's own State.

Lét me call attention to the fact that there is no restriction in the State of Ohio as to how the workmen's compensation law shall be applied. It makes no difference whether a man has got a little home and enough money coming in from the outside sources to sustain him during the period of his illness when he is incapacitated, but he gets a certain stipulated sum.

He gets certain hospital treatment, he gets certain surgical appliances, he is entitled to certain considerations under that law. They do not raise the distinction that would be raised in this bill, unless the amendment of the gentleman from Minnesota [Mr. CARSS] is adopted. If this thing is to be practical, it ought to be applied generally; it seems to be that that restriction in there should be stricken out, and the amendment offered by the gentleman from Ohio will accomplish the result.

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

Mr. NOLAN. Yes.

Mr. GARD. I am very glad that the gentleman said what he did about the Ohio law, but he realizes that the compensation law in the State of Ohio is worked out in that State alone and is worked out by assessment on the manufacturing concerns which are protected and that every man in industry there is protected. It does not extend to commerce and trade as this bill does.

Mr. NOLAN. That is the theory of the proponents of this bill, that society will bear the expense of the rehabilitation of these cripples.

Mr. GARD. But the industry in which a man works pays for the disability, not the Government; that is the distinction.

Mr. NOLAN. Industry and society ought to take care of the industrial cripples and ought to take care of the man who happens to be sick and disabled in industry. That is what the workmen's compensation law does, but this goes further. It seeks to make a man a useful member of society instead of an object of charity, putting him on the street corner selling lead pencils or putting him in the mendicant class. He is to be rehabilitated so that he may be a producer. That is the fundamental principle underlying this sort of legislation. I hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. NOLAN) there were—ayes 33, noes 19.

So the amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. CONNALLY) there were—ayes 22, noes 50.

So the committee refused to rise.

Mr. WOOD of Indiana. Mr. Chairman, I have an amendment which I desire to offer.

Mr. FESS. 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. MADDEN, 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. 4438 and had come to no resolution thereon.

Mr. FESS. Mr. Speaker, will this bill have the right of way on Thursday?

The SPEAKER. The Chair would think so.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Wednesday, October 15, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting proposed draft of a bill to authorize the reenlistment or reinstatement of enlisted men, deserters from the naval service, if pardoned by the President, and for other purposes (H. Doc. No. 266); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the chairman of the Interstate Commerce Commission, transmitting a copy of the report of the commission in valuation docket No. 4, the Kansas City Southern Railway Co. et al. (S. Doc. No. 130); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 3621) to establish load lines for certain vessels, reported the same without amendment, accompanied by a report (No. 377), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS of Nebraska, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9183) authorizing the Secretary of the Treasury to adjust the terms of the contract for the sale of the old post-office property in New Haven, Conn., reported the same without amendment, accompanied by a report (No. 378), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La., reported the same without amendment,

accompanied by a report (No. 380), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3096) authorizing the construction of a bridge across the Red River at or near Moncla, La., reported the same without amendment, accompanied by a report (No. 361), which said bill and report were referred to the House Calendar.

Mr. MCKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 9412) to authorize and direct the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, and the Treasury Department for the use of Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, reported the same with amendment, accompanied by a report (No. 383), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 9782) to regulate further the entry of aliens into the United States, reported the same with amendment, accompanied by a report (No. 382), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN, from the Committee on War Claims, to which was referred the bill (H. R. 3791) to pay the heirs of Lewis J. Blair, late lieutenant colonel of the Eighty-eighth Regiment Indiana Volunteer Infantry, amount due him in the Court of Claims, reported the same without amendment, accompanied by a report (No. 379), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9867) granting an increase of pension to Emma R. Walters, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. KNUTSON: A bill (H. R. 9924) to aid in winding up the affairs of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. HAMILL: A bill (H. R. 9925) to provide an extension to the post office at Jersey City, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 9926) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. BLAND of Indiana: A bill (H. R. 9927) authorizing the appointment of a commission to remove the bodies of deceased soldiers, sailors, and marines from foreign countries to the United States, and defining its duties and powers; to the Committee on Foreign Affairs.

By Mr. HASTINGS: A bill (H. R. 9928) to define the status of and to remove the restrictions from certain members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. JONES of Texas: A bill (H. R. 9929) for the erection of a public building in the city of Quanah, county seat of Hardeman County, State of Texas, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 9930) to facilitate the naturalization of aliens who waived exemption under the selective-service act or who were actually inducted into the military or naval service of the United States; to the Committee on Immigration and Naturalization.

By Mr. CRISP: A bill (H. R. 9931) to increase the appropriation for the purchase of a site and erection of a building for a post office at Dawson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. NOLAN: A bill (H. R. 9932) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry, inventions, patents, and patent rights, and for other purposes; to the Committee on Patents.

By Mr. ZIHLMAN: Resolution (H. Res. 334) providing for the appointment of a committee to investigate the hacking laws of the District of Columbia; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 335) requesting the Interstate Commerce Commission to investigate the operations of the Adams Express Co. and report its findings to the House of Representatives; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BACHARACH: A bill (H. R. 9933) for the relief of Wilhelm Alexanderson and the members of his crew, the said Wilhelm Alexanderson being the owner of the motor boat *Spray*; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 9934) granting a pension to Phoebe Morgan; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9935) granting an increase of pension to Frank E. Drew; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 9936) for the relief of J. M. Farrell; to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9937) granting a pension to Emma L. Pugh; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9938) granting a pension to Robert Criswell Pollock; to the Committee on Invalid Pensions.

By Mr. JEFFERIS: A bill (H. R. 9939) authorizing the Treasurer of the United States to pay to Henry J. Meyers the sum of \$785.10 as full compensation for services rendered as a member of local draft board No. 1, city of Omaha, State of Nebraska; to the Committee on Military Affairs.

Also, a bill (H. R. 9940) granting an increase of pension to Alzina S. Swobe; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9941) granting an increase of pension to William N. King; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 9942) granting a pension to Rosa McPhetridge; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9943) granting an increase of pension to Frank H. Read; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Petition of sundry citizens of New York, favoring the impeachment of President Woodrow Wilson on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

Also (by request), petition of B. J. Sutherland and others of Missouri, favoring the impeachment of Woodrow Wilson, President of the United States, on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

By Mr. BACHARACH: Resolutions adopted by the Lithuanians of the State of New Jersey in re recognition of Lithuania as a free and independent State; to the Committee on Foreign Affairs.

By Mr. OSBORNE: Memorial of Association of Business Organizations of Los Angeles, Calif., representing 22 principal commercial organizations of that vicinity, requesting that because of the entirely different operating and other conditions electric railways be eliminated from legislation affecting steam railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, October 15, 1919.

(Legislative day of Tuesday, October 14, 1919.)

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

The VICE PRESIDENT resumed the chair.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Calder	Dial	Frelinghuysen
Ball	Capper	Dillingham	Gay
Bankhead	Chamberlain	Fall	Gerry
Beckham	Colt	Fletcher	Grønna
Brandegee	Culberson	France	Harding

Harris	La Follette	Page	Sterling
Harrison	Lenroot	Penrose	Sutherland
Henderson	Lodge	Poindexter	Swanson
Hitchcock	McCumber	Pomerene	Thomas
Johnson, Calif.	McKellar	Ransdell	Trammell
Jones, Wash.	McNary	Reed	Underwood
Kellogg	Nelson	Robinson	Wadsworth
Kendrick	New	Sheppard	Walsh, Mass.
Kenyon	Newberry	Simmons	Walsh, Mont.
Keyes	Norris	Smith, Ariz.	Watson
King	Nugent	Smoot	Williams
Kirby	Overman	Spencer	Wolcott
Knox	Owen	Stanley	

Mr. DIAL. I wish to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. NEWBERRY. I wish to state that the Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and the Senator from Colorado [Mr. PHIPPS] are absent on business of the Senate.

Mr. FRELINGHUYSEN. I desire to announce that the Senator from IOWA [Mr. CUMMINS], the Senator from Michigan [Mr. TOWNSEND], and the Senator from Maine [Mr. FERNALD] are absent in committee.

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] is detained from the Senate by illness in his family. The Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Georgia [Mr. SMITH], the Senator from Maryland [Mr. SMITH], the Senator from Oklahoma [Mr. GORE], the Senator from New Mexico [Mr. JONES], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

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

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the War Finance Corporation in response to a resolution of the 1st instant, which will be inserted in the Record.

The communication is as follows:

WAR FINANCE CORPORATION,
Washington, October 11, 1919.

The SECRETARY OF THE UNITED STATES SENATE,
The Capitol.

SIR: In response to Senate resolution No. 203, the War Finance Corporation respectfully submits the following:

1. The activities of the War Finance Corporation in respect to the promotion and development of the foreign commerce of the United States are confined exclusively to making advances in order to promote commerce with foreign nations through the extension of credits:

(a) To any person, firm, corporation, or association engaged in the business in the United States of exporting therefrom domestic products to foreign countries, if such person, firm, corporation, or association is, in the opinion of the board of directors of the corporation, unable to obtain funds upon reasonable terms through banking channels.

(b) To any bank, banker, or trust company of the United States which after the passage of the amendment to the act shall make an advance to any such person, firm, corporation, or association for the purpose of assisting in the exportation of such products.

2. The act of March 3, 1919 (Public No. 328, 65th Cong.), conferring these powers on the corporation expressly provides that advances may be made until the expiration of one year after the termination of the war, as fixed by the proclamation of the President. It will be seen, therefore, that the powers conferred upon the War Finance Corporation in respect to promoting foreign commerce are of an emergency character only.

3. It is manifestly impracticable to estimate the cost of such work, as the work in connection with the foreign trade authorized to be carried on by the War Finance Corporation is done by the regular employees of the corporation in connection with their general duties.

The amount of time devoted by such employees to the promotion of foreign trade is negligible as compared with the general duties performed by them.

The total number of employees engaged in the general business of the corporation, including secretary-treasurer, counsel, expert examiners, bookkeepers, statisticians, clerks, stenographers, messengers, and charwomen, is at the present time 28, but this number is being gradually reduced.

The total amount of compensation paid such employees amounts, in the aggregate, to the sum of \$6,229.83 per month.

It is suggested that the expense of carrying on the work of the War Finance Corporation relating to foreign commerce can not be said to be a "cost to the Government," for the reason that all of the expenses of the corporation are paid out of its earnings, and the earnings are greatly in excess of expenses, so that in the liquidation of the assets of the corporation it is believed that a substantial amount will be returned to the Treasury over and above operating expenses.

4. It is respectfully suggested that the activities of the War Finance Corporation in respect to foreign trade are special in their character and in no sense a duplication of the work performed by other agencies or bureaus of the Government.

5. Inasmuch as the work of the War Finance Corporation in respect to foreign commerce is essentially of an emergency character and of an entirely different nature from that carried on by the other departments set out in the Senate resolution, the corporation is unable to submit any suggestions and recommendations looking to the closer cooperation and coordination of the various agencies of the Government for the effective promotion of the foreign commerce of the United States.

Respectfully submitted, by order of the board of directors of the War Finance Corporation, this the 11th day of October, 1919.

ANGUS W. MCLEAN,
Acting Managing Director.