

281. By Mr. KENNEDY of Rhode Island: Resolutions of city council of Providence, R. I., indorsing daylight-saving plan for New England; to the Committee on Agriculture.

282. Also, petition of Sarsfield Literary Association, favoring House bill 3404; to the Committee on Foreign Affairs.

283. Also, petition of New England governors regarding railroad conditions in New England; to the Committee on Interstate and Foreign Commerce.

284. Also, petition of New England governors for suitable recognition in rank be given to Maj. Gen. Clarence R. Edwards; to the Committee on Military Affairs.

285. Also, petition of New England governors that the United States Shipping Board allocate some of its large ships to the New England owners, operators, and managers of steamers; to the Committee on the Merchant Marine and Fisheries.

286. By Mr. MAHER: Petition of E. J. Duffy Branch, Friends of Irish Freedom, favoring House bill 3404; to the Committee on Foreign Affairs.

287. Also, petition of New York Commandery, Military Order of the Loyal Legion, asking additional compensation for volunteer officers who served in the War 1861-1865; to the Committee on Military Affairs.

288. By Mr. MERRITT: Petition of Combined Jewish Organizations, of Bridgeport, Conn., protesting against the massacre of Jews in Ukraine and other lands; to the Committee on Foreign Affairs.

289. By Mr. O'CONNELL: Petition of the Allied Council of the American Shoe and Leather Industries and Trades, protesting against discrimination by the Indian Government to tanners of the British Empire; to the Committee on Foreign Affairs.

290. Also, petition of Farmers' National Council, opposing Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

291. Also, petition of New York State Association of Supervisory Post Office Employees, favoring Sterling-Lehbach retirement bill; to the Committee on Reform in the Civil Service.

292. By Mr. RAMSEYER: Petition of Howard Cessna Post, No. 136, Iowa Branch, American Legion, pledging support in upholding law and order and condemning activities of Industrial Workers of the World; to the Committee on the Judiciary.

293. Also, petition of Harry Anderson Post, No. 34, American Legion, protesting against the activities of the Industrial Workers of the World; to the Committee on the Judiciary.

294. Also, petition of American Red Cross, Service Star, Legion, and Commercial Club of Oskaloosa, Iowa, favoring legislation to make November 11 a national holiday; to the Committee on the Judiciary.

295. Also, petition of Oscar B. Nelson Post, No. 3, American Legion, Ottumwa, Iowa, favoring that the bodies of the soldiers who died on the fields of France be brought back to this country for burial; to the Committee on Military Affairs.

296. By Mr. RIVORDAN: Petition of J. Mitchel, Friends of Irish Freedom, favoring recognition of the republic of Ireland; to the Committee on Foreign Affairs.

297. By Mr. ROWAN: Petition of J. P. Holland Branch, Friends of Irish Freedom, favoring House bill 3404; to the Committee on Foreign Affairs.

298. Also, petition of Missouri and Kansas publishers regarding solution for paper shortage; to the Committee on the Post Office and Post Roads.

299. Also, petition of A. M. Upjohn, regarding conditions in Alaska and urging recognition of the Republic of Armenia; to the Committee on Foreign Affairs.

300. Also, petition of Public Ledger, Philadelphia, forwarding copy of letter sent to the President regarding methods of reducing popular unrest; to the Committee on Interstate and Foreign Commerce.

301. Also, petition of Southern Oil & Transport Co. and other oil companies, regarding the methods employed by the Mexican Government in seizing the oil wells in Mexico; to the Committee on Foreign Affairs.

302. Also, petition of Farmers' National Council, opposing Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

303. Also, petition of the Allied Council of American Shoe and Leather Industries and Trades, protesting against discrimination by the Indian Government to tanners of the British Empire; to the Committee on Ways and Means.

304. By Mr. WINSLOW: Petition of Patriotic Order Sons of America, on Mexican situation; to the Committee on Foreign Affairs.

305. Also, petition of Patriotic Order Sons of America, on remedy for the high cost of living; to the Committee on Military Affairs.

## SENATE.

FRIDAY, December 12, 1919.

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

Almighty God, we present ourselves to Thee with hearts we trust responsive to the divine will, with readiness to hear Thy command and to follow Thy purpose. We pray that Thou wilt guide us in the discharge of our duties so that we may ever have the comfortable satisfaction of knowing that we are working together with God in the great task of the present day. For Christ's sake. Amen.

THOMAS P. GORE, a Senator from the State of Oklahoma, appeared in his seat to-day.

Mr. SMOOT. 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:

Ball	Harris	McNary	Sheppard
Capper	Harrison	Moses	Smith, S. C.
Cuberson	Johnson, S. Dak.	Myers	Smoot
Cummins	Jones, N. Mex.	New	Spencer
Dial	Jones, Wash.	Newberry	Trammell
Edge	Kellogg	Norris	Underwood
Elkins	Keyes	Nugent	Wadsworth
Fletcher	Kirby	Overman	Warren
Gay	Knox	Page	
Hale	La Follette	Phipps	
Harding	Lenroot	Ransdell	

Mr. LENROOT. The Senator from Massachusetts [Mr. LODGE] requested me to announce his temporary absence on important business.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. ASHURST, Mr. CALDER, Mr. COLE, Mr. FERNALD, Mr. FRELINGHUYSEN, Mr. HITCHCOCK, Mr. STERLING, Mr. THOMAS, Mr. WALSH of Massachusetts, Mr. WALSH of Montana, and Mr. WATSON answered to their names when called.

Mr. KING, Mr. POMERENE, Mr. FALL, Mr. MCLEAN, Mr. GRONNA, Mr. CURTIS, Mr. MCKELLAR, Mr. SUTHERLAND, Mr. BANKHEAD, Mr. NELSON, Mr. TOWNSEND, and Mr. GORE entered the Chamber and answered to their names.

Mr. WALSH of Montana. I wish to announce that the Senator from Nevada [Mr. PITTMAN] and the Senator from Virginia [Mr. SWANSON] are detained from the Senate by illness in their families.

Mr. SHEPPARD. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Mississippi [Mr. WILLIAMS], the Senator from Oklahoma [Mr. OWEN], the Senator from Missouri [Mr. REED], the Senator from Tennessee [Mr. SHEPHERD], the Senator from North Carolina [Mr. SIMMONS], the Senator from Maryland [Mr. SMITH], and the junior Senator from Kentucky [Mr. STANLEY] are absent on official business.

Mr. KING. The Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Georgia [Mr. SMITH] are detained from the Senate on public business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, December 10, 1919, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## UNITED STATES SHIPPING BOARD (H. DOC. NO. 504).

The VICE PRESIDENT laid before the Senate a communication from the United States Shipping Board, transmitting, pursuant to law, a statement of travel performed by officers and employees of the United States Shipping Board during the fiscal year ended June 30, 1919, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

## UNITED STATES BOARD OF MEDIATION AND CONCILIATION (H. DOC. NO. 505).

The VICE PRESIDENT laid before the Senate a communication from the United States Board of Mediation and Conciliation, transmitting, pursuant to law, a statement showing for the first four months of the current fiscal year the average number of employees receiving increased compensation at the rate of \$240 per annum, which was referred to the Committee on Appropriations and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia.

The message also announced that the House had passed a joint resolution (H. J. Res. 260) authorizing the payment of salaries of officers and employees of Congress for December, 1919, in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

Mr. KEYES. I present resolutions adopted at a conference of New England governors, which I ask may be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

Resolutions unanimously adopted at a conference of New England governors held at the Executive Chamber, Boston, Wednesday, December 10, 1919.

"Resolved, That it is the opinion of the governors of the States that were especially represented in the Twenty-sixth Division that Maj. Gen. Clarence R. Edwards is entitled to a position and rank commensurate with the services rendered by that distinguished division."

Mr. NELSON presented a memorial of sundry citizens of Minneapolis, Minn., remonstrating against the persecution of Jews in the Ukraine, and praying that the United States Government take steps for their relief, which was referred to the Committee on Foreign Relations.

He also presented a petition of Monticello Post, No. 260, American Legion, of Monticello, Minn., and a petition of Kit Carson Post, No. 43, American Legion, of Fort Lyon, Colo., praying for the enactment of legislation for the suppression of disloyal persons, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented petitions of sundry citizens of Logan, Wayne, Gaylord, and Glen Elder, all in the State of Kansas, praying for the exemption of lyceum courses from the provisions of the so-called luxury-tax clause of the revenue law, which were referred to the Committee on Finance.

He also presented a memorial of Local Lodge No. 507, Sheet Metal Workers' Union, of Topeka, Kans., and a memorial of Local Lodge No. 148, Association of Machinists, of Dodge City, Kans., remonstrating against the passage of the so-called Cummins railroad bill, and praying for two years' extension of Government control of railroads, which were referred to the Committee on Interstate Commerce.

He also presented a petition of E. M. Stanton Post, No. 23, Department of Kansas, Grand Army of the Republic, of Howard, Kans., praying for the enactment of legislation granting increased pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. TOWNSEND presented a memorial of sundry retail jewelers of Battle Creek, Mich., remonstrating against the enactment of legislation providing that retailers of manufactured articles carried in interstate commerce attach cost prices to such articles before they are sold to customers, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Michigan Daily Newspaper Association, of Detroit, Mich., remonstrating against the proposed increase in second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Division No. 33, International Brotherhood of Locomotive Engineers, of Battle Creek, Mich., remonstrating against the passage of the so-called Cummins railroad bill and praying for a two years' extension of Government control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Port Huron, Mich., and a petition of the faculty and students of Kalamazoo College, Kalamazoo, Mich., praying for the early ratification of the league of nations and the peace treaty, which were ordered to lie on the table.

## CONDITIONS ON MEXICAN BORDER.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred Senate concurrent resolution No. 20, directing the Secretary of War to employ the military forces of the United States in protecting the lives of American citizens adjacent to the Mexican border, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations, which was agreed to.

## BILLS INTRODUCED.

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

By Mr. HARRIS:

A bill (S. 3521) to construct a public building for a post office at the city of Sandersville, Ga.;

A bill (S. 3522) to provide for the erection of a public building at the city of Toccoa, Ga.;

A bill (S. 3523) to construct a suitable building for the use of the United States court at Gainesville, Ga., and for other purposes;

A bill (S. 3524) to increase the appropriation for a post-office building at Dawson, Ga.;

A bill (S. 3525) to provide for the purchase of a site and the erection of a public building at Eastman, Dodge County, Ga.; and

A bill (S. 3526) providing for the purchase of a site and the erection of a public building thereon at Fort Valley, Houston County, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT:

A bill (S. 3527) granting an increase of pension to Martha A. Dunbar; to the Committee on Pensions.

By Mr. FALL:

A bill (S. 3528) granting a pension to Henry L. Bond (with accompanying papers); and

A bill (S. 3529) granting a pension to Samuel L. Duckworth (with accompanying papers); to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3530) for the relief of Sarah Shelton; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3531) granting an increase of pension to William L. Sapp (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 3532) granting a pension to James H. Johns; to the Committee on Pensions.

## SHORTAGE OF PRINT PAPER.

Mr. JONES of New Mexico. Mr. President, on yesterday I received a telegram from the publishers of some of the largest newspapers in the State of New Mexico calling attention to a condition which I am sure has been in the minds of many Senators for a considerable period of time. The telegram reads:

ALBUQUERQUE, N. MEX., December 10, 1919.

Hon. A. A. JONES,  
Senate Office Building, Washington, D. C.:

Unless war-time restrictions are placed upon the use of print paper practically every newspaper in New Mexico will be compelled to suspend publication within a few months, many of them within a few weeks at farthest. What is true of New Mexico is true of the United States, except those papers that own their own mills. Pacific coast papers are issuing editions of 180 pages on Sunday and other big papers are wasting proportionately. Only the utmost gravity of the situation here causes us to send this imperative wire.

D. A. MACPHERSON.  
M. L. FOX.  
H. B. HENING,  
THOMAS HUGHES.

I believe that condition is recognized by the country at large, and it seems to me that something must be done in order to curtail the use of print paper in the manner in which it is being done, so that the country papers may have at least an ordinary supply for their purposes.

I, of course, have not been able to give this subject very careful consideration, with an idea of suggesting a remedy, but it seems to me that one very effective remedy can be provided, and that is to increase the postal rates on newspapers exceeding a definite size. With that in view, and in order that the Committee on Post Offices and Post Roads may thoroughly consider the subject, I have drafted a bill proposing an increase of postal rates by five times the present rate on daily papers exceeding 24 pages in size. The purpose, of course, is to curtail the use of print paper by the large daily newspapers, especially in connection with the Sunday editions. It seems to me that if a paper contains as many as 24 pages, that ought to be sufficient to give the current news of the country and also provide a sufficient amount of space for advertising. We know that these newspapers are carried at a loss under the present rate. A bill of this kind would serve two very useful purposes—to distribute the print paper throughout the country without requiring the country papers to pay an excessive price, and also add to the postal revenues, if any paper should decide to publish a paper exceeding the size specified in the bill.

I therefore introduce the bill which I send to the desk and ask that it be referred to the Committee on Post Offices and Post Roads.

The bill (S. 3520) to increase the postal rates on certain classes of second-class matter was read twice by its title and referred to the Committee on Post Offices and Post Roads.

Mr. SMOOT. Mr. President, in this connection I desire to say that now that the peace treaty is no longer before the Senate, I think the time has arrived when we ought to stop publishing in the CONGRESSIONAL RECORD articles, telegrams, and addresses sent to Senators, and thereby save not only print paper but the expense to the Government of printing such communications in the Record. I desire to inform the Senate that every page of the Record which is printed to-day costs the Government of the United States nearly \$60. That is not all. We have men now scouring the country daily in order to pick up paper wherever they can at almost any price that is asked for it, in order to secure enough paper to publish the CONGRESSIONAL RECORD daily.

While the peace treaty was before the Senate there was no objection on the part of any Senator to printing any kind of matter that had any relation whatever to that treaty. That condition no longer exists, and in a very short time I am going to ascertain whether or not the Senate really wants to assist in this matter, for I am going to object to the insertion of such communications in the Record. Then I hope that the Vice President will ask the Senate to decide the question whether or not the existing policy is to be continued. If the Senate will support me in this position, I will keep everything out of the Record except that which relates to subjects affecting the legislation before this body. The CONGRESSIONAL RECORD should contain matter relating to such legislation and nothing else. Of late we have been running wild in the direction I have indicated, and the Senate will have to decide whether or not we are going to continue the policy which we have been recently pursuing.

The VICE PRESIDENT. The Vice President will be very glad to ask the Senate, if the Senator desires him to do so, whether the publication of the CONGRESSIONAL RECORD shall not be suspended during the famine in print paper.

Mr. THOMAS. Mr. President, I was going to suggest that the Senator from Utah does not go far enough. I think it would be a very good idea to quit printing the Record altogether. My impression is that that would be one way in which we could curtail the output of senatorial oratory; in fact, I do not know of any other way in which it can be done. The Record is read by quite a large constituency, and then, fortunately, the most of its contents are forgotten. An old Record is about as useful as last month's edition of a daily newspaper.

The scarcity of print paper to which the Senator from New Mexico [Mr. JONES] has referred seems, however, to be one which is affecting only the requirements of the legitimate press. There are about 300 so-called "red" publications, some of which, I think, have hourly editions, circulating throughout the country, and from that source we hear no complaint about the scarcity of print paper.

I think the scarcity of print paper is largely due to the fact that so much of it is consumed in propaganda against the Government of the United States. If in order to limit the output of that kind of daily literature hardships are visited upon the remainder of the press for a while, it will not be entirely an unmixed evil. It would seem, however, that the manufacturers of and dealers in print paper could very well, by voluntary action, proportion and distribute their output so that the legitimate press of the country would not suffer and at the same time perform a very desirable public service.

I rose, Mr. President, however, to call attention to a subject about which I am receiving a great many letters and telegrams, none of which I intend to offer for publication, from coal operators relating to the difficulty and practical impossibility of securing payments from the railroads for the seizure of large quantities of coal, mined and consigned to other purchasers. The Senate is aware of the fact that immediately after the coal strike was declared the Railway Administration began to possess itself of all the coal it could lay its hands upon, and for the very necessary purpose of running the trains and continuing the lines of communication. Their action in that particular is not only justified but perhaps commendable. Unfortunately, however, they have not been as eager to pay the operators for the coal as they should be, and some of the operators of my State are suffering severe financial embarrassment consequent upon the impossibility of securing payments for coal which they have mined and sold to others and which the Government has seized.

At this time, when the President of the United States and the president of the United Mine Workers are exchanging telegrams of felicitation, we ought to consider the possible effect of the Government action upon operators who mine and pro-

duce the coal. Unless these men are settled with, as they ought to be, and the money which is their due for the mining of the coal be given to them very soon, there are going to be a good many suspensions of operators. The Government should do justice to all its citizens, and when it seizes coal for a public purpose, and seizes it at once and summarily, payment should be quite as prompt and quite as summary. It is a poor Government that will operate its machinery at the expense of taxpayers through the virtual confiscation of their property.

Mr. JONES of Washington and Mr. FRELINGHUYSEN addressed the Chair.

The VICE PRESIDENT. The Senator from Washington.

Mr. JONES of Washington. At this point in the oratorical efforts of the morning I wish to give notice that from now on I am going to insist, so far as I can, upon the regular order in the interest of the Record and in the interest of the transaction of the public business. I ask now, Mr. President, for the regular order.

Mr. FRELINGHUYSEN. Will the Senator withhold his request for a moment?

Mr. JONES of Washington. No; I can not do so.

The VICE PRESIDENT. Bills and joint resolutions are still in order.

AUGUSTA LOUISE DE HAVEN-ALTEN.

Mr. McNARY. At the request of the junior Senator from Illinois [Mr. McCORMICK] I introduce a joint resolution and ask that it be read by the Secretary and be referred to the Committee on Immigration.

The joint resolution (S. J. Res. 134) to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States was read the first time by its title and the second time at length and referred to the Committee on Immigration, as follows:

Whereas Augusta Louise de Haven-Alten, daughter of the late Capt. Joseph Edwin de Haven, of the United States Navy, a native-born citizen of the United States and a resident of the State of Illinois, married in 1886 Eberhard Alten, an alien of German birth and parentage; and

Whereas the said Augusta Louise de Haven-Alten left Germany in 1911 and has not since returned, and in 1912 sued her said husband for absolute divorce, which suit is still pending in Germany, and has since 1911 lived apart from her said husband; and

Whereas the said Augusta Louise de Haven-Alten has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the status and privileges of a citizen of the United States, under and by virtue of the power and laws of the United States of America: Therefore

Resolved, etc., That Augusta Louise de Haven-Alten, daughter of said Capt. Joseph Edwin de Haven, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States.

RECLASSIFICATION COMMISSION.

Mr. JONES of New Mexico. Mr. President, I would like to ask unanimous consent to introduce and have passed a joint resolution regarding the Reclassification Commission. I find that in order to complete the work of that commission by the 12th of January it will be necessary for those who are engaged in the actual work to put in such long hours that it will be a distinct burden upon them; and, besides, the members of the joint commission itself will not be able to give to the service that careful consideration which it should have, and I therefore offer a joint resolution extending the life of the commission until the 12th of March. I have conferred with the chairman of the Appropriations Committee, and he feels that it will not delay the work of that committee if we should have this additional time.

Mr. KING. Is that the commission of which Mr. Keating is a member?

Mr. JONES of New Mexico. He is a member of the commission. I will state, further, that this resolution does not propose any additional appropriation, but merely an extension of time in order to complete this work which is going on in a splendid way. But the members of the commission themselves will not have time to digest what is being done within the limit fixed by law. When that limit was fixed, of course no one knew what the work would be or the length of time that would be required for it.

Mr. NORRIS. Mr. President, I was unable to hear the beginning of the Senator's remarks. The Senator has not read the resolution?

Mr. JONES of New Mexico. No.

Mr. NORRIS. It simply extends the time?

Mr. JONES of New Mexico. Yes.

Mr. NORRIS. How much additional time does it give?

Mr. JONES of New Mexico. Sixty days.

Mr. NORRIS. Under the original authority, when would the life of the commission expire?

Mr. JONES of New Mexico. On the 12th of January.

Mr. NORRIS. And this extends it?

Mr. JONES of New Mexico. To the 12th of March.

Mr. SMOOT. Does the Senator ask unanimous consent for that?

Mr. JONES of New Mexico. I do.

Mr. SMOOT. I object.

Mr. JONES of New Mexico. Then I will ask unanimous consent to introduce the joint resolution, but not for its immediate consideration.

Mr. SMOOT. I will not object to that.

The joint resolution (S. J. Res. 135) extending the time for filing final report of the Joint Commission on Reclassification of Salaries, created by section 9, Public 314, Sixty-fifth Congress, approved March 1, 1919, to a date not later than March 12, 1920, was read twice by its title and referred to the Committee on Appropriations.

#### DISCHARGE OF SOLDIER PATIENTS.

Mr. OVERMAN. I offer a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 258) was read, as follows:

*Resolved*, That it is the sense of the Senate that the Secretary of War so modify Circular No. 345 as to prohibit the discharge of any disabled patient soldier in a Government hospital, except upon his own request, before he has received the maximum improvement in the opinion of the officers in charge of said hospital.

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

Mr. JONES of Washington. If the resolution is going to lead to discussion, I object to its present consideration.

Mr. OVERMAN. I merely wish to say a word of explanation in regard to the resolution; that is all.

Mr. JONES of Washington. If it leads to any discussion, I object to its consideration.

Mr. OVERMAN. I merely wish to say that recently, while on a visit to Asheville, N. C., I was waited on by a delegation from the Government hospital at Oteen, N. C., who disclosed a pitiable condition of affairs existing there.

Mr. JONES of Washington. I think the resolution can be passed if the Senator will allow it to be acted upon.

Mr. KING. I shall object to the consideration of the resolution unless the Committee on Military Affairs recommended it. I feel that it is too important to pass without the consideration of that committee.

Mr. OVERMAN. Mr. President, if the Senator insists upon the objection, well and good, but I should like to have placed in the Record a copy of the order issued by the War Department concerning the discharge of disabled soldiers from Government hospitals, although many of them are on their beds and are suffering, and some of them dying. The condition is a terrible one.

I also ask to have inserted in the Record a letter from two very prominent officers who protest against this order and ask to be allowed to stay in the hospital referred to. They are on the road to recovery now, and if they are allowed to remain in the hospital they will be able before very long to go home to their families. The men in these hospitals fought in France; but if the Senator from Utah wants the resolution to go to the Committee on Military Affairs, I have no objection.

Mr. KING. Of course, if the condition described by the Senator from North Carolina exists, it is unfortunate and ought to be remedied; but this is a matter that ought to receive the attention of the committee, and I object to the immediate consideration of the resolution.

Mr. OVERMAN. The Senator does not object, I presume, to my having inserted in the Record the War Department circular and the letter from the officers to whom I have referred.

Mr. KING. Oh, no.

Mr. OVERMAN. I desire to say that I hope the committee will give early consideration to this matter, because I know of one case where a soldier now in bed suffering from tuberculosis is going to be discharged. Under the order of the War Department he can not remain at the hospital longer than 12 months. He fought in France, was brought to this country, and he is now on his bed, but they are going to send him out on the world. He can go to a Public Health Service hospital and receive the small allowance allotted to him, but on that he can not support his family. So, if discharged from the hospital, he will have to go home and die.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from North Carolina will be printed in the Record.

The matter referred to is as follows:

(Circular Letter No. 345.)

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
Washington, November 7, 1919.

Memorandum for the Surgeon General:  
Subject: Policy re protracted hospital treatment for military personnel.

1. That all disabled military personnel, except officers of the permanent Army and special surgical cases, shall be granted discharge six months after admission to a hospital in the United States for definitive treatment, if discharge is desired and applied for by the individual in writing.

2. That all disabled military personnel, except officers of the permanent Army and those requiring multiple operations or special surgical treatment or suffering from mental diseases, shall be discharged one year after admission to a hospital in this country after having been carried on sick report for definitive treatment for the same period: *Provided*, Individuals too sick to be removed from hospital without prejudice to their life or recovery or who, upon the question of discharge being submitted to them in writing, certify that they can not provide for the necessary care and attention for themselves shall be retained until provisions for their care and maintenance is made by the War Risk Insurance Bureau, Soldiers' Home, or National Home for Disabled Volunteer Soldiers: *Provided further*, That nothing herein contained shall be deemed to rescind the provisions of Circular No. 188, War Department, 1918, authorizing discharge at any time of the disabled who have been cured or have attained maximum restoration, or those who furnish guaranties that specialized treatment will be continued as long as necessary.

E. D. ANDERSON,  
Colonel, General Staff,  
Acting Director of Operations.  
By P. O. BISHOP,  
Colonel, General Staff,  
Chief Personnel Branch, Operations Division.

OTEEN, N. C., November 30, 1919.

Hon. LEE S. OVERMAN,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your request we are writing you further in regard to Circular Letter 345, issued by the War Department from the office of the Chief of Staff, dated November 7, 1919.

Paragraph 2 of this letter is in direct contradiction to Circular No. 420, War Department, September 10, 1919, which provides that—

"Officers under medical treatment for disability incident to military service will be retained in service whether or not applicants for permanent appointment until such time as maximum restoration has been attained. This will not be construed as authorizing the retention of officers temporarily on sick report for minor disability."

This new policy is in violation of General Orders, No. 73, War Department, 1918, and section 10 of the act of Congress approved May 18, 1917, in that it shows discrimination between the various members of the military service, allowing only the Regular Army officers the benefits of maximum cure on full pay and allowances.

There are officers and men who have been here a year who can not take their treatment under the War Risk Insurance Bureau provision and support their dependents. Therefore they must go to work prematurely and stand the risk of undermining their present state of cure, which, in tuberculosis, means another protracted siege of sanatorium treatment with its necessary hardships on their relatives and dependents, and in most cases ultimate death to the patient himself. Men suffering from pulmonary tuberculosis need to have their cases properly arrested before attempting any sort of work.

Some men have been very ill for a whole year in this hospital and are just now in position to take a very little exercise. These cases are not healed to the maximum degree, yet they could be moved to other sanatoria under War Risk Insurance Bureau supervision without prejudice to their life or recovery. But they can not stay for treatment at these sanatoria, for they have dependents who are absolutely dependent on their Army pay for support. The compensation from the war-risk insurance act is totally insufficient to care for their families, therefore they must go to work immediately with the odds tremendously against them.

These same men, if given the maximum amount of cure—that is, if allowed to get well, for they can get well—could then be reconstructed under the Federal Board of Vocational Training and be made useful citizens.

It is the belief of the patient officers of this hospital that the promises of the Government to us and our dependents can not be fulfilled if this policy of the War Department is not revoked.

The number of officers directly affected in this hospital by this order is considerably less than 100, and the total number, including the other three hospitals for tuberculous patients, namely, Fort Bayard, Whipple Barracks, and Denver, is probably about 300.

These patient officers appeal to you to use your influence to have this policy revoked and to allow them to continue their treatment in a military hospital and to stay in the Military Establishment until they have arrived at the maximum amount of cure.

We thank you very much for the interest you have shown in this matter and feel certain that when this is called to the attention of Secretary Baker he will have Circular Letter No. 345 revoked.

Cordially, yours,

Mr. KING subsequently said: Mr. President, the Senator from North Carolina [Mr. OVERMAN] this morning asked for the immediate consideration of a resolution the effect of which was to continue in the military hospitals certain patients, soldiers who have been injured in the war. I objected to the immediate consideration of the resolution and asked that it go to an appropriate committee. I felt that the importance of the measure demanded the consideration of the Committee on Military Affairs.

Another reason why I objected to the resolution was—and I desire the attention of the chairman of the Committee on Military

tary Affairs, the Senator from New York [Mr. WADSWORTH]—that we have already appropriated large amounts, aggregating several million dollars, and we are now asked to appropriate \$85,000,000 more, for the acquisition of hospitals to be conducted under the Public Health Service of the Government to care for the particular cases that the Senator from North Carolina had in mind and those that were covered by the resolution which he offered. It seemed to me, if we passed the resolution submitted by the Senator from North Carolina, that there was going to be a conflict with the present policy and, perhaps, a conflict with the program which has been heretofore outlined.

My understanding is that at a certain stage these soldiers are transferred from the military hospitals to the Public Health hospitals and that ample provision has been made and will be made by Congress fully to care for all of the soldiers who need further medical and hospital attention. I merely want the RECORD to show that the basis of my opposition was as I have indicated.

Mr. OVERMAN. Mr. President, I think the Senator from Utah is right; the matter ought to be investigated; but the exception I make is in the case of tubercular patients. I call the attention of the chairman of the committee to the fact that the regulations require the discharge of soldier patients from the hospitals after a certain length of time. Many, if not most, of the patients in these hospitals fought in France, where they were gassed and as a consequence many of them are suffering from tuberculosis and confined to their beds. To discharge them from the Government hospitals where they are now being treated and where many of them are improving and send them to a hospital of the Public Health Service would be a great mistake. Under the law while in the Public Health Service they would get from the War Risk Bureau not exceeding, as I understand, \$50 a month. Most of these men have families, and they tell me they can not support their families on the \$50 allotted to them, even if they go to the Public Health Service hospitals. They would, therefore, be required to go to work in order to support their families. To compel them to work, in many instances, would mean death, whereas if they could remain at the hospitals where they are now for a few months longer they could probably be restored to their families and be in a condition to take care of them.

The resolution I have offered merely requires that they should only be discharged by the doctor in charge when he finds that they have improved beyond a certain point.

I think that the soldiers who are suffering from tuberculosis should be accorded the greatest possible consideration. The situation is a pitiable one. I have been to one of the hospitals and seen some of the soldier patients. Many of them are improving and, it is thought, can entirely recover; but the psychological effect of the order of the War Department has been fearful, and they are writing and telegraphing me appeals that they be allowed to remain in the hospitals just a few months longer, and asking that the decision be left to the doctor at the hospital to say whether or not they are to be discharged. They are willing to go at the proper time, but they do not wish to be discharged and sent to a Public Health Service hospital, leaving their families to starve, as will be the result, because they will not get enough from the War Risk Bureau to support their families.

I hope the chairman of the committee—and I am glad that we have a chairman who will look into this question thoroughly—will investigate the matter and make a report and ascertain if it is not wise to provide for a modification of the War Department circular which has been issued.

Mr. WADSWORTH. Mr. President, apropos the matter which the Senator from North Carolina [Mr. OVERMAN] and the Senator from Utah [Mr. KING] have just discussed, the inquiry which I have caused to be made at the office of the Surgeon General develops this state of facts, that Circular 345 sent out by the Chief of Staff requires that men who had been under treatment in hospitals for a certain length of time must be discharged. This was mandatory. Within the last 48 hours the Surgeon General has asked that the order be modified.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from North Carolina ask for the immediate consideration of the resolution?

Mr. OVERMAN. No, Mr. President.

Mr. WADSWORTH. Let me say, furthermore, that this notation has come to me just this moment over the telephone:

Its modification has been approved by the Chief of Staff, and men will now be treated until the maximum improvement in their condition is attained.

Mr. OVERMAN. I am very glad to hear that statement of the Senator from New York. That was the purpose of my resolution; it was all that it required; that the maximum improvement should be reached, in the opinion of the physician,

before discharge was ordered. I thank the Senator from New York, the able chairman of the Committee on Military Affairs. I will telegraph the patients in the hospitals who have been writing me, and I am sure the information I will be able to convey will have a wonderful effect upon those sick men.

#### CONDITION OF JEWS IN THE UKRAINE.

Mr. SPENCER. I offer a resolution and ask that it be referred to the Committee on Foreign Relations.

The resolution (S. Res. 259) was read and referred to the Committee on Foreign Relations, as follows:

*Resolved*, That the attention of the Senate having been called to the awful massacre of members of the Jewish race in the Ukraine and to the existence and execution of pogroms, which indicate a determination to exterminate the Jews of Ukraine, it is requested of the State Department that such information as may be available, not inconsistent with the public service, be transmitted to the Senate showing the actual conditions in the Ukraine, and indicating what steps, if any, that have been taken or are contemplated on the part of our Government in the matter.

Mr. SPENCER. Mr. President, there was a meeting of representative citizens in St. Louis held recently at which 10,000 persons were present in protest against the massacre of the Jews in the Ukraine and against the pogrom which seemed to be initiated and executed for the entire extermination of the Jews in Ukraine. I present a memorial adopted by that meeting in St. Louis and ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

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

ST. LOUIS, Mo., December 9, 1919.

HON. SELDEN P. SPENCER,  
United States Senator, Washington, D. C.

DEAR SENATOR: At a mammoth mass meeting held in Coliseum in this city a resolution was unanimously passed by 10,000 citizens of city of St. Louis and electors of your State against the awful massacres against our race and creed for no other reason than religious scruples. Realizing your previous stand as a Christian and gentleman, believing in fairness and religious liberty for all people in all parts of the globe, and more so from the fact that in your own family you suffered a sad casualty in order that the world may be safe for democracy, I, as rabbi of the following congregations: Benai Abraham, 1240 Glasgow Avenue; Love of Freedom, Fourteenth and Carr Streets, composed of 10,000 members in this city, join with them in praying to God that these awful pogroms will cease, and that you will use every endeavor within your power to see that the poor unfortunate people of Ukraine are given religious liberties and that no further massacres of these people will be held. Any action taken in the premises by you will be heartily appreciated by not only the citizens of the city of St. Louis but also the millions of unfortunate people who have lost their relatives in these awful massacres.

Respectfully, yours,

A. B. GOLDENSON,  
Chief Rabbi.

#### PAY OF EMPLOYEES.

H. J. Res. 260. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1919, was read twice by its title and referred to the Committee on Appropriations.

Mr. WARREN. From the Committee on Appropriations I report back favorably, without amendment, the joint resolution (H. J. Res. 260) authorizing the payment of salaries of officers and employees of Congress for December, 1919, and I ask unanimous consent for its present consideration.

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

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

*Resolved, etc.*, That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1919, on the day of adjournment of the present session for the holiday recess.

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

#### SUGAR EQUALIZATION BOARD.

Mr. McNARY. I move that the Senate proceed to the consideration of Senate bill 3284.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes.

The VICE PRESIDENT. The bill is before the Senate, as in Committee of the Whole, and open to further amendment.

Mr. McKELLAR. I offer an amendment which I ask to have stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

*Provided*, That the zone system of sale and distribution of sugar heretofore established by the said United States Sugar Equalization Board shall be abolished and shall not be reestablished or maintained, and that said sugar shall be permitted to be sold and to circulate freely in every portion of the United States.

Mr. McKELLAR. I understand the Senator from Oregon accepts that amendment.

The VICE PRESIDENT. Senators can not fix up amendments in that way. The question is whether or not the Senate will accept it.

Mr. McNARY. I did not hear the Senator from Tennessee.

Mr. McKELLAR. Does the Senator from Oregon accept the amendment as part of his bill?

Mr. McNARY. Yes; it is perfectly satisfactory to me.

The VICE PRESIDENT. The Chair thinks that is a good way to legislate, but it is illegal. The question is on the amendment offered by the Senator from Tennessee.

Mr. GRONNA. Mr. President, I know that this bill is safe in the hands of the Senator from Oregon. I have not had an opportunity to give any consideration to this particular amendment. I understand it is agreeable to the Senators from Louisiana and those who are directly interested in this proposed legislation.

Mr. McNARY. Yes, sir.

Mr. GRONNA. Of course, I have no personal objection to it.

Mr. McNARY. It simply abolishes the unfortunate zone systems that were experimented with by the Sugar Equalization Board and gives a fair and normal distribution all over the United States. It is satisfactory, I think, to all the friends of the sugar bill.

Mr. GRONNA. May I ask the Senator from Oregon if he knows whether or not it is satisfactory to the Sugar Equalization Board?

Mr. McNARY. I do not know as to that. We are legislating to help the people rather than any particular board.

Mr. GRONNA. Yes; I understand that.

Mr. McNARY. I am sure it will be satisfactory to the great American people. If it is not satisfactory to the board, they will have to accept it as it is.

Mr. SMOOT. I will say to the Senator from North Dakota that I am quite sure the Sugar Equalization Board will be very glad to get rid of that responsibility, and I think the amendment ought to be agreed to.

Mr. GRONNA. I asked the question of the Senator from Oregon for the reason that I know his subcommittee held extended hearings and invited the Sugar Equalization Board to appear, and that in framing this legislation, of course, the advice of the board was considered valuable. I shall not object to the amendment, but while I am on my feet I want to ask the Senator if any further changes have been made in the bill as it was reported from the committee?

Mr. McNARY. I am very happy to say to the Senator from North Dakota that there have been no changes in the bill save this proposed amendment; and whether or not it is satisfactory to the board I can not say, because this question was not considered at the hearings. It is an order that has been promulgated by them subsequently to the hearings before the Senate subcommittee.

Mr. POMERENE. Mr. President, will the Senator from Oregon yield for a question? I was not able to hear all of the argument made by the Senator from Oregon the other day, and I wanted to ask him specifically with regard to one or two matters. As I understood him, the United States Sugar Equalization Board felt that the Cuban crop should have been bought some time in September?

Mr. McNARY. Some time in August.

Mr. POMERENE. And that Prof. Taussig advised against it?

Mr. McNARY. That is true.

Mr. POMERENE. I want to ask another question. Of course, I understand that the Senator can not give exactly definite information as to the price at which we can now purchase the remainder of the Cuban sugar crop; but can the Senator give us, in his judgment, the price at which this crop could have been bought in August or September and the price at which it probably can be bought now?

Mr. McNARY. I will say to the Senator that that requires, perhaps, the exercise of prophecy. However, last year the raw sugar crop was bought in Cuba at 5½ cents in the northern ports and 5.4 cents at the southern ports of Cuba. In August and September of the present year it was thought that 1 cent per pound had been added, and that it could have been bought at 6½ cents. It was thought by the Sugar Equalization Board about five weeks ago that the sugar could be had around 10½ cents.

Mr. POMERENE. That would make an advance of about 4 cents a pound?

Mr. McNARY. About 4 cents; but I will say to the Senator from Ohio that I have been informed, although I can not state the degree of accuracy with which the statement was made, that sugar bought by speculators has brought as high as 13½ cents in Cuba.

Mr. POMERENE. I simply wanted to observe to the Senate that this is an evidence again of the fact that adherence to the advice of a professional economist is going to cost the people of the United States an advance of 4 cents a pound for every pound of sugar that will be consumed during the ensuing year; and as the per capita consumption is about 92 pounds, and the population of this country now is about 110,000,000, we can estimate how valuable this advice has been. It amounts to about \$404,800,000.

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

Mr. POMERENE. I yield; yes.

Mr. KELLOGG. I understand that Mr. Hoover and the board informed the President in July or August that the sugar crop of Cuba could be bought for one-half cent a pound above the price of last year, and recommended it strongly on the ground that there was a world shortage of sugar; that as a matter of fact it can not be bought for 10 cents to-day, and that it is selling on a basis of cost that will cost the American people about 22 cents a pound retail. I do not wish to intimate by that that I shall not vote for this bill; but, as a matter of fact, they could have gotten the sugar crop for about one-half cent a pound above last year, and it was turned down, and now, of course, it is too late to get it.

Mr. OVERMAN. Mr. President—

Mr. POMERENE. Well, the facts indicate that if some of these professional economists would take a short course of study in the primary school of common, practical business sense they would not make so many mistakes.

Mr. CAPPER obtained the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield? I desire to interrogate the Senator from Ohio.

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

Mr. CAPPER. I yield.

Mr. WALSH of Montana. Mr. President, I have followed this discussion with some interest and quite carefully, but I am a little astonished at the statement just made by the Senator from Ohio that as a result of following the advice, I assume, of Mr. Taussig, of the Tariff Board, the price of sugar to the consumer has been increased 4 cents a pound, the aggregate obviously being something enormous. I should really like to hear, if the Senator from Kansas, who has the floor, will permit it, a statement from the Senator from Ohio as to how he reaches that conclusion.

Mr. POMERENE. Mr. President, it is an easy enough matter to arrive at that conclusion. I asked the Senator from Oregon one or two questions, and the answer to the questions was, in brief, that the sugar probably could have been bought at 6½ cents last August, and that it would now probably cost us, if we were to buy the sugar crop in Cuba, 10½ cents. The difference is 4 cents a pound. I assume that that is going to affect the price in the United States somewhat. The crop in Cuba is about 4,500,000 tons this year. The total beet-sugar production in this country for 1918 was 762,306 tons. It is estimated that it will be something over that amount this year. Our consumption is about 4,000,000 tons annually; that is to say, that is what it was last year. The average consumption last year was about 84 pounds per capita. The consumption this year, it is said, will be about 92 pounds per capita, so that there will be an increased consumption of 8 pounds per capita. During the war we bought sugar at 10½ cents or thereabouts. Senators who have just spoken this morning have indicated that the price at which some of the Cuban sugar has been bought is perhaps 13 cents a pound. We know, as a matter of fact, that many of our consumers are buying sugar at 18, 19, and 20 cents a pound—that is, when they can buy it at all. It is necessary that we secure in the neighborhood of 3,000,000 tons. Now, I take it as a practical business proposition that the price at which we buy this surplus down there of probably 3,000,000 tons is going very largely to fix the price for the rest of the sugar which we buy. Of course, we have a part of the Hawaiian sugar and the Porto Rican crop. I have not figured this out down to the penny, but I think I can give a little information which bears interestingly on the subject.

Figuring the consumption at 92 pounds per capita, the 110,000,000 people of the United States will consume 10,120,000,000 pounds. At 1 cent a pound this 10,120,000,000 pounds will amount to \$101,200,000. So that every advance of 1 cent a pound means to the consumers per year \$101,200,000.

At 5 cents it would amount to \$506,000,000. At 10½ cents a pound, the price which was fixed for beet sugar, it would amount to \$1,062,600,000. At 18 cents, if that price were to prevail, the total cost to the consumers would amount to \$1,821,600,000.

In the State of Ohio we have 5,000,000 people, in round numbers. If their consumption is 92 pounds per capita, the total required for the State would be 460,000,000 pounds. At 1 cent a pound that would mean \$4,600,000. At 10½ cents a pound it would amount to \$48,300,000. That is what it would cost Ohioans. The 4-cent per pound increase, representing the difference between the price at which the Cuban sugar could probably have been bought in August or September, and the price at which it can probably be bought now, will add to the cost of sugar for the Ohio consumers \$18,400,000.

It is very easy to take these figures and come to a reasonably accurate statement as to the probable cost of sugar to the country. That is why I have made these observations. I recognize the fact that even in this day and generation when any question of price fixing comes up we are referred to that famous rule that the law of supply and demand controls prices. The economists all say that is so, but the economists do not add to that the corollary which they ought to add to it, namely, that it only controls prices when it is permitted to function.

I think a primary student understands that if a supply is locked up in a warehouse somewhere, and the people can not get it, the supply is not going to affect the price; and if the people of the United States are hungry for sugar, starving for sugar, and they can not get any sugar because it is locked up, then the demand is not going to affect the price very much. That is the practical way of looking at this subject, it seems me, and I am quite willing when it comes to legislation of this kind to take counsel of facts and not of theories. It is because of my belief in these principles, which I have tried to enunciate in a very few words, that I have come to the conclusion that we have paid a high price for the advice which has been given to the country.

Mr. CAPPER. Mr. President, I want to indorse in the most emphatic manner possible the remarkably clear and forceful statement made in the Senate Wednesday by the Senator from Oregon [Mr. McNARY] in support of his bill for a continuation of the Sugar Equalization Board to take control of the available sugar supply and thereby protect the consumers from hoarding, speculation, and profiteering in the future. I think, as he suggested, that this whole subject would have been definitely disposed of by this time but for the delay of the President in executing the recommendation of the Sugar Equalization Board a few months ago.

As a member of the Senate Agricultural Committee I listened to the greater part of the testimony in the sugar hearings, and I think if Senators here had heard that testimony the bill would have been passed some time ago. It convinced me that unless the Government takes charge of the sugar business we will shortly see sugar advance to prices that are practically prohibitive. I was particularly impressed by the testimony of a Washington wholesale dealer, who informed us that he had been offered 22 cents a pound for all the sugar he held and all he could obtain. This dealer and others expressed the opinion that in a short time prices would be practically prohibitive if the Government does not take prompt action.

Mr. President, I represent a State that produces about 50,000 tons of beet sugar annually, and I am as much interested as any other man on this floor in the encouragement of the sugar industry, but in an emergency like this the welfare of 110,000,000 people comes before the interests of any locality or any State.

The burden of my mail in the last month or so has been filled with complaints as to the outrageous price dealers are exacting from the consumers of the country for sugar and for other necessities of life. Profiteering is rampant throughout the country. I wish to read a telegram recently received by me from L. H. Chapman, one of the city commissioners of Kansas City, Kans., and I might add that substantially the same telegram came to me a few days ago from W. S. McClucas, president of the Chamber of Commerce of Kansas City, Mo. Mr. Chapman's telegram says:

Oklahoma and Kansas fuel oil sold f. o. b. refinery August and September this year 60 to 80 cents per barrel, October 8 to \$1, November 1 to November 10 \$1 to \$1.10, November 10 to November 20 \$1.10 to \$1.50. Since November 20 price has increased from 25 to 50 cents daily, and present-week prices have been from \$3 to \$4.50 per barrel f. o. b. refinery. Contracts were offered in August and September for one year for from 90 cents to \$1.25 per barrel. In fact, it was generally understood that fuel oil stored for sale in the winter was for an expected price of \$1.25 maximum. Utilities and necessary industries have been operating on the basis of steam coal costs of \$3.50 to \$4 per ton f. o. b. Kansas City. Three barrels of oil equal 1 ton of coal and prior to coal strike oil sold f. o. b. Kansas City \$1.20 to \$1.35, representing a comparative cost on basis of equal heat value. A 53-cent freight rate on oil would make the required price at that time of from 70 to 80 cents per barrel. With the present selling price of fuel oil if the public utilities operated, the total daily receipts

would only cover costs of fuel and less than 50 per cent of the daily wages of employees. If oil can be furnished at reasonable price water, light, and transportation companies can continue to operate and at the same time can furnish power to the essential industries for part running time, which will prevent turning thousands of men out of employment in Kansas City, Kans. Situation is most serious.

L. H. CHAPMAN.

KANSAS CITY, KANS.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

Mr. CAPPER. Certainly.

Mr. RANSDELL. I merely wish to ask the Senator if, in his opinion, sugar is the only thing, in view of the statement he has just made, that requires congressional legislation in order to prevent profiteering?

Mr. CAPPER. No, sir; but there is a peculiar situation as to sugar. There is a shortage of sugar probably as in no other commodity now being used by the public.

Mr. RANSDELL. There is a great deal of profiteering, though, in many other commodities besides sugar.

Mr. CAPPER. Undoubtedly; and I think it is getting worse instead of better.

Mr. RANSDELL. And that applies to food products as well as to fuel oil.

Mr. CAPPER. There is no doubt of it.

Mr. President, the profiteers of big business—and this includes a lot of coal operators—are as great or a greater menace to us and our institutions than the Bolsheviks, the I. W. W.'s, and the radicals, who are preaching the overthrow of government, and, let me say, I will go the limit in supporting every measure which will stamp out Bolshevism and anarchy.

Because, among other things, the operators wished to pocket their war profits while paying the miners wages lower in buying power than they were receiving in 1913, the people to keep warm had to resort to fuel oil, another natural resource provided by the Almighty. And what happened? Why, the usual thing. The price of fuel oil has been advanced 300 per cent in less than 30 days by a bunch of oil profiteers, not because of the increased cost of production, that already has been well taken care of, but simply because the men in control of this product could get the money by exploiting the people's need. Unlike bandit Carlisle, they are willing to take it from old men and women and from soldiers and sailors, as well as from schools, heating plants, and hospitals.

I have filed charges direct with the Attorney General against the oil profiteers in Kansas City and in Kansas who have taken advantage of the fuel shortage period to line their pockets, and have demanded immediate investigation, prosecution, and imprisonment of those found guilty. I am glad to say to the credit of the Attorney General that he began his investigation the day following, and undoubtedly will get results, as this is profiteering of the rankest kind.

Mr. President, unless we speedily check price gouging the high cost of profits is soon to be translated into the excessive cost of existence, and an unbearable and still more difficult situation will arise. We are beginning to hear about \$18 shoes, \$80 hand-me-downs, and \$15 hats for next spring, notwithstanding the people have bought and paid for all the cotton and woolen mills in a single year, as during the war they bought and paid for all the shoe factories, all the big flour mills, all the steel mills, the sawmills, the packing houses, the tanneries, the coal mines, and who knows what else, and yet do not own them and are at the mercy of excessively priced products. I do not concede that as yet labor troubles and slack production are responsible, except in part, for the more and more excessive toll exacted of the consumer.

While the people made sacrifices and fought during the war, and are still fighting and sacrificing, these industries have paid no part in the cost of the national defense, nor have they contributed anything to help the country except at war prices and for tremendous profits. And now they are collecting their war taxes from the people and exacting excessive toll besides by "soaking" them for all they can get for their products.

The war is over, but speculation, spoliation, and plunder are as rampant as ever and more daring. Train robbery or burglary is a poor trade by comparison.

According to the papers to-day Bradstreet's report shows that the cost of things to eat has increased another 1½ per cent in the last 30 days, notwithstanding the millions lost in falling markets by middle western producers, and stands at the highest level ever known.

When sugar is released from Federal control December 31, we may certainly expect to see that necessity soar.

Nine months ago a dollar would buy 5 pounds of coffee. To-day it will buy only 2 pounds.

A nickel sack of tobacco now costs 10 cents. In it the smoker finds a little card which reads: "Special notice: This package

should be sold for 5 cents. Your dealer makes a fair margin of profit at this price."

Lumber sells at from \$68 to \$102 per thousand feet. I have it from a lumberman who has spent his life in the business that this is at least 30 per cent beyond all reasonable profit.

And so it goes, and will continue to go, Mr. President, until we beggar the people, lower consumption, and kill demand, unless we find and apply the means to check the game of grab which is at the bottom of most of our present troubles. Men working for wages may be expected to keep asking for more. They must if a family of five is to be shod with \$18 shoes all around and supplied with other wearables and with eatables at constantly increasing prices.

Profiteering is now a prison offense, and I hope to see State governments actively assist the Federal Department of Justice in bringing all such offenders to book. Let the powers of Government be summoned into action for the protection of the people, as is now being done so admirably by the State of Kansas in the Kansas coal fields, keeping in mind every hour of the day and every day of the week that the interests of the public are above and beyond those of any organization or association, whether of capital or of individuals.

I am inclined to think that as an emergency measure it might be well to give the Federal Government power to limit gross profits, as Canada has been doing so successfully, requiring every dealer or manufacturer from the time the raw material leaves the hands of the producer until the product reaches the consumer to mark the cost price to him on all his goods, also his own selling price, and be prepared to show invoices. This will make it possible quickly to spot the man who is doing the profiteering.

I advance these suggestions not as emergency measures alone but to curb a widespread evil and abuse which has long been growing until it has become the bane of legitimate business, a serious handicap to honest merchandising, an incubus to national prosperity, and a grievous burden to the American people now saddled with a huge war debt and supporting a \$5,000,000,000 a year Government.

What deep suffering shall we have to go through before every American can see clearly that, with a world slowly and desperately beating back to normal condition, we must ourselves pull together and stand together for the common good to achieve our own personal good. We shall none of us better our condition by stepping on the other fellow's neck to gain greater profits or to win a brief increase of wage, and least of all advance our fortunes by traveling Russia's red road to ruin. But I want especially to-day to emphasize that the business man, or any other man, who now seeks personal advantage at the expense of the common good is in the same class as the red-flag demagogue, the black-flag profiteer, and the war-profit patriot.

If we, a peaceful Nation, can send 4,000,000 of the best soldiers the world has ever seen to Europe in one year and raise \$25,000,000,000 in half as many months to carry on a war, we can solve these postwar problems. We can settle the profiteering evil. If we do not protect from these profiteering wolves the 100,000,000 men and women who feed and clothe and supply this country's needs, we can certainly rest assured that the blame for this failure of duty will be placed where it belongs—at the seat of government.

Mr. OVERMAN. Mr. President, I shall support the amendment. I see no occasion for the zones. I should like to know from the Senator in charge of the bill whether the board ever had any authority under the law to establish a zone system? Is any such authority given the board?

Mr. McNARY. Of course, the Sugar Equalization Board was created and now functions under the provisions of the food-control act known as the Lever Act. I do not know of any express authority which permitted the equalization board to prescribe these unfortunate and uneconomic zones, but it has been done, and the amendment which has been offered by the Senator from Tennessee [Mr. MCKELLAR] will remove and correct that situation.

Mr. OVERMAN. I shall support the amendment, for they had no authority to establish the zones. I believe the trouble is with the board. I sent them a letter which I received from a constituent of mine asking why he could not buy sugar where he had been buying it for 50 years, when he could buy it there more cheaply, and why he should be required to buy it in New Orleans. I wrote the equalization board asking what the trouble was and if they could answer the man's question. They wrote back a very curt letter, saying that the man ought to be able to buy sugar not where he could buy more cheaply but where he could buy sugar. It was a very curt letter.

I think we have a very incompetent board and that the trouble comes from the board more than anything else. I shall support the amendment, though I think they have no authority and never did have authority to establish a zone system. They have taxed the people in my district millions of dollars. We could have bought sugar in another zone, but they would not allow the producers in that zone to sell us any sugar. Without any authority, they have gone ahead and fixed the zone system. I think the board ought to be turned off and some new men of common sense employed.

Mr. GAY. Mr. President, the bill under discussion seeks to perpetuate one of the great Government boards organized for war-time emergency. It seeks to single out one great American industry to place restrictions on it and to give power to a corporation which, for more than a year, has had full control of the sugar industry of the United States.

The United States Sugar Equalization Board (Inc.) was organized under the laws of the State of Delaware in July, 1918, with a capital of \$5,000,000; it was given broad power; it could purchase or otherwise acquire, manufacture, sell, or otherwise dispose of, store, handle, and otherwise deal in and with raw and refined beet and cane sugar, sirup, molasses, and other commodities, and to do all acts and things necessary, expedient, or incidental to the conduct of the said business, and to exercise all power which may be delegated to it by the President of the United States. The question arises whether the Sugar Equalization Board should be continued in its present capacity. If this question should be answered in the affirmative—that is, that it would be to the best interest of the Nation to continue the equalization board—then the question necessarily arises, Why?

When the Great War was entered into by the United States the food-control act was passed. It was brought to bear and operate directly upon the sugar industry of the United States. There was an acute shortage of sugar in the United States at that time—fall of 1917—and if the law of supply and demand had been permitted to operate refined sugar would likely have sold for 25 or 30 cents per pound, but the power of the Government deprived the beet and Louisiana producer of a very large profit in 1917, but they patriotically accepted it without protest.

Then the question arose, How would it be possible to increase the production of sugar in the United States and at the same time hold down the price? Various schemes were suggested by the Food Administration and persons representing the sugar industry, and at last the idea creating the equalization board was adopted. This board was incorporated, and its entire capital stock of \$5,000,000 was subscribed by the President of the United States for the Government. It became an arm of the Food Administration for the purpose of administering its affairs relative to sugar. With the power vested in the Food Administration, through the President, it could control absolutely the disposition and price of sugar in the United States. It could buy the Cuban crop, and we dare say could buy it at almost any price named for the reason that the Cuban Government, without ships, was powerless to transport its sugar except by the aid of the Allies. Therefore, when the Royal Commission, representing England, France, and Italy, and the equalization board, representing the United States, decided to buy the Cuban crop, the Cubans had no alternative except to sell—not that they would have objected, to the contrary we believe the sons of that little isle were as patriotic as any who entered the list against the Hun.

So the equalization board, through the Shipping Board and the Food Administration, having the power to embargo exports and imports, could, without difficulty, control the price of sugar by fixing the price on Cuban sugar.

Mr. President, we contend that the present sugar shortage is only temporary.

As stated in the report of the minority members of the Agricultural Committee, we are of the opinion that even without the purchase of the Cuban crop there would not be such a scarcity of sugar in this country, as is anticipated by the majority members of the Committee on Agriculture. Even now, with this temporary shortage, refined sugar on the eastern seaboard is selling at 9 cents and beet sugar in the West is selling from 10 to 11 cents, and Louisiana sugar in the South is selling at 17 cents.

The power given the equalization board was justified by the war. Is its continuance justified, as peace is practically here and formal declaration evidencing a state of peace will necessarily be issued before a great while? Our answer is, No. We believe that the Nation should resume its normal peace basis. We believe the law of supply and demand should now be permitted to operate. We believe that it is the fundamental

principle of free government that the nation which is least governed is best governed, and that it is no part of governmental function to engage in private enterprise or unjustly interfere with the private business of its citizens. But, say those who look at the situation from purely a material standpoint and not involving any fundamental principles of free government, that by buying the Cuban crop the American people can secure sugar much cheaper than to permit it to be purchased by various sugar refiners, dealers, or brokers. In this day of high cost of living this is a very appealing argument, and as the food-control act authorizes voluntary contracts and continuation of same until their termination, even though peace has been declared, and thereby the food-control act ceases to exist, they see no reason why the equalization board, acting for the Food Administration, should not proceed at once to purchase the Cuban crop, and numerous ideas of this character have been suggested from almost every quarter; but the equalization board, standing as it does as the representative of the Food Administration and of the American people, answer that they fear to undertake the purchase unless there is legislation, and the president of the board has stated that he considers it too late.

They are thoroughly familiar with the situation, and their judgment in the matter we shall not attempt to show is incorrect; to the contrary, we are rather inclined to agree with them, especially since a considerable proportion of the Cuban crop has already been purchased and is in other hands. The equalization board would necessarily feel that their purchase of the Cuban crop might not be able to control the price. Of course, if they had sufficient quantity of Cuban sugar to promptly meet the demand at any point in the United States at the price named, and that price was a lower price than could be met by outside interests, then necessarily it would control the price, but in sizing up the situation at this time, with a portion of the Cuban crop already sold and the uncertainty that the entire crop can be purchased by them and at what price, they necessarily feel that they might not be able to accomplish the purpose desired.

So the whole question in the final analysis is answered by whether or not we are in favor of this proposed bill. We are not in favor of this bill for the reason already stated; we are opposed to further regulations for the singling out of one industry to impose restriction. Then, can the equalization board continue its operations in 1920 without such legislation? They say no. Is the legislation so important as to sacrifice the principles upon which this free Government is builded and continue these regulations in time of peace?

The situation that confronts the Louisiana sugar producer is a very difficult one. His crop goes on the market during the months of November and December, just as the Cuban 1918-19 crop is being finally disposed of, which crop was purchased by the equalization board, and we understand there is now on hand a part of last year's crop yet undistributed and that several factories are operating on the new crop. This is nothing like the amount sufficient to supply the needs of the people of the United States, and therefore is not sufficient to control the price. It goes without saying that the beet-sugar people of the West could not sell their beet sugar as they are now doing at 10 to 11 cents if the consumer obtain cane granulated from the East at 9 cents, nor would the people of the South pay a higher price for Louisiana sugar if they can secure cane sugar from the East at 9 cents.

This is brought about by the law of supply and demand. The demand is here but there is not sufficient 9-cent sugar to fill the demand. The demand being acute, a higher price is offered in order to secure the sugar. Then the question arises, Shall the Louisiana sugar producer of the South and the beet-sugar producer of the West accept the higher price or shall he be called upon through patriotism or otherwise to continue the 9-cent price? We answer that nothing of this kind should be expected of him. He is an American citizen; he produces a necessary commodity; one that is used on every table in the United States. His product was considered the most essential of all food products in supplying our Army and equipping them for heroic service upon the battle fields of France and Flanders.

Therefore, is there any reason why sugar should be singled out either by law or in the public mind and required to make a sacrifice when no other agricultural product is thus treated? This would be true if everything consumed on the sugar plantation, everything that goes into the making of the sugar crop, was raised by the sugar producer, but such is not the fact. A large proportion of other agricultural products goes into the cane production. In other words, most of the great bulk of the gross

receipts from the sugar crop is distributed to almost every variety of producer. For instance, this year in Louisiana the country will be bare of feed for their teams by the 1st of February. This corn and provender must be bought from the corn raisers of the West.

Some years prior to the war 8 to 10 pounds of sugar would purchase a bushel of corn. At the 9-cent price it takes from 18 to 24 pounds of sugar to buy a bushel of corn. Peas, sown for fertilizer, prior to the war were worth \$1.50 a bushel. From 25 to 30 pounds of sugar would buy a bushel of peas. Last year we paid from \$5 to \$7 per bushel for such peas, and therefore it would take, at the 9-cent price—the price at which we sold our sugar last season—from 60 to 80 pounds of sugar to buy a bushel of peas. Sugar even at 17 or 18 cents is not on a prewar parity with other commodities. This is true with reference to fertilizer, machinery, tools, implements, mules and other animals, labor, and, in fact, everything that goes into the making of the sugar crop. Our sugar is consumed by the producers and vendors of these articles that are bought and used by the sugar planter, and it is hardly fair to say that the corn producer of the West is entitled to double the amount of sugar for a bushel of corn now that he received prior to the war, or the farmer of North and South Carolina and other sections of the South is entitled to from 60 to 80 pounds of sugar for a bushel of peas, when prior to the war the exchange could be made for 25 or 30 pounds of sugar.

So if there is a farmer in the United States who is entitled to the just return for his product raised, there is no reason why the sugar producer should be excluded. It is fair that he should receive the market price for his product. He is confronted with disaster unless he gets a much higher price than that received last year. He entered into a voluntary contract with the Food Administration last year by which he agreed that Mr. Hoover, United States Food Administrator, should be authorized to name the price at which his sugar should be sold, and that he would conform thereto. Mr. Hoover appointed a committee who painstakingly and carefully went into the question and decided that a price of \$7.28 for raw sugar and \$8.82 net for refined sugar would be the price at which he would be permitted to sell his upper and lower grades, with corresponding differentials for intermediate grades. He patriotically conformed to this agreement. His 1918 sugar has long since been disposed of, and now the 1919 crop is on the market. The new beet crop is coming on and there is a remnant of the 1918-19 Cuban crop still on hand. We understand that the distribution of this remnant of the Cuban crop, however, is to be confined to the eastern seaboard, and that the distribution will continue at the 9-cent price. We understand that the beet producers are called upon to supply the West, and it is agreed that the fair price for beet sugar, considering the average crop that has been produced and the price at which the beets have been purchased from the farmers, would be 10 cents per pound, since which time the beet people have complained of the sugar output per ton and have been permitted to sell at 12 cents and even higher. Whereas if the Louisiana producer, with his less than one-half crop, should agree to sell his product at either of the prices, a great many of them would go into the bankrupt court.

The difference between the beet producer of the West and the cane producer of the South is, we understand, that most of the beets are produced by farmers who have little or no interest in the factory and that the contract of purchase is made and based upon a flat price; that is, the manufacturer pays \$10 per ton for beets, whereas the Louisiana manufacturer buys his cane upon a sliding scale. The contract price usually is the market value of 100 pounds of sugar for a ton of cane. The value of this sugar is determined by the market value, and even if the Louisiana producer had a full crop and felt inclined to meet the price established in other sections of the United States for sugar he would be doing an injustice to the cane raiser and would be answerable to him both morally and legally for the value of that cane, based upon the market value of the sugar and not upon the low price at which he had agreed to sell it. This year, however, when it has cost more to cultivate an acre of cane than last year, and where the yield is less than 50 per cent of last year—and even last year in a number of instances the planter showed no profit—it is perfectly apparent that unless he gets a price something like double what he got last year that his crop this year will prove a great disaster financially.

I ask permission to insert at this point the views of the minority of the Committee on Agriculture and Forestry, and also a statement from the committee of Louisiana sugar producers who appeared before that committee.

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

The matter referred to is as follows:

	Tons.
The Cuban crop for 1920 is estimated at.....	4,500,000
The local consumption in Cuba amounts to.....	150,000
Thus leaving for export.....	4,350,000
Mr. Zabriskie, the president of the United States Sugar Equalization Board, stated before our committee that about one-fourth of this crop had been sold partly to European countries and in part to American refiners; deducting this one-fourth, or.....	1,087,500
We have in Cuba, still remaining for export.....	3,262,500
The Government estimates of the domestic sugar crop of the United States and its possessions are as follows:	
	Short tons.
Beet crop, United States.....	953,000
Louisiana cane crop.....	138,000
Hawaiian cane crop.....	600,000
Porto Rican cane crop.....	300,000
Total.....	1,991,000

## SUGAR SHORTAGE.

	Tons.
Reduced to long tons this domestic crop would be.....	1,777,700
Adding Cuban crop, now available for purchase and export.....	3,262,500
Leaves a total for distribution in this country of.....	5,040,200
(To this may be added such portion of the Cuban crop as has already been purchased by refiners in this country, and also such portion of the Philippine crop as may be brought to this country.)	
The estimated consumption of sugar in this country for the current year amounts to about.....	4,200,000
Thus leaving a surplus of.....	780,200

In support of this view I beg to annex herewith the memorandum submitted by Dr. Taussig to the President on August 14, 1919, in which he dissented from the views of a majority of the United States Sugar Equalization Board.

## MEMORANDUM.

"I regret not to be able to reach the same conclusion as the other members of the Sugar Equalization Board. I believe that no negotiation should be entered in with the Cuban producers and that the regulation and restriction of sugar prices should cease with the close of the present arrangement, December 31.

"It is true that the evidence now available points to a shortage of sugar in 1920 and to a possibility of prices in that year as high as those of 1919, or even higher. But no certain conclusions can be reached about the future. Prices of sugar will be affected not only by the incoming supplies, but by the general political and monetary conditions of the whole world. The general level of prices in the United States and in other countries may be lower than it is now. Consumption may be reduced by changes in general business conditions or by restrictive measures in importing countries. The present recommendation of the board is that the United States (through the board) should repeat a huge commercial venture, in the hope of protecting consumers and of incurring no loss, but with the clear possibility of having to assume a loss. The operation would involve a guaranty by the Government of extremely high profits to the Cuban sugar planters, and also a virtual guarantee of similar profits to our beet-sugar producers, as well as to the planters of Louisiana, Hawaii, and Porto Rico. It would necessarily lead to contracts with the sugar refiners which would guarantee good profits to them also. No doubt, in the absence of Government regulation, all these producers might make profits higher still; but prediction as to the outcome one way or the other can not be made with any confidence. Business of this kind may be undertaken by the Government under stress of war, but should cease now that we are at peace.

"Moreover, the regulation of the price of sugar can not, in my judgment, stand alone. The whole relation of Government to industry in time of peace is involved. If the price of sugar is to be specifically controlled, so should that of bread, of meat, of clothing. In the main, we must look for a remedy to the natural development of production and to the return of the entire world to normal financial and economical conditions."

## STATEMENT FROM COMMITTEE OF LOUISIANA SUGAR PRODUCERS.

During the war the Food Administration has prevailed upon all sugar producers supplying the American market to base their price upon cost of production plus a fair profit.

Each time that the delegates of Louisiana sugar industry have appeared before the Food Commission or the Equalization Board they have been confronted with the statement that the public demands justified no greater price for sugar than was represented by the cost of production plus the fair profit mentioned.

One year ago, in line with this ruling of the Food Commission, we, representing the sugar producers of the State of Louisiana, appeared before the Food Commission and presented tabulated cost sheets. Working from these cost sheets, the Food Commission settled upon a price of \$8.82 delivered New Orleans per hundred pounds as the price of plantation granulated sugars. After the harvest season, which was a most trying one on account of excessive and almost continuous rain, the said price was proven by the balance sheets of many sugar producers in Louisiana to have been entirely inadequate. Nevertheless, the price was set and the majority of Louisiana sugar producers thereunder made a meager profit and many registered a considerable loss.

We are now asked the question, "What is a fair price for Louisiana to receive this year for its sugar and what our cost sheets would indicate?" We can answer this question in what we believe will be a perfectly satisfactory manner to your committee and in just a few words.

The Government authorities have repeatedly and continually made the statement that the Louisiana sugar crop of this year is less than 50 per cent of a normal crop; that is to say, less than 50 per cent of last year's crop. During the course of the year all costs entering into the production of sugar in Louisiana have increased. This being interpreted means that by comparison with last year, when we made a meager profit or loss, we have expended on an acre of sugar land much more than last

year, and from the Government reports, with which we entirely agree, we will harvest from the said acre less than half of last year's tonnage. Therefore, the natural conclusion is that a fair price for this year's Louisiana crop would be a price far in excess of the present fixed price.

We only desire, however, such a price as will avoid disaster and one that will encourage the cane producers to continue in the business and not further curtail their output. The Louisiana sugar producer does not desire to be placed in the position of being misunderstood by the sugar consumer in the marketing of this crop. The chairman of the equalization board, Mr. Zabriskie, on page 67 of the hearings before the subcommittee, of which Senator McNary is chairman, has made the following statements in answer to questions of Congressman MARTIN:

"Mr. MARTIN. In testifying before the Senate committee that investigated sugar Mr. Hoover made this statement in reference to contracts: 'Supposing that we had made no agreement with him—that is, the producer—during this shortage, he would probably have sold his sugar at 25 or 30 cents a pound.' Do you agree with that statement?"

"Mr. ZABRISKIE. I think it would bring 25 or 30 cents a pound.

"Mr. MARTIN. Then by virtue of that contract the consumers saved that amount and the producers lost that amount?"

"Mr. ZABRISKIE. Yes, sir.

"Mr. GLASGOW. The producers lost what they might have made.

"Mr. MARTIN. As a matter of fact, you had no trouble entering into the contracts with the producers?"

"Mr. ZABRISKIE. They are all voluntary and they all lived up to their agreements.

"Mr. MARTIN. Now, you said something about the Louisiana crop. Do you know how short that crop will be this year?"

"Mr. ZABRISKIE. Well, our advice would indicate that they would not have more than half of what they raised a year ago.

"Mr. MARTIN. As a matter of fact, there are a great many factories there that will not turn a wheel.

"Mr. ZABRISKIE. Probably.

"Mr. MARTIN. Many will have to use this year's crop for the planting of next year's crop?"

"Mr. ZABRISKIE. Yes.

"Mr. MARTIN. That being the case, even if they got 15 cents a pound, many of them will lose money?"

"Mr. ZABRISKIE. I think they would, Congressman.

"Mr. MARTIN. It is a question how much they will lose. Is this short crop due to causes beyond their control, or is there any way for them to make a better crop?"

"Mr. ZABRISKIE. Why, I think they exerted every effort to make a big crop.

"Mr. MARTIN. And it is due to shortage of labor and bad weather?"

"Mr. ZABRISKIE. That is what our reports are.

"Mr. MARTIN. And upon a very material increase, also, in all the articles that go into the production of sugar.

"Mr. ZABRISKIE. Yes; that is true.

"Mr. MARTIN. Over last year?"

"Mr. ZABRISKIE. Yes."

This statement will unquestionably prevent the Louisiana sugar producer from being classed as a profiteer, and we believe no higher authority will be needed to safeguard us from being put in the class of profiteers, as Mr. Zabriskie has so correctly expressed the situation that prevails in Louisiana this year. Nevertheless, we realize fully that the average purchaser of sugar may not be thoroughly acquainted with these facts, and when such consumer is confronted with the situation of a sugar market in New York, say, 9 cents, and a Chicago sugar market of 10 or 10½ cents, and a Louisiana sugar market of a very much higher price, he will be prone to believe that he is being unfairly dealt with by the sugar producer of Louisiana.

The sugar producers of Louisiana have throughout the period of the war complied with every ruling of the food commission and have, for patriotic reasons, like other sugar producers, sacrificed profit for the good of the Nation and have accepted a price which has netted them, we believe, for the two past seasons less than the average of a 10-year period—and this, too, at a time when they might have sold sugar at a price which would have made the industry secure for many decades against a period of lean years.

Now that the war is over we are unalterably opposed to a continuation of the control of prices and the licensing system, and we believe that the untrammelled operation of the law of supply and demand should no longer be interfered with. Louisiana refuses to be put in the attitude of assuming the responsibility for either the scarcity or the high price of sugar for the approaching year, but we can not agree that the price of sugar be placed at such a figure as will mean ruin and disaster to the sugar producers of our State.

In a spirit of fairness and with the view of so adjusting prices and the marketing of the Louisiana crop we have met and conferred with members of the Sugar Equalization Board, who freely admit that the Louisiana producers must sell their product at a very much increased price over last year in order to avert disaster, but take the position that without additional legislation they do not see their way clear to purchase the Cuban crop. This is a matter of which the Equalization Board is perhaps the best judge. We do not oppose the purchasing of the Cuban crop, but as the Sugar Equalization Board insist that they must have the additional power of license both for the domestic refiners and producers, we do not believe that the necessity of such purchase will justify the enactment of a law continuing for another year the power of licensing and price fixing.

(Signed)

R. E. MILLING.  
E. F. DICKINSON.  
E. A. PHARR.  
J. C. LE BOURGEOIS.  
R. O. BOUCE.

Mr. GAY. Mr. President, the McNary bill contemplates the extension of the Sugar Equalization Board as a governmental body. The important function it performed while this country was engaged in the titanic struggle from which we have recently emerged is a matter of history.

I do not want to be regarded as one of those who are finding fault with the management of the various branches or departments of our Government while we were at war. No sacrifice, however great, was great enough when we started in this conflict or while we were engaged therein.

The Sugar Equalization Board was one of the necessities which resulted from the Food Administration, and fortunate indeed were they to secure men of such talent and ability. The power

given the Food Administration was unique in the history of our country. The Sugar Equalization Board was but a branch of this administration, but cooperative under the Delaware charter, presumably for the protection of those engaged in the administration of her affairs. They performed an important function by calling in conference the sugar producers of the United States and a committee representing the sugar producers of the Republic of Cuba to consider what would be a fair price for both the raw and the refined product, and a price was agreed upon. Every thought at that time was to lend some effort to help in some way, no matter at what cost or what sacrifice, to the winning of the World War. Sugar was necessary—was regarded as one of the great essentials for both the men in arms, for our allies, and for the people at home. It was found necessary to put the quantity on a ration basis, 3 pounds being the limit which people could buy, and it was also found necessary to encourage production everywhere. It was urged that all available lands be cultivated and planted in this country in beets or in cane from which sugar could be derived.

When the Sugar Equalization Board was first organized, and when it had completed its contract with the Cuban Government for its entire crop and had made its sale of one-third thereof to the British Royal Commission, there was great anxiety on the part of the board that they would have difficulty in disposing of the two-thirds of the Cuban crop which the board had bought. This occurred in March and April of this year. There was no real inducement on the part of the wholesale grocers or manufacturers throughout the United States to lay in an adequate supply and to look ahead because the Food Administration had established a marginal profit. There was no speculative profit for the man to buy when sugar was in full supply and to sell when it might be in great demand, so that throughout the United States supplies of sugar were allowed to run down by the wholesale grocers, so that sugar backed up on the part of the refiners. One refiner had something like \$50,000,000 tied up in sugar, and they were all concerned; the board was concerned.

This, Mr. President, is the testimony given by Mr. Zabriskie, president of the equalization board.

The sugar from Porto Rico that was pressing the market at great expense was held on lighters until it could be made available, and there was great anxiety that the normal amount of sugar which had been bought could be disposed of.

About the last of June or first of July refiners began to notice their stock depleting. There was no thought of scarcity at that time. That did not begin to shape up until the latter part of July. Mr. Zabriskie further states in the hearings before the subcommittee of the Committee on Agriculture and Forestry: "Then we got to the point where the capacity of the refineries—and the business of the refiner is only limited by his capacity; and one of the strange things about the industry is that the refining capacity of the United States is not twice the normal requirements, not much more than one and one-half times the normal requirements. So that the refiners must anticipate their wants in times of plenty of sugar for that time when they may have an excessive demand—that is, the preserving season."

Mr. President, the beet-sugar crop and the Louisiana and Texas cane-sugar crops come on the market for distribution usually at a time when the stock from Cuba is pretty well depleted, and supplies the demand of the United States until sugar is again available from Cuba.

The western beet crop of 1919 at the beginning of the harvest season was considered above the normal. The sugar crop of Louisiana was less than 50 per cent normal. The Sugar Equalization Board conferred with representatives from both the beet-growing sections and Louisiana, looking to the establishment of a fair price for this season. The voluntary contract which had been made for the war emergency had expired and the sugar producers of Louisiana felt that their product was entitled to go on the market at its real value, according to the law which has always regulated the price of a commodity—the law of supply and demand.

The Department of Justice, under power given it for the war emergency, which power is still in effect, notified the officials of the Department of Justice throughout the country that they would institute proceedings for profiteering against sugar producers who sold at what they considered an excess price. The sugar producers of Louisiana knowing that they had less than one-half crop realized that they would not be profiteering even at the highest price at which sugar sold in October and the first few days of November, but to avoid litigation and to prevent the impression which would naturally prevail throughout the country due to the sudden increase in the price from the control or war-emergency price of 9 cents to the natural price

or that price which the demand for sugar justified, immediately conferred with the officials of the Department of Justice looking to the establishment of a maximum price for sugar, which would prevent endless litigation and likewise prevent the bankruptcy of an established American industry. Seventeen cents was the price agreed upon for yellow, or what is known as clarified sugar, and 18 cents was the price established for granulated sugar.

The Louisiana producers were offered and it was insisted that they accept contract for a far greater price than the now established price. Enough of these contracts were offered from territories supplied by beet and Cuban sugars, and which were entirely out of the Louisiana zone, to consume the entire output of the State of Louisiana. The Louisiana producers voluntarily refused these contracts and canceled the offer made at these high prices after conferring with representatives of the Department of Justice and have been living faithfully up to the agreement with the Department of Justice when they know full well that their commodity was worth a great deal more, and they realize that they were in no sense profiteering even at a much greater price than the one agreed upon with the officials of the Department of Justice.

Mr. President, resolutions were recently passed by the Grain Dealers' National Association of St. Louis, at St. Louis, Mo., which I shall read, as follows:

#### RETURN GRAIN BUSINESS TO PEOPLE.

Resolutions passed at the twenty-third annual convention of the Grain Dealers' National Association, held at St. Louis, Mo., on October 13, 14, and 15, 1919.

Whereas the system of marketing the grain crops of this country which was in operation before we entered the Great War is the result of the experience and best thought of several generations of grain merchants, and is believed by us to be the best and most satisfactory system yet devised for the economical distribution of grain from producer to consumer; and

Whereas during the period of the war the many regulations and restrictions relative to the sale and distribution of grain and grain products as promulgated by the Government and its agencies have been patiently and patriotically observed by the grain trade; and

Whereas in time of peace these war-time regulations and restrictions are, in our judgment, neither necessary nor advisable: Therefore be it

#### RESOLVED,

That the Grain Dealers' National Association calls upon the Federal Government and its agencies (as soon after the conclusion of peace as is consistent with the national welfare and with existing contracts and obligations) to entirely disassociate themselves from grain control and return to the people the grain business as nearly as possible in the same condition as it was before the war.

#### OPPOSED TO GOVERNMENT LICENSES.

Whereas the unparalleled prosperity of this country and its wonderful progress in industry, commerce, agriculture, manufacturing, and transportation have resulted largely from the private initiative, enterprise, courage, and industry of its citizens, unhampered by Government control or regulations; and

Whereas the citizens of the United States should be allowed in their occupations the largest liberty consistent with the rights of others: Therefore be it

Resolved, That the Grain Dealers' National Association is opposed to a governmental policy of licensing interstate business and subjecting it to rules and regulations promulgated by governmental agencies or commissions, and urges all Members of Congress to oppose such policy and to defeat any legislation intended to inaugurate such a system of Government control of business.

These resolutions, Mr. President, conclusively show how the business people of this country regard further war-time control, and they express very accurately the feeling of the sugar producers of the United States, who constitute as patriotic a body of men as there are anywhere in America, who have discharged every war obligation and who now simply ask that their business be returned to the natural channels of trade which have heretofore existed. I think it is manifestly unfair to single out this industry and to make it the target of such legislation, and that it is only right and proper that the sugar producers and the sugar industry should be treated just as all other classes of business, other agricultural products, and all other industries are treated. We demand fair play. For the reasons I have stated, Mr. President, I am very much opposed to the passage of the pending bill.

Mr. HARRISON. Mr. President, I desire to say before this bill is passed and the pending amendment is adopted that, in my opinion, the legislation does not go far enough, and I sincerely hope that at the other end of the Capitol the House of Representatives will amend the bill so as to make it more effective, in order to guarantee to the people of the United States that sugar may really be had at a more reasonable price. I base that expression upon this state of facts: I had intended to offer as a substitute for the pending bill the original bill proposed by the Senator from Oregon [Mr. McNARY] at the instance of the Sugar Equalization Board. When that original bill came before the committee I was very much in favor of the proposed legislation and used every effort in my power to aid its passage, but I voted against continuing the licensing powers given to the Sugar Equalization Board. I

voted against that in the committee because the committee were informed that there were certain Senators who had stated that they would speak at such length so as to kill the proposed legislation if the licensing feature should be adopted.

We are in a peculiar parliamentary situation at this time. I realize, as all Senators must realize, that, under the rules of the Senate, unless we can pass this proposed legislation in its present form through the Senate it probably can not be passed at all. On yesterday we made a most heroic effort to get the pending bill before the Senate by substituting it for the railroad bill. The vote on that motion was 27 to 32; we were turned down, and consequently we had to rely, in order to pass this measure, upon its consideration during the morning hour each day. It would be impossible to secure its passage in that way, because any Senator opposed to the legislation might utilize the time before the expiration of the morning hour each day and thereby defeat the bill.

I realize, as all Senators who are familiar with the subject realize, that so long as the Congress has jurisdiction of this matter and declines to act the price of sugar will continue to soar and we will be further away from obtaining the Cuban crop of sugar. It has been stated—I do not know with what force—that the American refineries are refusing to purchase the Cuban crop of sugar so long as Congress is considering this matter. Certainly it seems to me that Congress should let the refineries know whether we are going to take action, so that if we are not going to take action they may go to Cuba and purchase the Cuban sugar. Whether there is any truth in the statement to which I have referred I do not know.

It has been hinted repeatedly that the President of the United States is responsible for the failure of appropriate action being taken to reduce the cost of sugar or to obtain the Cuban crop of sugar. I say to the Senate and to the country that the facts do not sustain that statement. The Sugar Equalization Board, on August 20, did suggest to the President of the United States that it might be a good idea to obtain the Cuban sugar crop; and no action was taken. It will be recalled, however, that Prof. Taussig, a member of the board, took a different view; the board was divided upon that proposition. The President was considering it, until very suddenly he became ill; but the Congress of the United States can not excuse itself for its failure in this emergency.

Hearings were started on this proposition before the Senate committee on October 3. The Agricultural Committee of the Senate reported favorably a bill on November 7, and that bill has been on the calendar of the Senate since that date. The Senate of the United States has had jurisdiction of this matter since October 3—practically 10 weeks—during which time the Cuban producers were ready to sell their sugar. In the meantime the price of sugar to the consumers of this country has continued to increase and Congress has failed to do anything. I submit that the situation, deplorable as it is, to-day is due to the Congress of the United States failing to take action to pass this legislation at least since October 3, when it came to the attention of Congress.

I have no sympathy with the opponents of this legislation. No one ever dreamed that sugar would go beyond 15 cents. The hearings conclusively show that. Yet we are to-day faced with the condition that the producers of Louisiana are obtaining 17 cents a pound for sugar, and the people in my State and other States of the South and perhaps in other sections of the country are paying upward of 20 cents a pound. I know, because instances have come to me where retailers in Mississippi have sold sugar to the consumers at 27 cents a pound.

I took up that matter immediately with the Department of Justice. I asked for an immediate investigation, and I hope that those men who are profiteering in my State, as well as in the other States of the Union, who make such unreasonable and exorbitant profits on sugar, will be placed in jail. There is no reason for sugar selling for 20 cents per pound or, in my opinion, 17 cents a pound. Last year and year before last the Sugar Equalization Board sent out inspectors, and they investigated the cost of production of sugar in the United States. It was a fair investigation, because I have never heard it protested against; and on that investigation the Sugar Equalization Board fixed 9 cents a pound as a fair price and one that would allow reasonable profits to the producers of sugar in this country.

I realize that there is not this year as large a crop of sugar in certain localities in this country as last year or the year before; but it is preposterous to assume that 17 cents a pound is a reasonable price for sugar, and I can not see any reason or fairness or justice in the proposition, because 100,000 tons of sugar might be produced in one State of this Union, that when the American people need 4,000,000 tons for consumption the

great majority of the people should be burdened with an enormous and an exorbitant and an unreasonable price in order to take care of this 100,000 tons.

I sympathize with my friends from Louisiana. God knows I love the two Senators from that State. I want to stand with the people of Louisiana in every reasonable request they may make. Only an imaginary boundary line divides the people of my State from the people of Louisiana. Many of the producers of sugar cane in Louisiana live in my old congressional district and in my State, but I can not see any justice in the proposition that they shall obtain 17 cents a pound for sugar, causing the burden to be placed upon the people of my State and the people of the United States.

I hope this legislation will pass. I hope the House will substitute for it the original bill introduced by the Senator from Oregon [Mr. McNARY]. I want to see the Sugar Equalization Board given such power that they can restrain the greedy hands of the profiteers and give sugar to the people at a reasonable price.

I have not that degree of criticism to make against the Sugar Equalization Board that I have heard expressed upon the floor of this Chamber, because I recall that during the war that board made it possible to obtain sugar at a reasonable price for the fighting forces of this country and for the American people. It may have been at times that we were unable to procure all the sugar that we desired, but we got along, and the price was maintained at a low level. I know of no product, I know of nothing that was sold during the war that was maintained at such a low level as was the price of sugar, that was kept from increasing in price to such an extent as was the price of sugar. They rendered a great service to the people of America; and as soon as their hand was removed from the situation sugar increased to the consumers in the United States, in some instances going as high as 27 cents a pound. Do not forget, too, Senators, that while the Sugar Equalization Board were maintaining this low level of price for sugar to the consumers of the country and procuring it for the fighting forces of America they placed in the Treasury of the United States \$38,000,000—a pretty large sum when you think about it. During these abnormal conditions I want to see this board continue to function and continue to give to the people the same satisfactory results that they gave to the people during the war.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

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

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

Mr. THOMAS subsequently said: Mr. President, I wish to make a personal statement. I was in attendance upon a meeting this morning of the Committee on Military Affairs when the vote was taken on the bill for the continuation of the Sugar Equalization Board. I merely wish to say that if I had been present I would have recorded my vote against the bill.

#### SEDITIONIOUS ACTS AND UTTERANCES.

Mr. STERLING. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

Mr. FRANCE. 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	Gronna	Lenroot	Ransdell
Bail	Hale	McKellar	Sheppard
Bankhead	Harding	McLean	Smith, S. C.
Beckham	Harris	McNary	Smoot
Calder	Harrison	Moses	Stanley
Capper	Hitchcock	Myers	Sterling
Colt	Johnson, S. Dak.	Nelson	Sutherland
Cummins	Jones, N. Mex.	New	Thomas
Curtis	Jones, Wash.	Newberry	Townsend
Dial	Kellogg	Norris	Trammell
Elkins	Keyes	Nugent	Underwood
Fletcher	King	Overman	Walsh, Mass.
France	Kirby	Page	Walsh, Mont.
Gay	Knox	Phipps	
Gore	La Follette	Pomerene	

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The Senator from South Dakota moves that the Senate proceed to the consideration of Senate bill 3317.

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

The yeas and nays were not ordered.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts.

COAL-MINING INDUSTRY.

Mr. HARRIS. With the permission of the Senator from South Dakota, I should like to ask unanimous consent for the consideration of Senate resolution 247, and I wish to offer an amendment to it.

Mr. STERLING. I yield to the Senator, provided the resolution will lead to no discussion.

Mr. HARRIS. I offer an amendment, to follow the last line of the first page. It is satisfactory to the Senator from South Dakota [Mr. JOHNSON], who has an amendment to the same effect.

The VICE PRESIDENT. The Secretary will read the resolution as modified by the Senator from Georgia.

The Secretary read the resolution (S. Res. 247) submitted by Mr. HARRIS December 6, 1919, as modified, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate the following information to be secured from the income and profits tax returns for the taxable year 1918 of all corporations engaged, exclusively or principally, in the mining of bituminous and lignite coal:

Capital stock; invested capital; net income; tax (1) income, (2) excess profits, (3) total; per cent of total tax to net income; net income, after deducting tax; per cent of net income to capital stock; per cent of net income to invested capital; per cent of net income, after deducting tax, to capital stock; per cent of net income, after deducting tax, to invested capital; capital stock, 1917; net income, 1917; per cent of net income to capital stock, 1917; excess of the per cent of net income to capital stock for 1918 above the percentage for 1917.

Also a statement showing the dividends paid by corporations engaged in the mining and production of bituminous coal within the United States for the years 1917 and 1918; that if such information is not already in the possession of the Secretary of the Treasury that he be requested to procure the same and transmit it to the Senate as promptly as may be practical.

That the information be transmitted in form similar to that obtaining in Senate Document No. 259, Sixty-fifth Congress, second session, which contains the information transmitted by the Secretary of the Treasury in response to the resolution of the Senate of June 6, 1918, and that the corporations be listed in the same sequence and under the same symbols, as far as possible, as obtain in Senate Document No. 259.

Mr. KING. I wish to inquire of the Senator from Georgia whether he asks in the resolution of inquiry which he has submitted that information be furnished as to the loss by depletion, or the damage to the property by depletion, because it is obviously unfair to merely take the dividends without showing the draft which was made upon the capital, the capital being the coal which is taken from the mine?

Mr. HARRIS. The resolution asks for the profits, and that will take into consideration the depletion and all such things. That is an amendment which the Senator heard read. The resolution provides for the net profits for 1917 and 1918.

Mr. KING. Does that take into account the depreciation in value because of the depletion of the product?

Mr. HARRIS. That is my understanding.

Mr. KING. As I heard the resolution read it does not ask for that at all.

Mr. THOMAS. May I inquire from the Senator from Georgia if he has asked for immediate consideration of his resolution?

Mr. HARRIS. I have.

Mr. THOMAS. I shall object to it, then. I want to look into this subject before we consider it.

The VICE PRESIDENT. The Chair understands that the Senator from South Dakota [Mr. STERLING] yielded with the understanding that the resolution would lead to no discussion.

Mr. THOMAS. I shall be compelled to consider the subject.

The VICE PRESIDENT. That is an objection.

Mr. STERLING. I call for the regular order.

MURDER OF CITIZENS AT CENTRALIA, WASH.

Mr. JONES of Washington. Mr. President, I understand that Senate bill 3317 will not be permitted to come to a vote before 1 o'clock, so I am going to take just a few minutes in order that I may have printed in the RECORD a document that I think is pertinent.

Mr. STERLING. I think I shall object to the taking of any time for any other business than the consideration of the bill before the Senate.

Mr. JONES of Washington. I am going to proceed with the consideration of the bill.

Mr. STERLING. I was not aware of that. I judged from the Senator's preliminary statement that he was about to speak on some other matter.

The VICE PRESIDENT. The Senator from Washington proposes to speak from the bill, not on the bill.

Mr. JONES of Washington. It is connected with the bill, and I would not take this time, because I want to see the bill passed, if I did not know that the time from now to 1 o'clock would be consumed so that the bill would not pass.

Mr. President, a few days ago the Nation was startled and shocked by the news that American citizens had been shot down at Centralia, Wash., by the I. W. W. The boys killed had donned the uniform of the United States and offered their lives in the Nation's defense. They were shot down while marching in a patriotic parade celebrating the victory they had done so much to win. Their lives had been offered to maintain the rights and preserve the liberties given to us by the fathers and which made this Nation the world's hope. They were shot down by a destructive element that has no respect for law and no love for orderly government. The shots that killed these boys were really aimed at the heart of this Nation by those who oppose law and seek to overthrow our Government. Overt acts like this must be met by law and its stern enforcement and not by lawless measures.

This is the best form of government devised by the wit of man to right wrongs, insure liberty, and promote happiness in a peaceful and orderly way. Every American should read that part of the report on Senate resolution 307, introduced by me, made by Senators OVERMAN, KING, WALCOTT, NELSON, and STERLING, from page 27 to page 43. This shows what bolshevism is and what it leads to. Let every American study it well and show by word and deed that it has no excuse to be here. The traditions of the fathers of the Republic, devotion to law and order, love for orderly liberty and controlled freedom, undiluted Americanism should be our watchword.

Mr. President, I ask leave to have printed in the RECORD from page 27 to the close of the first paragraph on page 43 of the report of the subcommittee of the Committee on the Judiciary on the resolution relating to charges made against the United States Brewers' Association and allied interests and bolshevism.

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

BOLSHEVISM.

"On the 4th day of February, 1919, the Senate adopted the following resolution, No. 436, and in pursuance to the directions therein contained your committee proceeded to make the inquiry requested, and the testimony taken by your committee is contained in the printed record, entitled 'Bolshevik propaganda,' which is herewith transmitted:

*Resolved*, That the authority of the Committee on the Judiciary conferred by Senate resolution 307 be, and the same hereby is, extended so as to include the power and duty to inquire concerning any efforts being made to propagate in this country the principles of any party exercising or claiming to exercise authority in Russia, whether such efforts originate in this country or are incited or financed from abroad; and, further, to inquire into any effort to incite the overthrow of the Government of this country or all government by force, or by the destruction of life or property, or the general cessation of industry.

"In order to determine the possible connection and relation between the principles of government advocated by those claiming to exercise authority in Russia and the several activities now being carried on in the United States, it was deemed essential that a careful inquiry be made to determine the exact nature of the so-called principles of government now being applied in Russia. The record includes the constitution and a compilation of many of the so-called laws in force in Russia from which the nature of the paper government can be determined and the testimony of many eyewitnesses of the attempted application of this paper government discloses the character and nature of the actual Government in practical operation. The investigation which your committee has conducted convinces it that few of either the advocates or opponents in this country of the present Russian Socialist Federal Soviet Republic are familiar with the fundamental principles upon which this government is attempting to perpetuate itself. Consequently the agitation growing out of developments in Russia has largely degenerated into appeals to the prejudices and the animosities that are inherent in the selfish natures of most individuals, and little or no appeal has been made to the intelligence of the people.

"It is therefore not surprising that the word 'bolshevism' has now become merely a generic term, and in America is nothing more than a slogan of the elements of unrest and discontent.

"By reason of their ignorance as to what bolshevism as a code of political and social morals in Russia means, almost every dissatisfied element, from the radical anarchist to the theoretical idealist, has seized upon it as approaching something of a Utopian nature. It is interesting to note that every wit-

ness called before your committee as a champion of the cause of the principles of the Russian Socialist Federal Soviet Republic admitted that he or she had never read the constitution of the Government of which he was the champion.

"The word 'bolshivism' has been so promiscuously applied to various political and social programs that we feel that it is of paramount importance that the delusions and misconceptions as to what it really is, as it exists to-day in Russia, should be, as far as possible, removed and that the people of the United States should be thoroughly informed as to just what this much-discussed institution really is, both in theory and in practice.

"Your committee is of the opinion that the best answer that can be given to the argument of the champions of this Russian institution is a true explanation of its real nature and the actual principles upon which it is founded as well as the unavoidable consequences that would follow its adoption. The word 'bolshivism' is the name of the party that controls the Russian Socialist Federal Soviet Republic and that dictated its constitution. We are, therefore, justified in using this name to identify the constitution which it dictated and in accepting that constitution and the laws that have been prescribed under it as the platform and program of bolshivism.

"The following are a few of the fundamental facts descriptive of bolshivism and the form and character of the government established and operated by the Bolsheviks in Russia under the name of the 'Russian Socialist Federal Soviet Republic.'

"It is the dictatorship of a class and is not a democratic form of government. In its actual application it has become an autocracy of a few individuals who exercise their authority and suppress all opposition by fear, terrorism, and force. It has developed into as much of an autocracy, though more cruel in its methods, as the monarchical government of the Czar's régime. Under the provisional government of Kerensky an effort was made to establish a democracy and to inaugurate a socialistic State under that form of government. With a view to establishing such a democratic government the provisional government, on July 22, 1917, ordered the election of the constituent assembly to be voted for by all of the people of Russia on September 30, 1917. Prior to this time general elections in Russia on an equal suffrage basis were unheard of, and it therefore became necessary for the provisional government to create the necessary election machinery and to secure a complete and impartial registration of the newly created electorate. The difficulties encountered in this undertaking made it necessary in August to postpone the election of the constituent assembly from the 30th of September to the 25th of November. This postponement was seized upon by the Bolsheviks as raising an issue through which they could attack the provisional government, and they charged that government with having an ulterior purpose in directing this postponement.

"In raising this issue they appealed to the people to arise in defense of a democratic form of government by overthrowing the provisional government and securing for themselves thereby, through the Bolshevik Party, the benefits and advantages of a democracy and the election of a constituent assembly as an instrument which would make possible the establishment of a constitution based upon the equality of man and secure to all Russian citizens equal participation in the affairs of government. With this issue, among others, the Bolshevik party overthrew the provisional government in the October revolution, and immediately issued a decree (Exhibit 1, appendix of record and hearing) ordering 'that the elections to the constituent assembly shall be held on November 25, the day set aside for this purpose' by the provisional government and ordering that the freedom of the ballot should be adequately safeguarded. At the appointed time the constituent assembly was elected, and a canvass of the personnel of that assembly established the overwhelming defeat of the Bolshevik party and the supremacy of other socialist parties, whereupon the attitude of the Bolsheviks toward the constituent assembly underwent a complete change, and from that time their antagonism toward a constituent assembly, universal equal suffrage, and a democratic form of government has been manifested in every official act of the government and in the actual application of that government to the several activities of the nation.

"In the original call for the election of the constituent assembly, December 12, 1917, had been fixed as the time of its meeting. It was not, however, until January, 1918, that the Bolshevik autocracy permitted the constituent assembly to convene. When it did meet the Bolshevik Party submitted to this representative body for adoption a set of resolutions denouncing the election at which it was elected, repudiating itself as representative of the electorate, whose commission it held, and declaring that there was no proper function for it to

perform in the proposed new government of the Russian Nation. (Exhibit 16, appendix.) As might well have been expected, the constituent assembly declined to pass this resolution, whereupon the Bolshevik members withdrew, and the constituent assembly was forcibly dispersed by the Red Guard, and a democratic form of government was lost to the Russian people. In its place has arisen the dictatorship of the small minority—headed by Lenin and Trotski.

"Lenin, president of the Soviet of Peoples Commissaries, frankly admits this in the following words:

"Just as 150,000 lordly landowners dominated the 180,000,000 of Russian peasants, so 200,000 members of the Bolshevik Party are imposing their proletarian will on the mass. \* \* \*

"Nor is this dictatorship the result of a usurpation of power on the part of the officials of the Bolsheviks, but it is the recognized foundation upon which the whole governmental structure is erected, as is evidenced by paragraph 9 of the Bolshevik constitution, which provides as follows:

"The principal aim of the constitution of the Russian Socialist Federal Soviet Republic in the present transitory period is to establish the dictatorship of the city and rural proletariat and of the poorest elements of the peasantry in the form of a powerful all-Russian soviet government for the purpose of completely suppressing the capitalistic class.

[NOTE.—Under bolshivism, the capitalistic class includes all persons who do not perform manual labor for a livelihood, or who employ any person in their business, or who own any property or receive any income, no matter how small the amount. The words 'parasitic class' and 'bourgeoisie' are popularly used by the Bolsheviks as synonymous with 'capitalistic class'.]

"It is perhaps difficult to realize that it has been possible to perpetuate a dictatorship of such a small minority through the many months which have passed since it came into power. Without some understanding of the nature and character of the actual activities of the Bolsheviks the casual observer would be persuaded that the tyranny of this autocracy would in a short time bring down upon its head the wrath of the majority, who with reasonable effort would have no difficulty in overthrowing the usurpers. A study of the actual methods and practices of the dictatorship, however, clearly establishes the helplessness of the great mass of the Russian populace. The Bolsheviks have inaugurated a reign of terror unparalleled in the history of modern civilization, in many of its aspects rivaling even the inhuman savagery of the Turk and the terrors of the French Revolution. Under the evidence your committee has been compelled to impose the responsibility for this terrorism upon the government itself rather than attribute it merely to the excesses of individuals and groups undisciplined and untrained in the personal liberty acquired by them with the overthrowing of the centralized autocratic government of the old monarchical régime. Terrorism and excesses in a State are either attributable to the encouragement of the State or the weakness and inability of the State to restrain the same. In Bolshevik Russia every instrument available for the exercise of force and power is in the possession of that government, and those opposed to the government or who fail to render it whole-hearted support are completely suppressed and absolutely powerless. The government is more highly centralized and less restricted in the exercise of that centralized power than was the government of the Czar. The agencies used by the dictators in imposing their will upon the masses are less restrained and restricted in the exercise of their power by law, custom, or humanity than were the agencies utilized by the old régime. Economic domination unheard of and unsought in the past has been seized upon and usurped by the dictatorship.

"All these facts negative the suggestion of the existence of a degree of weakness which makes the government impotent to exercise the necessary restraint. On the contrary, every act of terrorism is justified by the affirmative pronouncement of the Bolshevik government, either through its constitution and laws or the authoritative utterances of its officials. The government is founded upon class hatred, its avowed purpose is the extermination of all elements of society that are opposed to or are capable of opposing the Bolshevik party. 'Merciless suppression' and 'extermination' of all classes except the present governing class are familiar slogans of the Bolsheviks, and confiscation is adopted as an essential instrument in the governmental formula. As a guaranty of its perpetuation in power its underlying policy is that 'the end justifies the means,' and in the application of this policy the government denies the existence of any inalienable right in the Russian citizen and respects neither the right to life, liberty, or property. In its so-called declaration of rights the government adopts a policy which it hopes will result in 'the destruction of the parasitic classes of society,' and as an aid to this end has decreed as an essential part of its fundamental law the principle of arming one class and disarming another, with a view of making the

extermination and destruction more effective. In practice, this government has classified all of those people who fail to sympathize with and support the existing dictatorship as the bourgeoisie, and has proclaimed the doctrine that their refusal to bow to the edict of the dictatorship should be answered by 'violence toward the bourgeoisie.' A careful survey of the innumerable acts of violence and terrorism committed in Russia will fail to disclose scarcely a single offense that has not been participated in either by their Red Guard, by Commissars, or by others having an official and governmental status.

"The dictatorship, utilizing Lettish troops and Chinese laborers as well as to some extent German and Austrian prisoners and criminals discharged from the jails as its so-called Red Guard to enforce its decrees, promptly secured possession and control of:

"(a) All arms and ammunition.

"(b) Practically all foodstuffs and commodities essential to the maintenance of life.

"(c) All clothing and household goods necessary for warmth and health.

"(d) All gold, silver, and specie, including jewelry, ornaments, gold and silver plate.

"This was accomplished by means of confiscation followed by the nationalization and monopolizing by the State of all commercial, industrial, and financial enterprises. Having secured possession of all of these instruments of physical and economic power and domination, this dictatorship was enabled to enforce the submission of most of the population to its will. The rank and file of the people of Russia had no other choice. They could not resist or oppose the Bolsheviks with force, as they were without firearms and without ammunition. They could not refuse to obey its dictates, else they would be starved to death. They could not defy the dictators, as they would be left without raiment. They could not sustain life with money possessing an intrinsic value, for they had none, and thousands have been starved to death and murdered as a result of this régime.

"Possessing, therefore, every instrument necessary for the exercise of the forcible persuasion of the populace, it became expedient to reinforce the dictatorship with an increased man power. Recognizing the state of the public mind, it was necessary to guard against betrayal by those who were drafted into the service of the State, and the most effective weapons selected to secure the faithful execution of the will of the dictators were fear, terrorism, and a system of hostages. By this system of hostages the relatives, family, and loved ones of the drafted subject were held as prisoners. Their food supplies, their clothing, even their lives, depending upon the fidelity with which the dictatorship was supported and its orders executed.

"Having professed an adherence to the democratic form of government to assist in securing control of Russia, the Bolsheviks, in establishing its paper government, sought to maintain its dictatorship under color of a representative political system. A recognition of the democratic principle that all men are created equal, however, would have necessitated the equal participation of all citizens in the affairs of government. Such universal participation in political affairs would have made impossible a dictatorship of the minority, but would inherently have been a rule of the majority and have accomplished just what the dissolution of the constituent assembly was intended to prevent. The following of the bolshevik government being more numerous in the cities, and these by reason of their concentration within more restricted territorial limits, being more readily led and dominated, it was prescribed by constitutional direction that representation from cities in the government should be five times as great as the representation from the provincial districts. In other words, representation from cities is in the ratio of 1 to every 25,000 of the population, while from the rural districts and the territory of the peasants, who constitute a large percentage of the Russian population, representation is 1 to every 125,000 of the population. Even this discrimination did not adequately safeguard the domination of the bolshevik minority. Disfranchisement of large groups of the population was necessary. By constitutional provision they denied the right to participate in the government and disfranchised the following classes:

"(a) All persons employing others in connection with the conduct of their business.

"(b) All persons receiving interest, rents, dividends, or an income from financial or industrial enterprises.

"(c) All merchants, traders, and dealers.

"(d) All clergymen, priests, and employees of churches and religious bodies.

"(e) Certain persons connected with the Czar's government, persons mentally afflicted, and persons convicted of certain crimes against the bolshevik government.

"Even with these restrictions upon suffrage the bolshevik government has refused to undertake the election of a constituent assembly. The elections that are permitted are conducted under supervision of the red guard, and local bodies or soviets that are not satisfactory to the dictatorship are removed and in some instances so-called commissars or officials of unquestioned loyalty to the government are imported from the cities to govern the affairs of the political unit (the local soviet) sought to be dominated according to the bolshevik faith.

"Confiscation on a wholesale scale has been used as a means of undertaking to create and maintain tangible assets that could be used as the economic foundation upon which could be built the industrial and financial superstructure of the bolshevik state. By constitutional edicts and by a series of decrees issued by the dictatorship all land, forests, and natural resources of Russia have been confiscated by the government in order that the bolshevik government may become the landlord of the entire population and exercise the control incident thereto. Where a man shall live and till the soil is determined by the State, and the right to determine the nature and extent of each man's domicile, and the power to compel the migration of the peasant from the locality of his birth or adoption, even to the extent of separating families as the population of the various communities expands or contracts, is exercised by the bolshevik government through the laws which it has decreed for the control of the people.

"The alleged purpose of the seizure of land by the government was that the right to the land might be transferred to the rank and file of the people of Russia, in order that the individual Russian peasant might become the unrestrained and unrestricted architect of his own future economic development, but the methods adopted by the Bolsheviks have merely transferred the landlordship from the large landowners, and in many instances from the peasant groups themselves, to the bolshevik government, and the present control by that government is not confined to the land itself, as was the control of the landowners under the old régime, but extends as well to the persons and even the tools, implements, and products of the peasants. The aged and infirm are deprived of all right to utilize and enjoy during their declining years the soil their efforts may have enriched, because their physical strength makes them powerless to perform all of the labor incident to its full cultivation. They, thereupon, become mere pensioners of the State.

"This system guarantees to the peasant only the present enjoyment of a given piece of land, and consequently only warrants him in so utilizing the beneficence of the State in according him the right to use the same as to insure the maximum present production to the exclusion of a scientific development that will ensure to future advantage. In other words, an uncertain tenure is naturally accompanied by an exploitation rather than by a systematic development of the leasehold interest. Under this system the peasant can never become the owner of the land he tills or of any other land. To aid in the system and to establish a larger control of peasant activities by the government the principle of confiscation has also been invoked in the case of all live stock and all agricultural implements, and as a consequence these essential instruments of land cultivation, these chattels necessary to the production of both meat and vegetable foodstuffs have become, without regard to the rights of former owners or the advantage to the individual of future ownership therein, the property of the bolshevik government, and the only right thereto that the peasant can in the future acquire is a use upon such terms and conditions as the government may prescribe.

"As may well be expected, there seems to be much difficulty in determining the manner in which this policy is being carried into actual operation, and it is apparent that only by the application of arbitrary methods can the already existing articles in these categories be made useful to any portion of the peasant population or be adequately protected and maintained so as to preserve their value. It is also interesting to contemplate, but dubious to predict, how meat-food products can under this system be maintained at a sufficient quantity to sustain life.

"The thrift, industry, perseverance, and intelligence which has enabled a portion of the Russian people in the past to acquire and save money has also been penalized by the confiscation of all banks and banking institutions and their transformation into a State monopoly.

"Confiscation under the milder term of nationalization has eliminated from all industrial establishments, such as factories, mills, and mines, the business acumen and scientific methods necessary to successful operation and competitive methods. The absolute control of their operation and management is placed in the hands of the employees. This has been followed by the stagnation of the industrial life of the country, and even those

nationalized industries which have been able to operate under government control have operated at an enormous percentage of loss, the deficiencies being met from the unlimited issue of fiat paper money printed by the government. The nationalization of the enterprises essential to the production and delivery of raw materials has so handicapped their production as to restrict the quantity of raw materials available for the maintenance of industrial enterprises, and the whole economic condition of Russia has made it impossible to secure relief from foreign sources. These industrial conditions can only continue so long as the government can succeed in monopolizing the means of subsistence, maintain an adequate military force to enforce the decrees of the dictatorship, and force the recognition of worthless fiat paper money as the basis of its financial system.

"As the economic formula of the Bolsheviki prescribes the confiscation of the property rights of others, likewise it proclaims the doctrine of the repudiation of financial obligations and the debts of Russia have been renounced. Repudiation is also invoked to secure the government against the incumbrances upon and liabilities of the property and assets of the enterprises, land, and chattels seized by it under its confiscation program. This repudiation also aided materially in suppressing and exterminating the creditor class, which naturally constitutes a part of the element that the Bolsheviki are pleased to call the bourgeois, or capitalistic class, by depriving them of the right and ability to recover and utilize the earnings, savings, and accumulations of the past. As it affected them it was a form of confiscation. Repudiation is, therefore, a consistent accompaniment of confiscation and an essential element in the process of destruction. The financial condition of the dictatorship, however, required the adoption of some constructive policy that would finance it. It was necessary to maintain at least a color of legitimacy, an appearance of honest business methods, in supporting its so-called red army, and in securing control of the articles necessary to sustain life. Further than that, it was desirable to devise ways and means by which service in the red army and employment in nationalized enterprises might appear sufficiently attractive, and at the same time give an appearance of prosperity to the government itself, in order that hope as well as fear might assist in maintaining the bolshevik government. The policy adopted was the printing of unlimited amounts of fiat paper money unsecured by any reserve. This naturally furnished to the government a cash capital limited only by the capacity of the printing presses of the government, which, in turn, had been confiscated and nationalized. Already it is estimated that a sum in excess of 30,000,000,000 rubles has been put into circulation. This has created a ridiculously inflated circulating medium of no material value to the public but of enforced value to the government.

"The populace are compelled to accept this paper money from the bolshevik dictatorship, but can secure little for it in transactions between one another. Barter and exchange have, therefore, become the only satisfactory means of conducting commercial transactions, and the breakdown in the industrial life and transportation facilities of the country has made practically impossible the bringing together in the same community of the articles of trade and commerce necessary to the health, comfort, and life of the various elements of society. In consequence, many Russians are faced with starvation while possessing large sums of the money of the government that, in their extremity, avails them nothing. There can be no permanence to a government whose financial system is founded upon such a method.

"The destruction of all effective military and naval power and the removal of the leadership of capable officers was essential to the establishment of a powerful dictatorship as well as to the complete abandonment of the eastern front during the war. By the safe conduct of Lenin from Switzerland through the German Empire into Russia, regardless of the question as to whether he and his confreres were financed, as seems probable, in their revolutionary undertaking by the German Government, an obligation was incurred to demoralize and destroy the existing Russian Army which had been more or less effectively maintaining the eastern front. How completely this was accomplished is now history. They promptly decreed in their so-called declaration of rights that 'the soldiers and sailors are liberated from the power of autocratic generals, because the generals will now be elected and they may be removed.' All titles and degrees of rank and the authority incident to superiority were annulled and discipline was discontinued. Instantaneously the army and navy degenerated into a mere mob with every soldier a law unto himself. Demobilization was directed and the demoralization was completed. The organization of the red army was undertaken around the nucleus which the Lettish troops and sailors in the red guard of the October revolution provided.

"By similar means the organization of the red fleet was undertaken. Chinese laborers without other means of subsistence were easily enlisted. The opportunity that service in the red army and red fleet afforded for pilfering and looting under color of authorized confiscation presented a sufficient invitation to the lawless and criminal elements that had become conspicuous through the opening of the doors of prisons by the Bolsheviki to join those bodies and participate in the confiscation and seizures that were a part of the program of terror, fear, extermination, and destruction upon which the bolshevik government had entered. The food and clothing situation was desperate, and the government had acquired, through the application of its formula, a generous supply, and was using its red guard to gain a monopoly. In consequence the one reasonably certain way of gaining a livelihood was by affiliating with the red army. This brought into the bolshevik fold many people who otherwise would have been condemned to starve. Hostages were held by the government to compel the submission of those who might otherwise have been recalcitrant. Thus a red army and a red fleet has been created, and they are charged with the execution of the decrees of the dictatorship and the sentences of the so-called courts or revolutionary tribunals, and they are afforded a large degree of personal discretion in the exercise of duties which practically constitute a rule of martial law.

"Repudiating the doctrine of all radical revolutionary groups throughout the world that have claimed for the individual of all lands the right of conscientious objection for religious or other reason against the bearing of arms and the participation in armed conflicts, the Bolsheviki have adopted as the essential safeguard of their political fabric compulsory military service. As Prussianism found it essential to world domination by the autocracy of the Hohenzollerns, so bolshevism seized upon it as the mainstay that would weather its autocracy of the dictatorship through its campaign of confiscation and repudiation.

"All of the established courts and judicial institutions have been abolished, and in their place have been created revolutionary tribunals. Under the dictatorship these new judicial tribunals disregard all laws that 'contradict the revolutionary conception of right.' In actual operation these revolutionary tribunals have tried and condemned men in their absence. No right to bail is recognized, and the penalty imposed depends largely upon the caprice of the court. The death penalty, the reestablishment of which under the provisional government was vociferously denounced by the Bolsheviki, has been invoked for all sorts of crimes and misdemeanors. In fact, the procedure in the courts is a mere travesty on justice and most summary in its nature.

"Every activity of the bolshevik government indicates clearly the antipathy of the Bolsheviki toward Christianity and the Christian religion. Its program is a direct challenge to that religion. The Christian church and bolshevism can not both survive the program that is being developed by the Russian dictatorship and which it is undertaking to extend throughout the world. Not only have they confiscated all church property, real and personal, but they have established the right of anti-religious propaganda as a constitutionally recognized institution. Church and school have been divorced even to the extent of suppressing the Sunday school, and the teaching of all religious doctrines in public, either in schools or educational institutions of any kind, is expressly forbidden. Religion can only be taught or studied privately. All church and religious organizations are prohibited from owning property of any kind. All recognition of a Supreme Being in both governmental and judicial oaths is abolished. The clergy and all servants or employees of church bodies are expressly disfranchised and deprived of all right to hold public positions. The full significance of the attitude of the Bolsheviki toward Christianity is most fully manifested in the fact that, though by Russian custom and decree under the old régime, every newspaper or periodical published on Easter Sunday in the Russian Empire was required to carry the headline, 'Christ is risen,' on Easter Sunday in 1918, all bolshevik papers substituted for this sacred sentiment the headline and slogan, 'One hundred years ago to-day Karl Marx was born.' Thus the issue has been framed between the gospel of Karl Marx and the teachings of Christ. We reiterate, therefore, that bolshevism and the Christian religion can not both survive.

"Bolshevism accords to the family no such sacred place in society as modern civilization accords to it. Conflicting reports have been passing current during the last few months relative to the nationalization of women by the new Russian government. Two or three local soviets have apparently thus degraded the womanhood of their particular districts, but the central government has refrained from adopting any such policy in the whole

nation. They have, however, promulgated decrees relating to marriage and divorce which practically establishes a state of free love. Their effect has been to furnish a vehicle for the legalization of prostitution by permitting the annulment of the marriage bonds at the whim of the parties, recognizing their collusive purposes as a ground for the severance of the matrimonial state.

"The freedom of the press and of speech, though heralded by the advocates of bolshevism as necessary to the intelligent participation of the people in popular government, has been abrogated in Russia, and by the usual confiscatory method of the accepted formula all of the mechanical devices and materials necessary for the publication of periodicals and all places of meeting and public assemblage have been seized by the bolshevik government.

"To make the control more complete and effective the publication of all advertisements, whether in regularly published periodicals or on handbills or programs, is made a monopoly of the government. As a consequence the people of Russia are deprived of all facts, literature, and public expression through the medium of the press or public meetings, except such as is approved by the dictatorship and has been passed by its censorship.

"In the attempted establishment of an educational system it is to be expected that much difficulty would arise because of the large percentage of illiteracy that afflicts Russia, and it is not surprising that this system is largely on paper and of little practical value. It is interesting to note, however, that under this system age rather than attainment determines the admissibility of the student to a given school or grade, and that to require the production of evidence of the qualification of a student for such admission is a criminal offense. This again reflects the bolshevik theory that equalization can be accomplished by dictatorial decrees.

"The apparent purpose of the bolshevik government is to make the Russian citizen, and especially the women and children, the wards and dependents of that government. Not satisfied with the degree of dependency incurred by the economic and industrial control assumed by its functionaries, it has destroyed the natural ambition and made impossible of accomplishment the moral obligation of the father to provide, care for, and adequately protect the child of his blood and the mother of that child against the misfortunes of orphanhood and widowhood. To accomplish this it has by decree expressly abolished and prohibited all right of inheritance, either by law or will. Upon death all of the decedent's estate is confiscated by the State, and all heirs who are physically incapable of working become pensioners of the State to the extent that the assets confiscated by the government make such pensions possible.

"Insurance of all kinds has been nationalized, the assets of insurance companies confiscated, and the business of insuring life, property, accident, old age, and unemployment made a State monopoly. In the attempted liquidation of existing companies and associations the liquidating representatives of the government seem only concerned in securing possession and record of all their assets and fail to recognize the propriety of accurately adjusting their liabilities. As a consequence, those insured and the beneficiaries under existing policies find themselves without the protection for which they have been paying premiums.

"There has been much discussion with reference to the policy and motive of the associated Governments in landing troops on Russian soil. It is interesting to note that the combined military force at Archangel was landed at the solicitation and request of the established and de facto government of the northern Provinces of Russia to aid that government in protecting its citizenship from the murder, cruelty, and confiscation by the approaching red army of the bolshevik government.

"The salient features which constitute the program of bolshevism, as it exists to-day in Russia and is presented to the rest of the world as a panacea for all ills, may be summarized as follows:

"(1) The repudiation of democracy and the establishment of a dictatorship.

"(2) The confiscation of all land and the improvements thereon.

"(3) The confiscation of all forests and natural resources.

"(4) The confiscation of all live stock and all agricultural implements.

"(5) The confiscation of all banks and banking institutions and the establishment of a State monopoly of the banking business.

"(6) The confiscation of all factories, mills, mines, and industrial institutions and the delivery of the control and operation thereof to the employees therein.

"(7) The confiscation of all churches and all church property, real and personal.

"(8) The confiscation of all newspapers and periodicals and all mechanical facilities and machinery used in the publication thereof.

"(9) The seizure and confiscation of all public meeting places and assembly halls.

"(10) The confiscation of all transportation and communication systems.

"(11) The confiscation of the entire estate of all decedents.

"(12) The monopolizing by the State of all advertisements of every nature, whether in newspapers, periodicals, handbills, or programs.

"(13) The repudiation of all debts against the government and all obligations due the nonbolshevik elements of the population.

"(14) The establishment of universal compulsory military service regardless of religious scruples and conscientious objections.

"(15) The establishment of universal compulsory labor.

"(16) The abolition of the Sunday school and all other schools and institutions that teach religion.

"(17) The absolute separation of churches and schools.

"(18) The establishment, through marriage and divorce laws, of a method for the legalization of prostitution, when the same is engaged in by consent of the parties.

"(19) The refusal to recognize the existence of God in its governmental and judicial proceedings.

"(20) The conferring of the rights of citizenship on aliens without regard to length of residence or intelligence.

"(21) The arming of all so-called 'toilers,' and the disarming of all persons who had succeeded in acquiring property.

"(22) The discrimination in favor of residents of cities and against residents of the rural districts through giving residents of cities five times as much voting power as is accorded to residents of rural districts in such elections as are permitted.

"(23) The disfranchisement of all persons employing any other person in connection with their business.

"(24) The disfranchisement of all persons receiving rent, interest, or dividends.

"(25) The disfranchisement of all merchants, traders, and commercial agents.

"(26) The disfranchisement of all priests, clergymen, or employees of churches and religious bodies.

"(27) The denial of the existence of any inalienable rights in the individual citizen.

"(28) The establishment of a judicial system exercising autocratic power, convicting persons and imposing penalties in their absence, and without opportunity to be heard, and even adopting the death penalty for numerous crimes and misdemeanors.

"(29) The inauguration of a reign of fear, terrorism, and violence.

"This is the program that the revolutionary elements and the so-called 'parlor Bolsheviks' would have this country accept as a substitute for the Government of the United States, which recognizes that 'all men are created equal,' and that 'life, liberty, and the pursuit of happiness' are the inalienable rights of all its citizens. This is the formula they would have adopted to supersede the Government which was established by all the people of the United States 'in order to form a more perfect union, establish justice, insure domestic tranquillity,' and 'promote the general welfare.' The mere recital of the program is a sufficient denunciation of it and of the individuals and groups which advocate and defend it.

"During modern times the effort of civilization has been directed to lifting mankind to the highest possible level of intelligence and social and material well-being in order to attain the highest degree of social equality between man and man. For the first time since the Dark Ages has an organized government undertaken to invoke a process of equalization by establishing as the basis of social equality the minimum rather than the maximum degree of existing educational, industrial, social, and moral efficiency, yet such is the policy of the bolshevik government. It recognizes that the psychology of even the most illiterate elements of the Russian people is such that it can not perpetuate this doctrine in practice unless the same reactionary methods of equalization are simultaneously destroying the social fabric, the efficiency, the individual initiative, the ambition, and the material prosperity of the peoples of all other nations, whose competition and accomplishments would necessarily result in odious and destructive comparisons. Not content, therefore, in fathering in Russia this retrograde method of establishing the equality of mankind on the basis of the lowest strata of society, it has undertaken to arouse in the United States and in all other countries

resentment, rancor, and hatred against those elements of society which have, by reason of their aptitude, perseverance, industry, and thrift attained that superior degree of intelligence and prosperity that has made possible the accomplishments of twentieth century civilization. The effort of progressing civilization has always been the uplifting of man to a higher and higher plane of living and a loftier place in society.

"The activities of the Bolsheviki constitute a complete repudiation of modern civilization and the promulgation of the doctrine that the best attainment of the most backward member of society shall be the level at which mankind shall find its final and victorious goal. The pulling down of the progressive rather than the lifting up of the retrogressive is presented as the doctrine of their new kind of civilization. To carry this message to the uttermost parts of the earth they have appropriated enormous sums of money, and, incidentally, their process of equalization in Russia was promoted by the starvation which the funds thus expended might have been utilized to alleviate. Their messengers and their friends have afflicted this country, and their new civilization has been represented as Utopian in its nature. Many well-disposed persons have been deceived into the belief that they were promoting a social welfare movement in advocating it. They have even given their substance that it might be perpetuated and extended. Yet, while these people who have been popularly called 'parlor Bolshevists' are contributing to these bolshevik agents, these same agents are appealing to the hatred and the lowest instincts of the more ignorant elements of the population, reinforced by the criminally inclined, to whom the doctrine of confiscation furnished a form of legalized robbery and a means of livelihood without physical or mental effort, to rise en masse and destroy our civilization and the so-called bourgeoisie with whom, of course, must be classed these same 'parlor Bolshevists' who are assisting, by lending funds and respectability to the movement, in bringing the temple down upon their own heads.

"It is significant, however, that in the United States only a portion of the so-called radical revolutionary groups and organizations accept in its entirety the doctrine of the Bolsheviki. They have, however, all seized upon bolshevism as a rallying cry and are undertaking to unite all of these elements under that banner for the purpose of accomplishing the initial step in their common formula, to wit, the overthrow of existing governmental institutions and the complete demoralization of modern society. With this accomplished each group hopes that it can muster sufficient strength to maintain a supremacy in the new social order and invoke the policies of its particular creed. Most of these groups accept the common ground that forcible, as distinguished from political, action should be used as the instrument to secure the overthrow of the present government and in so doing defy and repudiate the democratic form of government which guarantees under our Constitution the rule of the majority. Like the Bolsheviki in Russia, these groups recognize in the destruction of life, property, and personal security the necessary preliminary to the establishment of a government founded upon the violence of the minority. They realize that riot, disorder, and hunger breed hatred, blood lust, and desperation, and that without these mankind can not be driven to the use of force to accomplish an end attainable by lawful and peaceable political methods under the existing government.

"The radical revolutionary elements in this country and the bolshevik government of Russia have, therefore, found a common cause in support of which they can unite their forces. They are both fanning the flame of discontent and endeavoring to incite revolution. Numerous newspapers are openly advocating revolution. Literature and circular matter demanding a resort to violence are being widely circulated. Bombs and high explosives have been used in many parts of the country in an attempt to inaugurate a reign of terror and to accomplish the assassination of public officials. The demonstration of the consequences of this movement in Russia, no matter how graphic the description, is a distant, far-away picture to the average citizen of the United States. While entertaining and perhaps amusing him, much as the novel in modern fiction does, it fails to impress him as an actual existing institution, in a world growing smaller and smaller through the accomplishments in transportation and communication, that must be considered and met as an actuality. To understand and realize its real consequences, it must be brought home to the citizen and applied to the life and institutions which he knows.

"With a view, therefore, of concretely illustrating just what this new social order would accomplish if transplanted into the political, educational, industrial, and religious life of the United States attention is invited to the following unavoidable consequences:

"1. The application of force and violence, the shedding of blood and the destruction of life and property, the common incidents of all revolutions, and all this to destroy a democratic form of government, under which the majority can secure just the kind of government that it desires. The advocacy of revolutionary methods is an admission, therefore, that minority rather than majority rule is the goal sought to be attained.

"2. To make possible the control of the minority as the dictators of the majority, the disfranchisement of millions of substantial, patriotic citizens who would fall in the so-called bourgeois or capitalistic class. This would deprive of the right to participate in affairs of government—

"(a) Millions of farmers, merchants, and manufacturers, both large and small, employing persons in the conduct of their business, and all professional and business men utilizing the services of a clerk, bookkeeper, or stenographer.

"(b) All persons receiving interest on borrowed money or bonds, rent from real estate or personal property, and dividends from stock of any kind.

"(c) All traders, merchants, and dealers, even though they do not employ another person in the conduct of their business.

"(d) All preachers, priests, janitors, and employees of all churches and religious bodies.

"It is apparent with the millions of persons falling into these several classes, disfranchised and deprived of all right to participate in the affairs of government, accompanied with the immediate enfranchisement of all aliens who do not fall within these prohibited classes, and the opening of the doors of all prisons and penitentiaries, the domination of the criminal and most undesirable alien elements of the country would be a comparatively easy matter. To simplify the question of this control, however, the substantial rural portion of the population would be further suppressed and restricted, and under the revolutionary formula the voting power of the cities would be five times as great as that of the rural communities, the ratio of representation in cities being 1 to every 25,000 of the population, while that of the rural districts would be only 1 to every 125,000 of the population. In the United States the rural population under the 1910 census was considerably in excess of the urban. We must also remember that the application of the formula would include the disarming of all disfranchised classes and the arming to the teeth of these criminal and alien elements.

"3. It would result in the confiscation by the government thus constituted of the land of the United States, including 6,361,502 farms, of which 62.1 per cent, or 3,948,722 farms, are owned in fee by the farmers who cultivate them and represent the labor and toil of a lifetime. On the farms of the United States there are improvements, machinery, and live stock to the value of \$40,991,449,000 (census of 1910), all of which would be confiscated with the land. The confiscation program would include the more than 275,000 manufacturing establishments, including the \$22,790,980,000 of invested capital, much of which is owned by the small investor, whose livelihood depends upon the success of the respective enterprises. The confiscation would also include 203,432 church edifices. Forests aggregating 555,000,000 acres would be seized by the government and an annual product of \$1,375,000,000 would come under the control of the dictatorship. Dwellings to the number of 17,805,845, of which 9,093,675 are owned in fee, with 5,984,248 entirely free from debt, would be confiscated and the owners dispossessed at the pleasure of the government.

"4. Although clamoring loudly for a free and unrestricted press, the revolutionary program would require the seizure and confiscation of the 22,896 newspapers and periodicals in the United States, together with all mechanical equipment necessary for their publication, and a control and ownership of the public press by the government.

"5. Complete control of all banking institutions and their assets is an essential part of the revolutionary program, and the 31,492 banks in the United States would be taken over by the government and the savings of millions, including 11,397,553 depositors drawing interest on accounts in savings banks, and consequently belonging to the so-called bourgeois or capitalistic class, jeopardized.

"6. One of the most appalling and far-reaching consequences of an application of bolshevism in the United States would be found in the confiscation and liquidation of its life insurance companies. There is 20 per cent more life insurance in force in this country than in all the rest of the world and nine-tenths of it is mutual insurance. Almost 50,000,000 life insurance policies, representing nearly \$30,000,000,000 of insurance, the substantial protection of the women and children of the Nation, would be rendered valueless.

"7. The atheism that permeates the whole Russian dictatorship is clearly reflected in the activities of their revolutionary confrères in the United States, and in their publications they have denounced our religion and our God as "lies." This gives added significance to the revolutionary attitude toward the Christian church and the Christian religion. The prohibition of religious schools and the teaching or studying of religion, except in private, would necessitate the abolition of 194,759 Sunday schools in the United States and a great number of seminaries, colleges, and universities; 19,935,890 Sunday school scholars would be deprived and prevented from enjoying the institution that has become an important part of their lives and is one of the great moral influences of the Nation. Catholic schools, colleges, and seminaries to the number of 6,681 would be suppressed. Church property of the value of \$1,676,600,582 would be confiscated and 41,926,854 (census of 1916) members of 227,487 church organizations would be subjected to the domination of an atheist dictatorship.

"Notwithstanding the fact that every champion and defender of bolshevism that testified before your committee unequivocally admitted that the bolshevik formula was not adaptable to the economic and social life of the United States, they and their coevangelists persist in their appeals to the passion of the people in an attempt to provoke discontent and hatred. In cooperation with the revolutionary elements, destruction of existing social and governmental institutions by violent methods is being promoted. They must, therefore, be condemned as the mere acceptable ideal, as they profess to have, with which to soften and appease the wrath that they are undertaking to arouse."

Mr. NORRIS. I would like to ask the Senator from Washington if he can inform the Senate what has been done in regard to the prosecution and conviction of the men who were guilty of the crime in Centralia, Wash., about which we have all read?

Mr. JONES of Washington. I have seen in the newspapers reports that at least one man has been arrested and is now under indictment. There may be more. We have a very stringent antisindicalism State act. I think he is being prosecuted, however, on the charge of murder. I think that was the charge made under the State law.

Mr. NORRIS. I assumed, of course, that they were guilty of murder and that they ought to be prosecuted for murder.

Mr. JONES of Washington. Of course.

Mr. NORRIS. Have all those who participated in the crime been arrested, does the Senator know?

Mr. JONES of Washington. I do not think they have caught everyone who they think participated in it.

Mr. NORRIS. Is there any doubt about who did participate in it? Has that question arisen?

Mr. JONES of Washington. I think there is some question about it.

Mr. NORRIS. Is the identity of the criminals clearly established?

Mr. JONES of Washington. All I know is what I read in the newspaper reports. I think I can say that they have not yet clearly established the identity of the criminals, or all of them.

Mr. NORRIS. Of course there is a law in Washington, I assume, that fully covers the situation. It would not be necessary for any legislation on the part of Congress?

Mr. JONES of Washington. Not to cover that particular act.

Mr. NORRIS. I just wanted to get all the information I could with regard to that episode, which really shocked the sensibilities of everybody when we read about it.

Mr. JONES of Washington. I have given the Senate practically all the information which I have, which I have gotten from the press.

#### REGULATION OF STREET TRAFFIC IN WASHINGTON CITY.

Mr. FLETCHER. Mr. President, I desire to offer an amendment to the pending bill.

The VICE PRESIDENT. There is an amendment pending now.

Mr. FLETCHER. Then, Mr. President, as there is not time to act on it, I want to allude to a local condition here in the city of Washington. I was not present yesterday when the Senator from Illinois [Mr. SHERMAN], the chairman of the Committee on the District of Columbia, called attention to this condition, and should have been glad to join him at the time or, rather, support his observations about it.

The situation is that it has become almost dangerous for a pedestrian to use the streets of Washington at all. It is as critical as if the people here were in a railroad yard all the time. It is perfectly incomprehensible and inexcusable that people should be run over here day after day, four and five cases every day, by either automobiles or electric street cars.

The instance which brings it especially home to me is the occasion of the death of Mrs. Willard. Mrs. Willard was the daughter of one of the most distinguished citizens of Florida, a former Member of Congress, and she was no stranger to the streets of Washington. The use of street cars and the streets was nothing new to her.

The facts seem to have been that at a regular stopping place for the cars, a place opposite the Hamilton Hotel, quite a party of people assembled for the purpose of taking a north-bound car for Chevy Chase. They were at the place where the cars stop. An automobile came speeding down the street, according to the driver, at a rate of speed of 12 miles an hour, but perhaps a great deal more than that, and the driver blew his horn so as to alarm these people and have them get out of his way, I presume, and some of the people did rush from the place where they were standing toward the car tracks. This driver apparently never lessened his speed at all. Mrs. Willard did what was the proper thing to do, stood still to let the driver go around her, because it is dangerous to be shifting back and forth when an automobile is approaching. Usually the wise, sensible thing to do is to stand still. Apparently she stood still. Other members of the party rushed to the street car track, and this automobile struck Mrs. Willard and inflicted such injuries upon her that in 24 hours she died.

The driver says in his statement that he did not see Mrs. Willard. It was his business to see her. There is absolutely no excuse for an automobile driver to run his car into a crowd of people, assuming that they are going to get out of his way, and then claim, because one of them is hurt, that he did not see that particular person.

Mr. POMERENE. She had a legal right to be there.

Mr. FLETCHER. She had a legal right to be there. The truth is that you have to get out into the street where these cars stop and be there when the car arrives or else you can not get on the car. Many a time I myself, and I am quite a user of the street cars, have been within a half a length of the car, of the door entering the car, when the motorman or the conductor would start up the car and leave me, closing the door, and forcing me to wait 10 minutes for another car.

The VICE PRESIDENT. The morning hour having expired the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. FLETCHER. Passengers who desire to board a street car are obliged to be at the place where the car stops. If they are not there, the motorman will move on and leave them on the sidewalk or within 10 feet of the entrance to the car.

The accident to which I am referring happened at a regular car stop. According to the testimony before the coroner, as reported in the newspapers, it appears that the cars were tied up just a block away. The people who were there waiting for the street cars did not probably know there was a tie-up. The tie-up was only one block from them anyhow, and they were out there waiting to take a street car. The driver gives an excuse for the accident that he did not see Mrs. Willard at all and therefore he ought not to be blamed. The coroner exonerated him and dismissed the matter.

It seems to me there must be adequate laws already to meet a situation like that. I do not know that we have, but apparently either there is need of additional and other laws, or else we need new coroners in the District and we need some new prosecuting officers.

If I were in a party of people exercising my right to wait to get on a street car at a regular stopping place, if we assembled in the street for the purpose of boarding the street car, and an automobile were to come speeding down the street toward that group of people and a man in the crowd should take out his pistol and shoot the reckless driver down, and if that man was prosecuted and I were called on to serve on the jury at his trial I would acquit him. You are going to come to something like that in the city of Washington if something is not done about the reckless disregard of human life by the automobile drivers, and in some instances probably by motormen of electric street cars. But this was an automobile accident and I refer especially to that.

It is an intolerable situation that a pedestrian has no rights in the streets of Washington at all apparently now that automobile drivers are bound to respect. It seems to me we need a new coroner or more here, otherwise we may expect the next coroner will give a medal to the man who runs down some person and causes his death. It is a condition that we can not

afford to ignore. Human life is worth something, and we ought not to permit this sort of thing.

It seems to me the commissioners could promulgate regulations, and the police ought to be stimulated to do their part, and certainly the coroners ought to be competent and willing to do their duty. Of course, the coroner's verdict amounts to practically nothing so far as further action is concerned, and the prosecuting officers can still proceed against this individual, though he will probably leave town and get away and escape punishment entirely. The people who indulge in such criminal negligence and such wicked indifference to others ought to be punished, and punished severely. That man was as clearly guilty of manslaughter as ever a man was in the world.

If he deliberately ran his machine over Mrs. Willard, who was standing in the street, then he is guilty of murder. If he did not see her, he is guilty of manslaughter. She had a right to be there, and it was his business to see her and his business to stop his machine when approaching a crowd of people in the street, and not take it for granted that they were going to get out of his way. The thing is happening every day, and something must be done about it. We can not sit here and see people injured and their rights utterly disregarded by the people who are running automobiles for hire or for pleasure, it makes no difference which. We can not have the streets entirely monopolized by the automobiles and by the street cars.

Mr. ASHURST. Mr. President—

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

Mr. ASHURST. The Senator from Florida has not over-emphasized the perilous condition of Washington's streets. A citizen will soon have to arm himself with a pistol and shoot some of the drivers of this city, who, with a cynical, reckless disregard of human life, run down old men, old women, and babes in arms.

Only yesterday a driver very nearly deprived the Senate of a useful Member, whereupon the speed-mad driver only laughed and said, "Keep off the street; you have no right here."

Mr. KING. It was a good joke.

Mr. ASHURST. Yes; it was a good joke for him.

Mr. FLETCHER. I quite agree with the Senator from Arizona. The people will undoubtedly resort to some method of that kind in order to protect themselves if the police officers and municipal authorities in the District of Columbia do not in some way bring about a change in the present practice.

I, of course, was not a witness to the accident, but, according to the article in the Star, this running down a person on the public highway and causing injuries which resulted in death was a dastardly act, in violation of law and deserving of severe punishment. The headline reads:

Mrs. Willard's death accident. Coroner's jury investigates fatal auto crash. Other street collisions.

The article sets forth a list of five or six more accidents similar in character, in addition to the one to which I have referred. The article says:

It was testified that Charles E. Jones, a colored chauffeur, was driving his employer's machine north on Fourteenth Street at a rate of speed not greater than 12 miles an hour—

Of course, that is his statement—

Street cars were tied up on Fourteenth Street, south of I, witnesses stated—

That is only one block away from where the accident occurred—

and no car was approaching the place where the accident happened.

It does not take a street car long to run a block, and, as I said, unless you are right at the spot in time to take the car, the car will move on without you, even if you have to go the distance from the sidewalk to the car track.

Several persons were standing on the street almost in front of the entrance to the Hamilton Hotel—

That is a regular stopping place—

and when Jones sounded his horn all of them, with the exception of Mrs. Willard, moved toward the car tracks. The night was dark and misty, and Jones and other occupants of the car said they did not see Mrs. Willard.

Jones was exonerated, and the killing of a most estimable woman, as gentle and sweet a character as lived, was declared an unavoidable accident. As I said, perhaps the next man who does a thing like that will be given a medal by the coroner or decorated in some way. It is a perfect outrage, a wicked crime. It was the driver's business to see Mrs. Willard in the street and to stop his car before he approached the crowd of people standing in the street, and to take no chances of that sort; but it seems automobile drivers do not propose to stop under such circumstances. Pedestrians have either got to get out of the way or they will get run over, and that is all there is to it.

I hope the Committee on the District of Columbia will present a bill that will rectify this condition and adequately deal with the situation. It is getting so that it is absolutely dangerous for pedestrians to use the streets at all. A man takes his life in his hands when he goes out into the street to board a street car or goes from the car to the sidewalk. It is intolerable.

Mr. KIRBY obtained the floor.

Mr. FRELINGHUYSEN. Will the Senator from Arkansas yield?

Mr. KIRBY. Certainly.

Mr. FRELINGHUYSEN. I wish simply to make a brief statement with regard to the question of traffic regulations and automobile traffic in Washington. I quite agree with the Senators who have spoken on the subject that Congress should immediately enact some legislation to protect the traveling public against the carelessness that now exists in Washington. The safety of not only the public but our own families depends upon it.

You can stop all this reckless driving if you will simply enact a law providing for the examination of drivers and licensing only responsible drivers, those who are qualified to drive, and by providing a strong penalty clause of arrest or fine for those who violate the law. That will correct the present disregard of all law and order in the city of Washington.

The matter was discussed yesterday and we can go on discussing it, but the evil will continue unless some provision is made to punish the offenders with fine or imprisonment and unless we have some responsible bureau to examine everyone who drives an automobile in the city of Washington and compel them to pass an examination and compel them to show that they are efficient and capable of driving it. Then if they violate the regulations arrest them and fine them and deprive them of the further privilege of driving. Thus you will stop the reckless driving and the menace to the traveling public.

Mr. KIRBY. Mr. President, I only desire to confirm the statement made by the Senator from Florida [Mr. FLETCHER] and to call attention to another, the most flagrant case of apparent willful disregard of human life that I have ever known. I did not see the occurrence, but it was related in the city papers. Yesterday or the day before a street car struck a person down on Pennsylvania Avenue. The car stopped, of course. The motorman of the street car behind it got out to administer some relief to the injured man and an automobilist came along and killed that motorman.

That happened right here in Washington. That condition ought not to be allowed to exist anywhere. Necessarily there was confusion under the circumstances there that would have attracted the attention of any driver, and still when the motorman of the second car went out to administer some relief to the injured person he was run down and killed by an automobile right here on Pennsylvania Avenue.

Mr. MYERS. Mr. President, I know of no more lawless set of people than the chauffeurs of this city who drive automobiles. I do not believe there is one automobile driver out of fifty who observes the regulation about stopping his machine before it gets within 15 feet of a street car which has stopped, and which forbids automobiles from passing a street car while the car has stopped. I do not believe there is one automobile driver out of fifty who observes that regulation. I see automobiles every day sweeping right past street cars when people are alighting, and paying no more attention to them than if there were no such law at all.

It is practically impossible to convict anyone of a violation of the law. A few weeks ago I was alighting from a street car and an automobile swept by without paying any attention at all and I came very nearly being run over. If I had not noticed the approach of the car and stepped back a foot or two I would have been struck down. I was going to prosecute the driver of the machine. I got the number of the machine from the rear as it went by in its joyous career, and wrote the district attorney about it. I gave him the number of the car, but he informed me that I would have to swear to the identity of the driver; that when he came into court I would have to point him out and say, "This man was driving the car." I could not do that, of course. I did not get a good glimpse of the driver, so that it was practically impossible to identify him.

I do not believe there is one machine out of fifty in the city that observes the regulations. I believe the average rate of speed of automobiles in Washington is 30 miles an hour right on the most crowded streets, and I have seen some of them on residence streets that I believe were going 50 miles an hour. They turn corners without halting or paying any attention, and even without blowing their horns. If a man is not careful some automobile coming from a side street will slip up behind him and run over him and kill him. I believe the law ought to be that

anyone who fails to observe the regulations shall have his automobile confiscated, no matter who is driving it. If he insists on employing a lawless, reckless chauffeur, let him suffer the consequences.

It has become so that it is dangerous to cross the streets in Washington. About the only remedy seems to be for pedestrians to go armed and to draw their arms and shoot the chauffeurs who approach them in disregard of the law. There are drivers in this city who ought to be shot down just as a wild animal at large would be shot down. The minority of members of Congress who use street cars find their lives in constant danger.

Mr. President, I merely wanted to add my testimony to what has been said here. A very grave situation exists.

#### RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations, and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. FRANCE. I present an amendment to the pending bill, being the so-called Madden bill, which was offered some time ago in the House of Representatives and which I intend to offer as an amendment to the pending bill. I ask that the proposed amendment may be printed in the RECORD and that it may also be printed in the usual form and lie on the table.

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

The amendment is as follows:

Amendment intended to be proposed by Mr. FRANCE to the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, viz: At the proper place insert the following:

SEC.—That hereafter it shall be unlawful for any owner, operator, manager, trustee, receiver, or lessee of any transportation system or systems, by land or water routes within the territorial boundaries of the United States of America and engaged in or soliciting interstate commerce under a common control, management, or arrangement, or any servant, employee, or agent of such owner, manager, trustee, receiver, operator, or lessee, or any other person having connection therewith, to deny or to refuse to furnish, by any device or method whatsoever, equal and identical rights, accommodations, and privileges to any person who shall pay, or offer to pay, the uniform charge made for such equal and identical rights, accommodations, and privileges in interstate transportation, when such refusal is on account of the race, color, or previous condition of servitude of the person so applying.

And it shall hereafter be further unlawful for any owner, operator, manager, lessee, trustee, or receiver of any system or systems of transportation within the territorial boundaries of the United States of America and engaged in or soliciting interstate commerce, or any servant, employee, or agent of such owner, operator, manager, trustee, receiver, or lessee, or any other person connected therewith, to operate upon any part of their transportation system or systems any car, vessel, train of cars, or other conveyance in and upon which any person, being transported to a final destination beyond the boundaries of any State or Territory of the United States of America, or beyond the boundaries of the District of Columbia, and paying, or offering to pay, the uniform charge made for transportation in interstate transportation, shall, on account of race, color, or previous condition of servitude, be separated from any other passenger, or be denied equal and identical rights, accommodations, and privileges accorded any other passenger paying or offering to pay such uniform charge for interstate transportation, or be permitted to be assaulted, molested, or in any other way injured or oppressed by reason of the exercise of any right herein granted or protected.

SEC.—That any owner, manager, lessee, operator, trustee, or receiver of any system of transportation as set forth in section 1 of this act who shall violate or connive at the violation of any of the provisions of section 1 shall, for each such violation or connivance, forfeit not less than the full sum of \$5,000, to be recovered in a proper United States court, in an action on the case, to the use of each person aggrieved by such violation, together with costs and reasonable counsel fees, to be fixed by the trial justice; and all other persons guilty of such violation or participation therein shall, upon conviction in a proper United States court, be fined \$1,000, or imprisoned in a Federal prison for one year, or both.

SEC.—That the provisions of this act shall apply to the interstate operation of transportation systems under Federal control, with like penalties and punishments for its violation.

SEC.—That all acts, parts of acts, statutes, regulations, and orders not in conformity herewith are hereby amended, altered, or repealed.

Mr. McKELLAR resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

Mr. President, the pending railroad bill has been before the Senate for a number of days. Practically no interest has been taken in the bill. Senators have absented themselves from the Senate during the entire discussion. If they feel any interest in the bill they do not indicate it either by their presence in the Senate or by talking about it. It involves about one-fifteenth of the entire wealth of the United States. It is the most important measure affecting the interests and the prosperity of this country that was ever before Congress, and yet it is being allowed to pass along practically without any comment in the newspapers, and practically without any notice upon the part of the public. About one Senator in four or five, apparently, has looked over the bill, from what I can understand about the situation, and the country itself

seems almost oblivious to the fact that there is pending before the Congress this very important measure.

Whether or not we are going to take any more interest in it as the debate goes on I can not say. I am sure it is not because we have made up our minds, because there are a great many of us that have considered it in but a perfunctory way, and there are a great many others of us that have not considered it at all.

I am frank to say, Mr. President, that I am greatly disappointed in the bill that has been reported out by the committee. I do not believe it is a wise measure. When its provisions are fully known I do not believe it will meet the approval of the country. It is wholly opposed to sound business principles, to say the least of it. In a large sense it is bolshevistic in the extreme. I have heard a great many people talk about the iniquities of the Plumb plan. About the only difference between the Plumb plan and the Cummins plan of control of the railroads is this: Under the Plumb plan the railroads are taken away from the owners, paid for by the Government, and turned over to the brotherhoods. Under this proposed measure the railroads are put in a trust and turned over to the security holders. The Government holds the bag under both plans. The people will be required to pay exorbitant charges under both plans. The plans are very similar and both approach Government ownership very substantially.

Mr. President, in continuing where I left off yesterday I desire for a few moments to address myself to the subject of the 5½ per cent guaranty provided in the pending bill. I am fully aware that the distinguished chairman of the committee, the Senator from Iowa [Mr. CUMMINS], takes a different view of the 5½ per cent guaranty which is provided for in section 6 of the bill. The chairman of the committee is of the opinion, as stated on yesterday, that this is not a guaranty provision, but that it is merely a declaration of policy. I think the chairman is mistaken in that; and I wish to read the provision of the bill itself. I quote from page 13 of the bill:

The commission shall initiate, modify, or adjust rates, fares, charges, and classifications, as nearly as may be, so that the railway carriers as a whole allocated to each district and subject to this act shall earn an aggregate annual net railway operating income equal, as nearly as may be, to 5½ per cent upon the aggregate value, as determined in accordance with the provisions hereof, of the railway property of such carriers in the district held for and used in the service of transportation.

Mr. President, there is no declaration of policy in these words. They are absolutely mandatory. They constitute, in my judgment, a guaranty.

Mr. President, I am convinced that this provision of the bill is not only wrong in policy but that, as a matter of law, it is unconstitutional. I base my statement that it is unconstitutional upon somewhat distinguished authority in this country. Four years ago it was very distinguished authority on one side of this Chamber, and it is probably just as distinguished authority to-day. I refer to the opinion of ex-Justice of the Supreme Court Mr. Charles Evans Hughes. He believes that that provision, with the accompanying provisions, is unconstitutional, and so do I, and there are decisions of the Supreme Court of the United States that uphold that view.

Before going into the legal question, however, I wish to say that, in my judgment, this is an absolute guaranty, susceptible of being enforced in the courts. I venture the opinion that if this provision becomes a law the railroads of the country will have the legal right, if it becomes necessary, to mandamus the Interstate Commerce Commission to fix such a rate as will yield a return of 5½ per cent.

Let us see what is the nature of that guaranty. Mr. President, under the Constitution of the United States this body, together with the House of Representatives, with the approval of the President, has the power to tax the people. It is true that measures passed by Congress giving the Interstate Commerce Commission the right to fix rates of fare and of freight on railroads have been upheld, and properly so; but I call the attention of the Senate to the fact that in holding such provisions constitutional the courts have done so upon the theory that what the Interstate Commerce Commission was directed to do was to fix a reasonable compensation for reasonable services rendered. Whenever you go beyond that you invade another jurisdiction, and that, in my judgment, can not be done under the Constitution.

What is the purpose here of providing that rates shall be fixed to return 5½ per cent upon the actual capital invested by the railroads? Is it for the purpose of fixing a compensation for services rendered? Not at all. It is a rate fixed for the purpose not of determining the compensation but for measuring income, for guaranteeing income, and I say that may not be done under our Constitution.

I say, in the next place, that it is not a wise policy for the American Congress to guarantee to any of its citizens that there

shall be a fixed return upon their property, regardless of what the citizen or property does to earn it.

Mr. UNDERWOOD. Mr. President—

Mr. McKELLAR. I yield to the Senator.

Mr. UNDERWOOD. Mr. President, I wish to call the attention of the Senator from Tennessee to the fact—I have forgotten the name of the case now, but I can furnish it to him—that one of the decisions of the Supreme Court of the United States is in relation to a case coming from Tennessee, where the legislature of that State in the early history of the building of railroads, provided in the charter of a railroad company that the compensation should be only a reasonable return upon the capital. That provision was attacked and was declared invalid, not on the ground that a reasonable return on the capital was not a fair basis of rate making, but on the ground that the legislative body failed to establish what was a reasonable basis or prescribe what the reasonable basis should be or provide a rule of action by which it could be determined. In the early history of rate making in this country, and in England as well, many railroad charters were granted on the very basis that rates should be based on a reasonable return on their capital, and such provisions have been sustained. So this is not a new problem.

The Senator refers to the decision of Justice Hughes. Justice Hughes's decision was written on the basis of the bill as originally introduced. It has been very considerably modified and his criticism of the bill met by the committee; and if the Senator will refer to the bill with reference to the just and reasonable return, as criticized by Justice Hughes in his opinion, and then look at the amendment—it may have escaped the Senator, because it was not clearly set out as an amendment. The original bill was introduced, and then afterwards very greatly amended in several particulars, and another bill was introduced as a substitute for it that came in intact and did not show the amendments; but if the Senator will compare the bill that Justice Hughes was criticizing with the bill that is now before the Senate, he will find that they are two very different measures in this particular.

Mr. McKELLAR. I have compared them, and I understand the changes that have been made. I have before me the provision that Mr. Justice Hughes criticized, and I also have before me the bill as it is at present written and proposed; and I venture the assertion that the vice pointed out by Justice Hughes is just as obvious in the present bill as it was in the original bill.

What was done was this: The original bill provided that one-half of the excess payments—in other words, one-half of the taxes levied upon the people and collected by the carrier—one-half of all such payments to the board shall be invested or expended for the purposes set forth in section 25 hereof, and one-half thereof shall be deposited in a fund which from time to time shall be expended by the board in the purchase of equipment to be leased under proper terms to carriers in order to facilitate transportation, or to loan to carriers upon reasonable security in order to purchase equipment or other facilities, in the event that such carriers are unable to secure elsewhere the funds with which to provide themselves with adequate transportation facilities.

Now, that part of the bill was altered.

Mr. UNDERWOOD. I will say to the Senator, though, that that is not the part to which I am referring. I have not the bill before me, but it is the part with reference to rate making to which Mr. Justice Hughes's opinion directly related, where he claimed it was unconstitutional; and as the bill was originally introduced, the basis of rate making was a fair and reasonable return on the capital. It was not the disposition of the funds after they were collected that I was referring to or that his decision primarily goes to. It is a question of rate making, and not the disposition of the money after the rate is acquired; and that has been entirely changed in the present bill.

Mr. McKELLAR. Under the provisions of the original bill one half of the excess money secured by the rates was to be divided among the employees under certain conditions and the other half put in a contingent fund for the benefit of the weak or poor railroads. That is the substance of it.

Mr. UNDERWOOD. That is true, but his decision did not go to that point.

Mr. McKELLAR. Just one moment. The new bill provides that one-third of this excess collection shall go to the carriers themselves and two-thirds of it shall be put in a contingent fund to help crippled railroads. Now, my proposition is this—

Mr. UNDERWOOD. But, Mr. President—

Mr. McKELLAR. Just one moment. Let me state the case, and then the Senator can see whether or not he differs with me. My proposition is this, that Congress has not the constitutional power to delegate to the Interstate Commerce Commission the right to raise and collect money in this way, or in any other way; or, in other words, to tax the people, the tax to be devoted to the aid of broken down or needy railroad companies. You can not

do it under any guise, and whenever you undertake to transfer or delegate the taxing power to the Interstate Commerce Commission to raise money for any such purpose you violate the Constitution.

Mr. UNDERWOOD. If the Senator will allow me, my recollection of Justice Hughes's opinion is that it did not go to that feature of the bill. It was with regard to the feature as to levying taxation, and that is what I thought the Senator referred to as the basis of the decision.

As the bill was originally prepared, I agree with the Senator about the amendment of which he speaks. It originally proposed that part of this fund should go to the employees. That was for individual effort; but there is a very different bill before the Senate to-day. Under that bill the proceeds of the fund so collected went to private enterprise or private employment; but under the bill as it stands to-day, it goes to the public. It goes to the Government of the United States. All this surplus fund goes to a Government board, just as it would go to the Treasury of the United States; not to a railroad. It never goes to a railroad. It is provided that the fund may be used to loan to the railroads, but the interest comes back to the Government.

The Treasury is loaning money to the railroads now. This fund that goes to the public would be loaned to the railroads. There is nothing unconstitutional about that. On the other hand, if it is not used for that purpose, it goes to a Government corporation to build cars and equipment to lend to railroads in the interest of the public, and it does not become the property of the corporation; but it possibly enables the weak road to rent, on reasonable terms, cars to furnish transportation facilities to the people on the weak roads, and give them the benefits that only the people on the strong roads get to-day. That is a very different aspect of the case from the way the bill stood when Justice Hughes rendered his decision.

Mr. McKELLAR. I will read from the bill itself. That is the best way to get at it. I am talking now about the contingent fund that is being raised on the excess rates that are to be fixed by the Interstate Commerce Commission. In other words, the excess of taxes that are levied by the Interstate Commerce Commission on the business of the country is to be put into a contingent fund, and here is what is to be done with it according to the bill:

And the said fund and all accretions thereof shall be employed or invested or expended by the board in furtherance of the public interest in railway transportation by carriers subject to the act to regulate commerce in avoiding congestions, interruptions, or hindrances to the railway service of the United States by carriers subject to the act to regulate commerce, or in furthering the public service rendered by them, either by way of purchase, lease, or rental of transportation equipment and facilities to be used by such carriers wherever the public interest may require, or by way of loans to such carriers, upon such fair and reasonable terms and conditions, in either case, as the board may prescribe.

Mr. UNDERWOOD. Exactly.

Mr. McKELLAR. Now, one moment. My proposition is that the United States Government may tax the people, if it so desires, and establish a fund for these purposes. If it wants to vote bounties to certain railroads in the country, or any other corporations in the country, or any individuals in the country, it has the right to do it if it can get the necessary majority in both Houses of Congress and get the President's signature to it; but under the Constitution it can not delegate its rightful power to tax to the Interstate Commerce Commission and let that commission tax the people for any such purpose.

Mr. UNDERWOOD. That is another question.

Mr. McKELLAR. That is the question that I am raising.

Mr. UNDERWOOD. But the question that Justice Hughes raised was not that question.

Mr. McKELLAR. It is exactly in the same line, and the same reasoning that applied to the question in Justice Hughes's argument applies to this question; in other words, that the Congress has not the right to delegate its power to the Interstate Commerce Commission in order to raise taxes for any purpose, I do not care what it is.

Mr. UNDERWOOD. I will say to the Senator from Tennessee that I do not agree with him entirely on that matter; but I only interrupted him to call his attention to the difference in the two bills at the time Mr. Justice Hughes wrote his decision and now. It will take an extended argument to present my views on the other question, and I will not attempt to do it in the Senator's time.

Mr. McKELLAR. I shall be glad to yield a little later.

Mr. UNDERWOOD. I would not trespass on the Senator now.

Mr. McKELLAR. I would prefer to go on and at least state the propositions that I desire to state.

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

Mr. McKELLAR. Of course I will yield to the chairman of the committee.

Mr. CUMMINS. I want the Senate to understand the relation of ex-Justice Hughes and ex-Senator Root and the associates of both to this question.

Mr. MCKELLAR. If the Senator will permit me, I will state that I have Mr. Justice Hughes's opinion in the matter, and I am going to ask unanimous consent that it may be printed in the Record, so that the Senate can see just what it is.

Mr. CUMMINS. Very well; let us have it printed, because it has been circulated very generally. I have not a word to say, of course, as the Senator knows, in disrespect of ex-Justice Hughes. I think he is a very distinguished lawyer, and I say likewise of ex-Senator Root; but I want the Senate to understand that the railway executives employed ex-Justice Hughes. This is the way, at least, that it has been given to me, and I assume that it is true. Notwithstanding some things that have been said in this Chamber, the railway executives are opposed to this bill and are doing everything in their power to defeat it, and in order to help defeat it they employed ex-Justice Hughes to render an opinion for them with regard to this feature of the bill. The same thing is true of ex-Senator Root. The Securities Association, or whatever may be its technical name, representing in a general way the bonds of the railway companies, employed ex-Senator Root to render an opinion with regard to a feature in their plan that required the taking of excess earnings—not the same plan that we have here, but a plan that would present the same legal questions.

Mr. MCKELLAR. Precisely.

Mr. CUMMINS. That I agree. All that I want the country and the Senate to know is that these opinions, coming indeed from distinguished men and lawyers, are the opinions of advocates of their respective interests, advocates of the two sides of that question.

Mr. POMERENE. Mr. President—

Mr. MCKELLAR. Just one minute. I will yield to the Senator from Ohio in just a minute.

Mr. CUMMINS. I have said all that I care to say.

Mr. MCKELLAR. Mr. President, I say I know nothing in the world about by whom Mr. Justice Hughes and Senator Elihu Root were employed. I know nothing about it, but I take the Senator's word for it. But I want to say that, so far as I am concerned, I do not think anyone on earth would charge for a moment that I represented anybody in this body except my constituents in Tennessee and the United States.

Mr. CUMMINS. No; and the Senator can not for a moment think that I have any such view.

Mr. MCKELLAR. I am quite sure the Senator has not, but I do not like to have references made to paid attorneys.

Mr. CUMMINS. I am only saying that when we rely upon the opinion of ex-Justice Hughes we are not relying upon the opinion of a member of the Supreme Court. When we are relying upon the opinion of ex-Senator Root we are not relying upon an opinion that he would render as a Senator. We are relying in both cases on opinions rendered, after retainer, for the respective sides. It is perfectly proper for a lawyer to do that. We all take retainers, and have to take retainers; but the Senator knows as well as I do that when lawyers are retained there is just a shade of inclination toward the views held by their clients, and therefore we must not accept the opinions upon either side as the opinions of entirely impartial people.

Mr. MCKELLAR. Of course I do not know to what extent Mr. Justice Hughes and ex-Senator Root are influenced by retainers. I do not happen to have the personal acquaintance with those gentlemen which Senators on the other side of the Chamber have. They have served with ex-Senator Root, and Mr. Justice Hughes was the candidate of the Republican Party for President. I rather assumed that these men were quite honest men, of the highest character, and would not attach their names to any document, whether paid for it or not, unless they honestly believed that the statement they made in that document was the law of the land; and I am inclined to think that what they have stated here was a proper legal opinion.

Mr. CUMMINS. They are honest men, and they are great lawyers, both of them; but they can not both be right upon this proposition, inasmuch as they are diametrically opposed to each other with respect to the constitutionality of this provision.

Mr. MCKELLAR. Very well. We will leave that where it is. Now, I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I simply want to offer this suggestion: The Senator from Tennessee has asked to have printed in the Record the opinion of Mr. Justice Hughes. Of course, that is great authority; but it seems to me that if Senators want the full benefit of the constitutional arguments on both sides the opinion of Mr. Johnson, I believe it was, as con-

curred in by ex-Senator Root and three or four other very able constitutional lawyers, should also be printed in the Record.

Mr. MCKELLAR. I have no objection. I shall not interpose any objection if the Senator from Ohio [Mr. POMERENE] or the Senator from Iowa [Mr. CUMMINS] desires to have these decisions printed in the Record. I am trying to impress upon the Senate that this remarkable departure from the policies of the American Government with respect to its citizens is not believed by all the great lawyers in this country, at any rate, to be a constitutional departure.

I say that this is a guaranty of 5½ per cent to the railroads of the country; that it is not compensation for service done, because there is nothing in this bill that requires service of the railroads. Instead of requiring service of the railroads, a premium is put upon a lack of service, for you say to the good road, the well-managed road, the prosperous road, the road that looks after its own business, the road that gives the public the best kind of service, "We will penalize you for giving that service. You ought not to give it. We will penalize you, and we will take your money away from you for doing it." And you say to the poorly managed road, the road that has not good purchasing agents, that does not purchase its materials well, that has poor traffic managers and poor road superintendents, that does not keep up its rolling stock and does not keep up its equipment, and does not furnish the public any service, "We will reward you for not doing that by taking away the earnings of the good roads, and turning over an agency for the benefit of you fellows who do not do your duty a portion of those earnings."

I say that any such principle in any bill is wholly un-American, that it is wholly unjust, it is absolutely indefensible, and I do not see how anyone who knows the fact can say for a moment that a policy like that ought to be written into the law of the United States.

I do not know how other Senators are going to vote, but, so far as I am concerned, I shall never vote to take away the just earnings of a railroad that is well managed, that gives the public an efficient service, and turn those earnings, in part, over to another railroad that is not well managed and that does not give the public a good service.

But Senators say that that is a declaration of policy about the 5½ per cent. Why do you not put it in the bill, if it is a declaration of policy? I am inclined to believe, as a matter of law, that if you put in the bill that it is the declared purpose of the United States to furnish to the railroads 5½ per cent income on their capital invested, that would be a legal agreement which they could enforce in any court, and the Interstate Commerce Commission would be required—nay, be compelled—to fix the rates, if they are constitutional.

Why should we do this for any class of our citizens? If we do it for the railroads, why should we not do it for the banks; why should we not do it for the farmers; why should we not do it for the merchants; why should we not do it for labor; why should we not do it for the lawyers? There are many of them making an honest living. Why should we not do it for the doctors? Why should we not give them all a reasonable income of 5½ per cent? Why are we making fish of one and fowl of another? What reason is there? Why should we take this particular class of our citizens and put them in a different class or on a different basis from all other citizens?

You say because they are public-service corporations. If you are going to do that why should you not do it for the street car companies; why should you not do it for the electric-light companies; why should you not do it for the telegraph and telephone companies that deal with interstate commerce? I say that it is indefensible in policy to put this tax upon the American people, and it is nothing in the world but a tax. As a matter of fact, how are you going to apply the law when you pass it, Senators?

We have had a commission trying to value the railroad properties of this country for the last five years, and they have not finished yet; and in this bill you direct the Interstate Commerce Commission to value them in the twinkling of an eye, and give them 5 per cent return upon the valuation. Is it conceivable that they can do it?

Mr. POMERENE. Mr. President, the Senator has just made the statement that under this bill we require the Interstate Commerce Commission to make a valuation in the twinkling of an eye. I am sure the Senator does not mean quite that.

Mr. MCKELLAR. If the Senator will excuse me, I will say this, that in this bill you are directing the Interstate Commerce Commission to fix such a valuation and to fix a rate for the year 1920, and it is not very long until 1920. This bill will not be passed by 1920, and before this bill is passed the duty

will be upon the Interstate Commerce Commission to fix a value upon which they are to allow  $5\frac{1}{2}$  per cent.

Mr. POMERENE. Mr. President, that question was simply preliminary to another one that I expected to ask. Let us assume that this bill is defeated. The Interstate Commerce Commission has in the past fixed rates, and it will be compelled in the future to fix rates. These rates have some relation to valuation. Presumably they have a relation to the actual valuation. If this bill is defeated, still they are obliged to make their rates for a certain return on a certain valuation, and the difficulty which the Senator suggests under this bill is going to obtain under any system of rate making you may have. So you are not getting away from it.

Mr. McKELLAR. Oh, no, Mr. President. There never has been such a direction to the Interstate Commerce Commission. All the law that is now on the statute books does is to direct the Interstate Commerce Commission to fix reasonable compensation for the service rendered. This is the first time in the history of this Government that the Congress has undertaken to direct the Interstate Commerce Commission to fix such compensation as would bring a certain figure to the owners of the railroad property.

Mr. POMERENE. Mr. President—

Mr. McKELLAR. Just one moment. I will yield to the Senator in just a moment. It is not fair for the Senator to ask a question and then to interrupt before I have an opportunity to answer.

Mr. POMERENE. I will not interrupt the Senator.

Mr. McKELLAR. Mr. President, the direction here to the Interstate Commerce Commission is not to fix compensation for services rendered; that is utterly foreign to this bill. It is to fix a tax that will bring a certain return to the railroads. Now, the Senator says that there has heretofore been a valuation, and there has been. I imagine it is a guess. They have never had a true valuation made, but they evidently have guessed at it; and yet what have they done under the guess? They have paid the railroads a net rental of 5 per cent for the last two years, while the war has been going on. I say 5 per cent, because in round numbers there are about \$18,000,000,000 invested in the railroad properties, according to the guess, and 5 per cent on \$18,000,000,000 is \$900,000,000, which we have been paying to the railroads, and that is why I make that statement.

Let us see what we are going to do if this direction is constitutional and we carry it out. The Interstate Commerce Commission has to add immediately another half per cent. They must make an additional rate that will increase the rate we have been paying on the \$18,000,000,000 to  $5\frac{1}{2}$  per cent. Then, in addition to that, they must increase the rates so as to take care of 1 per cent for betterments, improvements, and equipment. That is a per cent and one-half. Then it will probably take another per cent, not less than another per cent, to take care of the deficiency, because the railroads until recently have been running at a loss. It will mean that instead of giving these railroad companies a rate that will bring  $5\frac{1}{2}$  per cent you will have to give them a rate that will bring nearer 8 per cent.

Let us see where that is going to lead us under the terms of the bill. If the bill passes we have got to instruct the Interstate Commerce Commission to fix such rates and charges as will bring  $7\frac{1}{2}$  per cent—the  $5\frac{1}{2}$  per cent guaranteed, the 1 per cent for equipment, betterments, and the like, and at least another 1 per cent to take care of the deficiency. We have to raise the rates at once for the year 1920 somewhere between 20 and 25 per cent.

Mr. CUMMINS. Mr. President—

Mr. McKELLAR. Just one moment. I do not know how other Senators may feel about it, but when I realize that we have already increased the rates on passenger and freight traffic all the way from 25 to 150 and possibly 200 per cent in the last two years, with the other tremendous burdens upon the commercial and business world that have already been placed there by acts of Congress; when we indirectly, as we do in this bill, cause the Interstate Commerce Commission to raise rates from 25 to 50 per cent over what they are now, in the way of taxation, we are going to find that there are many people in the country who object to it and object very seriously, and I am one of them.

I now yield to the Senator from Iowa.

Mr. CUMMINS. The Senator has stated two or three times that we must levy a tax of  $5\frac{1}{2}$  per cent and then 6 per cent and then a half of 1 per cent more—

Mr. McKELLAR. Not 6 per cent. Five and a half per cent, and then 1 per cent for betterments and equipment, and then, to cover deficiency, at least another per cent.

Mr. CUMMINS. That has been stated here many times. I have not seen fit to try to correct all misrepresentations of the

bill, because I know they have been unintentional. It is one-half of 1 per cent instead of 1 per cent that may be added to the  $5\frac{1}{2}$  per cent, and that is entirely within the discretion of the Interstate Commerce Commission. It need not add one-half of 1 per cent unless it believes that the welfare of the people of the country requires it. I hope the Senator from Tennessee will hold that in mind.

There is no suggestion of levying any tax or creating rates that will raise 8 per cent or 7 per cent or any other percentage save  $5\frac{1}{2}$  per cent upon the value of the property, whatever that may be. I am sure the Senator wants to be entirely accurate in his description of the bill, however much he may be opposed to it.

Mr. McKELLAR. I desire to be entirely accurate. I see that one-half of 1 per cent is correct instead of 1 per cent, but in other respects my statement is correct. Nor do I object to the railroads earning  $5\frac{1}{2}$  per cent. I hope they will all earn that or more. I want them to prosper. Five and a half per cent is not unreasonable. That is not my objection to this bill. I am against the guaranty.

Mr. President, you are paying 5 per cent now, and have been until recently running at a great loss of several hundred million dollars a year, taking it the year around. You provide that the  $5\frac{1}{2}$  per cent net income shall be given to railroads; you have to absorb that loss some way, and there is no way to do it except by taxation, and the Interstate Commerce Commission is compelled by the bill to tax so as to pay all the expenses.

I want to read just a moment what they are compelled to do, because it is pertinent at this time.

Under the provisions of the bill the Government gives the Interstate Commerce Commission power, with the exception of the one-half of 1 per cent—and really that is mandatory, too, because they can require it, it is a declaration of policy that the railroads will be entitled to it if we pass the bill—to tax the people of the United States to pay the railroad owners, first, their operating expenses; second, their bonded interest; third, all their taxes and other charges, and that takes into consideration bad debts; and, fourth, it directs the commission to tax the people enough to pay  $5\frac{1}{2}$  per cent and even more on their stock, whether good or bad, watered or unwatered, just so it may be included in the valuation.

Mr. CUMMINS. Mr. President—

Mr. McKELLAR. Just one moment. I do not mean by that that the bill directs that it be paid on the present issues of stock, but a valuation is to be fixed, and they are to pay on that valuation. Then, in addition to that, in order to be certain that the badly managed roads, the roads of little value, shall make their  $5\frac{1}{2}$  per cent, the commission is directed to fix such rates as will cause the better roads to earn more than  $5\frac{1}{2}$  per cent. I understood the Senator from Iowa the other day, in answer to some question that was asked him, not to agree with that statement, but—

Mr. CUMMINS. I certainly do not.

Mr. McKELLAR. I want to read to him from the bill. I read from page 14 of the bill:

In so changing or modifying rates, fares, charges, and classifications from time to time in the manner provided in the act to regulate commerce, as amended, the commission shall take into consideration the interests of the public, the shippers, the wages of labor, the cost of maintenance and operation, including taxes, the requirements for additional capital in order to enable the carriers to adequately perform their duties to the public, and the conditions under which the same can be secured; and shall, so far as practicable, adjust rates, fares, charges, and classifications that the net operating income of the several carriers shall bear the same relation to the value of their respective properties. For the purpose aforesaid the commission shall from time to time determine the value of the property in each district and rate-making group so held for and used in the service of transportation, and lower or advance the rates, fares, or charges for transportation to produce, as nearly as may be, the net operating income above mentioned.

Mr. CUMMINS. What is the "net operating income above mentioned"?

Mr. McKELLAR. That means that you are going to have some of the roads earn more than  $5\frac{1}{2}$  per cent in order to equalize the others that do not make  $5\frac{1}{2}$  per cent.

Mr. CUMMINS. May I say to the Senator from Tennessee that the limit for all the roads in any district is an aggregate net operating income of  $5\frac{1}{2}$  per cent on the value of the property? That is the maximum which the Interstate Commerce Commission may permit the roads to earn.

Mr. McKELLAR. But listen to this—

Mr. CUMMINS. There is no authority for any possible increase of rates above that net operating income.

It is quite true, of course, and the Senator knows, that under a body of rates based upon a  $5\frac{1}{2}$  per cent return for net operating income for all the property some of the roads would earn 2 per cent, some 4, some 6 or 8, and some 9 per cent, and that would be true under any body of rates which the commission

might fix. It is true under the rates now in existence and was true under the rates in existence before the Government took possession of the railroads.

Mr. McKELLAR. Listen to this. This is the way the bill takes care of it:

It being impracticable to establish a level of uniform rates and charges within competitive areas which will sustain sundry carriers indispensable to the communities served by them—

That is, those that can not make the money, or will not make the money, or under your system will not be permitted to make any money, or will be penalized if they do make any money—

without enabling more favorably situated carriers to receive revenue from such rates, negligibly as to each service but in the aggregate substantially and unreasonably in excess of the aggregate over a fair return upon their property, unless regulated in the interest of the commerce of the United States as a whole, it is hereby provided that, subject to the exceptions and conditions of this act, no carrier subject to the provisions of this act shall be authorized to receive and retain for the transportation services rendered—

And so forth, over 5½ per cent.

In other words, the very purpose of the act is to provide for inequality of treatment and penalizing the industrious, ambitious, hard-working, good road, and give bounties to the roads that do not give the public good service. That is the whole sum and substance of the act, so far as the 5½ per cent is concerned, whenever you do that.

What is the reason for any road giving the public a good service? Take the roads from here to New York, one the Pennsylvania and the other the Baltimore & Ohio, both splendid roads and both of which, as I understand it, give the public splendid service. Suppose that one of those roads has an active, young, vigorous, intelligent, competent, and efficient president, who selects for himself a corps of competent assistants; that he is careful in employing his labor; that he has a purchasing agent who is one of the best in the land; that he conducts his railroad economically and fairly and justly; and that he gives the public a perfectly splendid service, a service that can not be equaled anywhere, we will suppose for the sake of the argument. After doing that he makes 10 per cent on his capital stock. Under the provisions of the bill something over 3 per cent of his earnings are taken away from him and given to other railroads, in substance, or put into a fund for other railroads.

Take, now, the other railroad and compare it. Suppose it has a president who does not know anything about the railroad business; that he is put there because of influence of some kind, financial or otherwise; that he has not got good superintendents; that his purchasing agent is not a competent purchasing agent and does not know how to buy materials for the railroad, does not know how to buy equipment, and loses thousands and thousands and perhaps millions of dollars in the purchase of supplies and equipment for his railroad; that he does not care a cent in the world about service to the public, and his railroad only makes 2 per cent.

Under the bill you take away from the well-managed road first described a part of what it has honestly and fairly earned, to the great benefit of the public, and turn it over and put it into the hands of the slovenly, ill-managed road and reward it thereby. I ask the Senator from Iowa what incentive there is on the part of any railroad to furnish the public a good service under such conditions?

I have read the bill, not as carefully as it ought to have been read; I have studied the bill, perhaps not as carefully as I ought to have studied it, because of the treaty that has been pending so long. But from the view that I take of it the public is hardly considered in it. You take great care of the railroad and its property, but there is no provision here to give the public an adequate and efficient service. There is no provision in the bill for any competition in service. Instead of there being a provision for competition in service, the bill breaks down every competitive idea by taking away from the well-managed road that which it has honestly earned and turning it over to the ill-managed road, that does not care whether it earns anything or not. I say that is indefensible.

What will that lead to? If we adopt that principle for all our corporations, if we adopt such a principle with all our people, what sort of service can we expect from public corporations or any other corporations? It is unwise in policy. It is absolutely indefensible in principle when you come to look at it and put the calm light of reason on it. It can not be defended.

Let me ask about the moral question. If I go out and work as a blacksmith and am a good one and earn \$10 a day and some other man comes along and is a poor blacksmith and earns only \$5 a day, what right has the Government to come along and tell me that the rewards of my work and my ingenuity and my industry shall be taken away from me and given over to the fellow who does not know how?

The principle is precisely the same. How can it be defended? I ask the Senator from Iowa right here and now this question: How does he defend the taking of the earnings of the well-managed roads and giving them to the ill-managed roads?

Mr. CUMMINS. Mr. President—

Mr. McKELLAR. I am delighted to yield to the Senator.

Mr. CUMMINS. I am not one of those who think that every road that fails to earn a fair return upon the value of its property is an ill-managed road. That is a fundamental error into which the Senator from Tennessee has fallen. He has just mentioned in high terms the Pennsylvania Railroad and the Baltimore & Ohio Railroad. Why does not the Baltimore & Ohio Railroad earn the same rate of return upon the value of its property that the Pennsylvania Railroad does? They are equally well managed, I assume; and I venture to say that nine-tenths, yes, nineteen-twentieths, of the railroads of the United States are managed with as high skill as can be brought to the service of transportation. The difference between the earning power of railroad companies may sometimes, it is true, be attributed to difference in the ability of managers, but that is a very rare case. The difference is usually attributable to the conditions over which neither road has any control whatsoever. I need not mention what they are, for they are obvious to every man who thinks about the subject a moment.

Now, I come to answer the question propounded to me by the Senator from Tennessee, and I am glad to answer it. I have answered it about eight or ten times since I began this debate, but the Senator and I agree that, in order to reach the full body of the Senate, it is necessary to repeat about fifty times everything that is material in a discussion.

I will tell the Senator why I defend this legislation. Suppose we had only one railroad and it was well managed; suppose its investment is \$1,000,000—I use those figures merely for illustration, of course—and it is entitled to earn a fair return upon that investment of \$1,000,000.

The Senator from Tennessee, when he compares the railroad company with the man who goes out as a woodchopper or blacksmith betrays his real view of public-utility enterprises. He does not see any difference between the blacksmith and the public utility. I see a very great difference between them; and I think that is the real point of departure between the Senator from Tennessee and myself. I believe in regulating public utilities; I believe in restricting their right to earn revenues or returns to a fair return upon the money which they invest in the business.

Mr. McKELLAR. There is no difference between the Senator from Iowa and myself on that subject.

Mr. CUMMINS. There must be a difference—

Mr. McKELLAR. There is none whatever.

Mr. CUMMINS. Because the Senator from Tennessee has just asked what right has the Government to take money from one blacksmith and give it to another. I assume that the Senator from Tennessee thought that was a fair illustration or else he would not have used it. I reply instantly that the Government has no right, either moral or legal, to take the money from one blacksmith and give it to another.

Mr. McKELLAR. I thought the Senator would answer the question in that way.

Mr. CUMMINS. But a corporation which is organized as a public utility or engaged in a public business is subject to very different control. If the Senator from Tennessee had listened to the argument made by the Senator from Wisconsin [Mr. LA FOLLETTE] he would have seen the basis of that control—namely, the company devotes its property, it dedicates it, to a public business in which the public has that interest which gives it the legitimate right to control and restrict the return upon the investment.

Mr. McKELLAR. There is no difference in the world between the Senator and me on that subject.

Mr. CUMMINS. There is no difference between us there?

Mr. McKELLAR. None whatever; but that is not my question. If the Senator will permit me just a moment—

Mr. CUMMINS. I should like to answer the Senator's question.

Mr. McKELLAR. Just one word. That is not my question. My question is, What moral or any other kind of right has the United States Government, under the terms of the bill, to take away the earnings of any of its citizens, whether a corporation or an individual, and give them to another of its citizens who is confessedly less deserving?

Mr. CUMMINS. Mr. President, I am about to answer that question.

Mr. McKELLAR. That is a question I desire to have answered.

Mr. CUMMINS. But it is necessary to precede the answer by what I have already suggested in order to present a fair perspective. If there were but one railroad and there were but one community and the one railroad served but the one community, I assume the Senator from Tennessee would not dispute the right or the propriety on the part of the Government to fix rates that would provide a fair return upon the investment?

Mr. McKELLAR. Mr. President, right there let me differ from the Senator. I think that the only power the Government can vest in the Interstate Commerce Commission, even under the illustration cited by the Senator, is to fix a fair and reasonable compensation to the carrier for the service it performs for the public.

Mr. CUMMINS. Precisely; and when the Interstate Commerce Commission comes to decide what is a fair and reasonable compensation or fair and reasonable rates—and the word "rates" may be used instead of the word "compensation"—how does the Interstate Commerce Commission reach a conclusion upon that point?

Mr. McKELLAR. It does so—

Mr. CUMMINS. Just a moment. It reaches the conclusion by an inquiry into the expenses of operation, the cost of maintenance, the amount of capital invested, or the value of the property, and then it attempts to establish rates that will pay the cost of maintenance and operation and make a fair return upon the value of the property or the investment, as the case may be. That is the way it proceeds.

Mr. McKELLAR. Oh, no, Mr. President; my proposition is that the Interstate Commerce Commission in fixing the rates in the case cited by the Senator is not concerned as to the effect they are going to have; it must fix the rates as a reasonable compensation for the service rendered. I tried to show a little while ago that under the Constitution of the United States the Congress has no power to delegate authority to the Interstate Commerce Commission to tax the public for the benefit of a corporation by permitting that corporation to make money.

Mr. CUMMINS. Mr. President, the Supreme Court has decided, I think, in a score of cases the real standard to be observed by the Interstate Commerce Commission.

Mr. McKELLAR. As a rule of computing compensation, but not as a method of computing taxation for the benefit of another individual or corporation concerned.

Mr. CUMMINS. I do not understand quite the distinction between compensation and taxation.

Mr. McKELLAR. I am trying to explain that from my viewpoint.

Mr. CUMMINS. But the Senator asked me a question, and I am endeavoring to answer it. I have answered it up to one point, assuming that we have a single corporation, and I am saying—

Mr. McKELLAR. Mr. President—

Mr. CUMMINS. I hope the Senator will not get impatient with me, because I can not answer his question except in my own way.

Mr. McKELLAR. Will not the Senator fix as a basis of his illustration not a single corporation but competitive corporations, for we are not dealing with single corporations, but are dealing with competitive corporations?

Mr. CUMMINS. I will do that in a few moments; but I think that by dealing with a single corporation the Senator will be better able to understand my view. I have already stated the duty of the Interstate Commerce Commission or any regulating tribunal in fixing rates for a single corporation. Now, we come to the many corporations which we must regulate and control, and we find that 4, 5, or a dozen—I care not how many they may be—competitive carriers which must do business at the same rate or disappear, for all competitive carriers must carry traffic at the same rate or substantially so.

We find that certain rates would give to the single carrier of which I have spoken a fair return upon its investment or upon the value of its property, but the same rates applied to the business of the remaining half-dozen carriers would not give to them a fair return upon the value of their property. We want to maintain these carriers; the public interest requires that they be maintained, and so we are driven to this necessity: The Interstate Commerce Commission must raise the rates so that they will provide a fair return upon the value of the property of the remaining carriers. Then they are lifted so high that the single carrier of which I have spoken will receive an excessive return. I do not want to put that burden upon the American people, and therefore we are trying here as best we can before the consolidation which I think is necessary shall be brought about, to avoid putting that burden upon the people by lifting the rates or the net operating income just a trifle above those in existence

before the Government took possession, and then saying that if upon those increased rates any company earns more than 6 per cent, the excess it receives as trustee; it does not receive it as its absolute property but receives it under an obligation to pay it to the Government for such disposition as the Government may desire to make of it.

I am sorry I have taken so long to answer the question, and I am very much obliged to the Senator from Tennessee for yielding.

Mr. McKELLAR. If the answer is satisfactory to the Senator, I am glad it is so. I am frank to say that I do not think the Senator has answered the question which I put. It was simply how he defended taking away the honest earnings of a railroad that was giving to the public a splendid service and turning a portion of those earnings over to railroads that were not giving the public good service; and I do not think, with all due respect, that the Senator has answered that question.

Mr. JONES of New Mexico. Mr. President, if the Senator will yield, I should like to ask one question in connection with the statement just made by the chairman of the committee. As I understood the chairman of the committee, he stated that it was impracticable to allow a rate for one company different from the rate of another. I should like a little more information on that subject, if I may, and if it will not take too much time.

Mr. McKELLAR. May I ask the Senator to defer that for a little while?

Mr. CUMMINS. I will defer it, but I am sure a single word will answer it.

Mr. McKELLAR. All right.

Mr. CUMMINS. I said "in competitive business."

Mr. JONES of New Mexico. Oh, yes; I did not catch the word "competitive."

Mr. CUMMINS. And of course 85 per cent of the business of any given company of any magnitude is competitive business.

Mr. JONES of New Mexico. I did not catch the word "competitive."

Mr. McKELLAR. Now, Mr. President, as I understand this bill, it directs the Interstate Commerce Commission in the ensuing year of 1920 to fix the valuations and raise the rates—for that is what it means—to a point where the railroads may be paid net 5½ per cent on their capital invested.

Mr. DIAL. On the value of the property.

Mr. McKELLAR. On the value of the property, which is their invested capital, of course. Then I read this provision:

That in the year 1925 and in every fifth year thereafter the commission shall determine what, under the conditions then existing, constitutes a fair return upon the value of such railway property, and it may increase or decrease the 5½ per cent basis herein prescribed, or the basis for the determination of excess income.

In other words, as I understand the bill, every five years the Interstate Commerce Commission must make a new valuation and a new assessment of taxation on the public in order to fix this reasonable return.

Now, let us assume that they perform their duty in 1920 at the present high prices—high prices of labor, high prices of material, high prices of everything—and in the year 1922 or 1923 prices fall. They are unable, according to the terms of this bill, to refix the charges until 1925. If so, there is a very great likelihood that an immense amount of money will be collected and turned over to the railroads, by this method of taxation, that ought not to be turned over to them.

Mr. CUMMINS. No; Mr. President—

Mr. McKELLAR. I yield.

Mr. CUMMINS. The Senator from Tennessee, I think, is wrong with regard to that construction of the bill. There is nothing in the provision which he read with respect to valuation. The power given to the commission in that paragraph is to change the basis. That is, they can reduce or increase the 5½ per cent; they can reduce or increase the standard of 6 per cent for determining excess income; but if the value of railway property shall decrease within the next year the Interstate Commerce Commission has full authority to put its 5½ per cent basis upon that valuation. It can do that at any time.

Mr. McKELLAR. The wording of the act does not say that; and I think the Senator will find that whenever this bill passes just as it is, and it is attempted by the commission to decrease the rates or to decrease the valuation except at the five-year intervals, it will be replied that the statute has fixed the five-year period of assessment of rates and of values.

Mr. CUMMINS. If it were so replied the commission could instantly say that it was an unsound position.

Mr. McKELLAR. It depends on the law. This law directs the commission what to do, and it must comply with the law.

Now I will pass to something else.

Mr. President, I have been concerned about the public in this legislation. I do not know where the public comes in. There is very little difference in principle between this bill and the Plumb plan. There is just one general difference between the Plumb plan and the Cummins plan.

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

Friday, December 12, 1919.

Mr. McKELLAR. Mr. President, when I discontinued yesterday afternoon I had referred to the similarity between the bill now before the Senate, known as the Cummins bill, and the Plumb plan, dealing with the same subject. There is not very much difference between plans. One is a little more direct than the other, but both are paternal and both bolshevistic. Under the Plumb plan the United States virtually buys the railroads and turns them over to the railway brotherhoods for operation. That is substantially the Plumb plan. Under the Cummins plan the Government becomes virtually responsible for the value of the railroads. It does not buy them outright, but makes them all good—it makes the bad good and the good bad—and then turns them over to certain of the railroad owners to be run through the political board of five to be appointed. In neither bill is the public protected; in neither bill are the public interests safeguarded.

In the one there is a guaranty that the earning capacity of the railroads to their owners shall be without question, while under the Plumb plan management and control for the benefit of those who actually operate them is guaranteed and at the same time pays the owners a big price for them. In principle they are identically the same; the Government becomes responsible for the roads in either event, in one case paying for them outright and in the other becoming guarantor of them.

The pending measure is about as nearly a Government-control bill or a Government-ownership bill as can possibly be arranged without providing actually for Government ownership. We may as well face the fact about it. If we pass this bill we are going to have all the elements of Government ownership without any of its benefits. Why do I say that? Mr. President, the railroads to-day are earning their own way under the present rates. They have been doing that since August last, I am informed. Do not let us forget that. Under Government control and operation they have been making money for the last three months, and are several million dollars to the good each month.

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

Mr. McKELLAR. In just a moment I will yield to the Senator. They are earning their own way now under present rates. No man will dispute the fact that if the railroads are returned to their owners under the Cummins plan there must be an increase in rates. What excuse can Congress give for turning them back with the consequent necessity of increasing rates 25 to 50 per cent, when under present conditions the railroads are now paying their owners 5 per cent on the investment and earning their own way? If we have no choice between the Cummins plan and the Plumb plan it is the part of wisdom and the part of good sense, it seems to me, to pursue the plan that we already have by which the roads are sustaining themselves under the present rates. Surely it will be not to the interest of the shipping public and of the business public in this country to adopt another plan, which is virtually a plan of Government ownership and control, and which will require an immediate increase in the rates.

I now yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator has just stated that the roads now and for a short time past—

Mr. McKELLAR. Since August, I believe.

Mr. KING. Since August have been making a profit. My information is quite the reverse. It is possible the books may show some profit; but I assert that the Railroad Administration is not maintaining the roads as they ought to be maintained and that they are taking money from the maintenance column and crediting it to profit. I know of roads in this country that have deteriorated very greatly under the Railroad Administration; and I have no doubt in the world that the statement of the Senator from Iowa [Mr. CUMMINS] is true that there will be claims against the Government for millions and tens of millions of dollars, which it may take years to decide, for unliquidated damages because of deterioration of the roads through the maladministration of the Railroad Administration of the country.

Mr. McKELLAR. I have no possible doubt about claims being presented by the railroad companies; they are certain to come in. That is the inevitable consequence of the policy that we have pursued, and just as inevitably is it the consequence of the proposed policy in dealing with the railroads. What we ought to do is to restore the railroads to their owners and let them work out their own programs of dealing with their own property. It

is not the duty of the Government to furnish beforehand a program and a guaranty of the program, whether a guaranty is to the best business interests of the country or not. Those who believe in the principles of the Adamson law may well be for the Cummins proposal; those who believe in the Plumb plan may well be for the Cummins proposal. It just needs a little diplomacy to make the Plumb plan almost identical with the Cummins plan. That brings me to the so-called provisions for arbitration in this bill.

The board of transportation created by the bill passes upon disputes between the labor in the employ of the railroads and the employers. It is true that there is a committee appointed by the railroad transportation board, a committee of eight, four of whom shall represent labor and four of whom shall represent the carriers. If they differ the matter is to be certified to the transportation board that controls the carriers, and three out of the five members of this transportation board will settle the difficulty. Why, no one can be deceived by that. That is not arbitration. That is submitting the question to the representatives of the railroad owners, this transportation board of five, and their decision is final.

I say that there is no difference between this plan and the Plumb plan. Why? Well, surely under the Plumb plan the railroad operatives have to deal with the railroad owners. It is just as simple under the Cummins plan. Here comes a request upon the part of the operatives for, say, a \$50,000,000 increase. It comes to the board. Well, now, what are the members of the board going to do? Are they going to decide that question against the operatives and disrupt the whole railway system, which is now by this bill combined into one? Are they going to do that? Which will be the line of least resistance? Which will be the easiest horn of the dilemma for them to take? Why, it is as simple as it can be. They will do just what Congress did in the case of the Adamson law. They will say, "All right, we will just let your wages be raised \$50,000,000, and we will certify the matter to the Interstate Commerce Commission and let them raise the rates on the public to pay for it."

They are not interested in whether the wages are high or low. They have no interest in the question of wages any more. What interest have they in the wages? None whatever. Why? Because they are guaranteed their 5½ per cent, whatever the wages may be. The 5½ per cent is net.

I believe in the arbitration of differences between employees and employers, especially in the case of the railroads. They ought to be arbitrated; there ought not to be a tie-up of the country's business; but there ought to be a fair, just, and comprehensive arbitration of the differences by an impartial body, and not by the body that runs the railroads. This political board, three of one party and two of another, necessarily political—it can not be anything else but political—is not the proper body to pass finally upon the matter of arbitration of differences between railroad employees and their employers.

Mr. STANLEY. What board does the Senator refer to?

Mr. McKELLAR. The transportation board.

Mr. STANLEY. That is the board of appeal.

Mr. McKELLAR. Well, of course it is; but surely with the board that does the examining and makes the report in the first instance, being composed of four representatives of the labor unions and four representatives of the carriers, the Senator can not for a moment think that that body has any authority in the premises. The only board that has any authority in the premises is the transportation board.

As I said before, I believe in arbitration. I am rather inclined to think that I would consent to some proposition like this if the final power of arbitration were placed in the Interstate Commerce Commission, a representative of the Government, that has nothing to do with the railroads except the fixing of rates as laid down in this bill, and a body that is known to be fair.

Mr. STANLEY and Mr. NORRIS addressed the Chair.

Mr. McKELLAR. Just a moment. I would much prefer it; but as it is now, the final control being vested in a political body of five men, three of whom are to belong to one political party and two of whom must necessarily belong to the other political party, I am unwilling to give my approval to that system of arbitration where that board is the manager and controller of the entire railroad system.

Mr. NORRIS. Mr. President—

Mr. McKELLAR. Will the Senator from Nebraska excuse me a minute? The Senator from Kentucky first asked to interrupt.

Mr. NORRIS. Certainly.

Mr. STANLEY. Mr. President, as I gather from the Senator's statement he is under the impression that the board of wages and working conditions, being composed of two representatives

from the railroads and a like number from the labor organizations and crafts, and not being an odd number of men, will necessarily fail of agreement, and that all of these disputes will finally be determined by the transportation board.

Mr. McKELLAR. All of them that amount to anything.

Mr. STANLEY. I am inclined to concur with the Senator in that opinion.

Mr. McKELLAR. Why, of course.

Mr. STANLEY. One other question right at that point. If the crafts and labor unions name expert representatives, and the railroad organizations name capable and loyal representatives, and this alleged board of conciliation discusses the matter for five or six months, does the Senator think that will make it any easier for the board with final jurisdiction to settle the matter than if it came to them *ab initio*?

Mr. McKELLAR. It is possible that publicity may have some effect on the final decision of the transportation board. Publicity always has an effect; and this committee, composed of four representatives of labor unions and four representatives of the carriers, unquestionably ought to do some good in the matter of publicity only; but, so far as the ultimate right is concerned, they have none. But it is wrong in principle for another reason.

Mr. STANLEY. May I ask another question right at that point?

Mr. McKELLAR. Certainly.

Mr. STANLEY. In that event, does not the Senator think it would be better to adopt the principle which has worked, while this never has worked—the Canadian system of conciliation? There boards similar to those the Senator has described—non-partisan, disinterested boards—have the right to hear these labor disputes. Strikes are forbidden while the disputes are pending before these boards. When the determination is made, whether for or against the labor organization, a copy of the report is furnished to both sides; it is furnished to the leading labor journal of Canada; it is furnished to certain other channels of publicity; it is furnished to any newspaper requiring it; it is furnished to any person, any private citizen interested in the matter, at the absolute cost of publication. That character of publicity has tended to bring this powerful force of public opinion to bear upon the party that is obdurate or in the wrong; but there is no such provision in this bill.

Mr. McKELLAR. None at all. This is based on an entirely different principle. I am rather inclined to think that a provision along the line suggested by the Senator, such as Canada has—and it is well known—is right and proper. I believe the same principle has been put into a bill that has been introduced here by the Senator from South Dakota [Mr. STERLING]. But even then, with limitations, this bill recognizes the rights of the labor unions and of the railroads, but it does not recognize the right to be represented of the great body of labor that is not in the labor unions. I am not advised as to just how many employees of the railroads are not incorporated in the labor unions, but there are a great many. There are thousands of clerks who labor with their hands just like any others who are not members. I venture to say that quite a respectful number of employees of the railroads are not connected with labor unions at all. They should have representation in this arbitration body, in any body of arbitration or conciliation; and surely neither class of the employees should be compelled to submit their differences to the five men that are given the control and the absolute management of these railroads. I do not think it is fair in principle, and I know it will not work in practice. It will cause disturbances from the very beginning and result in the only possible method of settling those controversies, namely, that the board will certify the increase asked for by the employees, and the Interstate Commerce Commission will be compelled, under the mandatory provisions of this bill, to transfer the burden to the people of the United States. Now, that is my judgment.

Mr. STANLEY. Mr. President—

Mr. McKELLAR. I yield to the Senator.

Mr. STANLEY. The Senator has been very patient, and I hesitate to interrupt him again—

Mr. McKELLAR. That is all right.

Mr. STANLEY. But while the Senator is on that subject in his very elaborate and able argument, I wish to call his attention to this matter, because I presume he has given it careful study:

The excellence and power of the Interstate Commerce Commission has been due in great measure to the fact that it has been free from political alliances and free from the suspicion of outside influences. Now, if you create this transportation board, which will assume powers hitherto exercised by the Interstate Commerce Commission, and clothe it with this power, it will be the most powerful organization, outside of the Govern-

ment, in the United States. It will hold in its hands the industrial life and the hopes of the labor unions and of the railroad companies. This power to fix wages is an enormous power. Both sides of the controversy will necessarily be interested in the personnel of this board. Has the Senator considered any way by which such a board can be appointed whereby it will not be selected either at the instance of the labor movement or at the instance of the owners of these transportation systems?

Mr. McKELLAR. No, Mr. President. I realize the force of the suggestion made by the Senator from Kentucky; but neither I nor any other man, I believe, can arrange any such board that will give any such guaranty. The reason why I said that I should be inclined to support an amendment substituting the Interstate Commerce Commission for the transportation board as the final arbitrator in this matter, if we can not secure a better method of arbitration, is because of the very fact the Senator mentions, that it is well known that the Interstate Commerce Commission is not controlled by the railroads on the one side or the union or nonunion men on the other; but that as a whole that body has the confidence of all fair-minded men in this country; and having such a board already in existence, having the confidence, as I believe, of both sides, and having the confidence of the people of this country that it will do what is fair and square and just and reasonable, if we are to have final arbitration we had better leave it to that body which has done so well in the past.

Mr. CUMMINS. Mr. President—

Mr. McKELLAR. I yield to the Senator.

Mr. CUMMINS. Mr. President, the statement just made by the Senator from Tennessee presents a question on which there may be very fair difference of opinion. I think that I can recognize the matters within the range of fair differences, and I readily grant that that is a subject upon which men may differ. But if that is true, the Senator from Tennessee could very easily test the sentiment of the Senate and the judgment of the Senate upon the question by offering an amendment that would transfer that jurisdiction to the Interstate Commerce Commission.

However, I want to call the Senator's attention to what seems to be a very strange delusion upon his part. The relation of the transportation board to the railroads will not be any more intimate than the present relation of the Interstate Commerce Commission to the railroads. They occupy exactly the same attitude toward the railroads as a regulating, governing body. If a President of the United States were to select as members of the transportation board either incompetent or dishonest men, men who did not understand that it was their duty to protect the public within the limits of the law, then all the consequences suggested by the Senator from Tennessee would follow. But this bill is composed upon the theory that the President of the United States will select for a transportation board men who are just as competent, men who are just as impartial, men who are just as well disposed toward the public interest as the Interstate Commerce Commission can possibly be; and one is no more a political body than the other, because they both come from the same appointing power.

I hope the Senator from Tennessee will not make up his mind with regard to the bill upon the theory that we are to have a President who will appoint a transportation board simply to do the bidding of the railroad companies.

Mr. McKELLAR. Mr. President, in so far as the substitution of the Interstate Commerce Commission for the board is concerned, I think it would be a very great improvement, and I had intended to offer an amendment to that effect. As to the other matter, that brings me to a point where I desire to discuss for a few minutes this transportation board.

We have lately had a very apt illustration of the double board system in the United States. It has cost the American people probably a billion dollars to have a double-barreled board doing the same thing in another department of Government. I refer, of course, to the Shipping Board and the Emergency Fleet Corporation. Instead of establishing one board, in the stress of war times the United States Congress established two boards, with varying jurisdictions and with doubtful lines of demarcation between them, just as in these two boards. It was a failure from almost the beginning. The president of one board immediately became unfriendly, from the standpoint of service, at any rate, with the president of the other board. Their jurisdictions were so interwoven that one of the boards claimed jurisdiction of one subject and the other board of the same subject; and the differences between these two boards got to be almost, if not quite, a public scandal, to the immense loss of the American people.

With that sort of an experience before us, why should we, as reasonably sensible people, want to establish two other boards of like kind to handle the railways? The President was forced

to compel a consolidation of the work of those two boards before it was over with, such was the scandal in reference to it, such were the differences. Now, the committee in this case comes right along and gives us another such proposal. I want to read just a moment from the act by which the transportation board is established:

There is hereby created a transportation board, which shall be composed of five members, to be appointed by the President, by and with the advice and consent of the Senate—

And so forth.

The chairman shall be selected—

And so forth.

Each member of the board shall receive a salary of \$12,000 per year, and be provided with suitable offices in Washington and elsewhere.

Now, listen to this:

And shall have power to employ such assistants, clerks, stenographers, attorneys, and experts as may be necessary to perform the duties hereby imposed upon it, and the compensations of such assistants, clerks, stenographers, attorneys, and experts shall be fixed by the board—

And so forth.

Then it goes on and transfers a very large proportion, probably the greatest proportion, of the business of the Interstate Commerce Commission to this board of five members. What is the object? What is the purpose? Why should we have two boards to run the same business with equal jurisdiction? Why should there be such questions raised? We found that it was a failure in the past in regard to the shipping interests of the country. Why should we think it would be a success if applied to the railroads? What is the underlying purpose of it? I do not know, and I make no charges about it. But it is remarkably peculiar that to a transportation board of this kind shall be turned over so large a part of the duties of the Interstate Commerce Commission. Why should there be set up this other large and expensive organization, with its thousands of employees and its millions of overhead expenses? We will be soon building expensive buildings for its separate use, and the taxes upon the people will be even more enormous. The Senator from Kentucky [Mr. STANLEY] is a member of the Interstate Commerce Committee. Could he tell us why this board was established?

Mr. STANLEY. Mr. President, as far as that provision of the bill is concerned, I am not of the opinion that there is a necessary conflict of authority or in any material degree a duplication of work. The taking over of the railroads by private enterprise and the reorganization of the whole system will necessitate an additional amount of labor that I believe it is rather generally admitted would entail upon the Interstate Commerce Commission, as at present constituted, greater labors than it is humanly possible for that very overworked and very busy body to perform. For that reason, as the Senator knows, the House bill has increased the personnel of the Interstate Commerce Commission.

The Interstate Commerce Commission performs two distinct classes of duty. One might be called judicial in a way. In fact, it was contended for many years, as the Senator well knows, that the fixing of rates and the like was a judicial function that Congress could not delegate to a commission. Then they perform other duties that are technical and ministerial, for instance, the enforcement of the safety-appliance act and the car-service act.

Mr. McKELLAR. I understand that.

Mr. STANLEY. And things of that kind, which require a technical knowledge of railroading, but are entirely different from the duties involved in the fixing of rates, and in the determination of capitalization, and in this bill, and duties of that character have been turned over to this board. They have separated by a very natural process the two distinct and entirely different businesses now conducted by the Interstate Commerce Commission, all of which require the highest technical skill and a knowledge of this very intricate business, and they allow the Interstate Commerce Commission to exercise a simpler although a more extended authority, and allow this board to perform other duties that are essentially different.

That part of this bill is not, to my mind, especially objectionable, if objectionable at all. But to make either one of these boards a court of final jurisdiction in labor disputes is to involve it in all character of troubles, and to subject it to every character of criticism, for there is no way to decide labor disputes without making one side or the other mad.

Mr. McKELLAR. I agree with the Senator in his last conclusion, and I disagree with him, of course, in his argument about the necessity of these two boards. I know that in the Military Affairs Committee during the war, when we had an officer whom we wanted to displace by reason of his inefficiency,

and we wanted to do it diplomatically, we promoted him so as to get rid of him, and put a good man in his place. I was wondering whether the Committee on Interstate Commerce was not pursuing some such policy here, whether they did not want to get rid of the Interstate Commerce Commission, as far as possible, and to put something else in its place. Whether that was the purpose or not, I can not say. But there is one thing I do say, that whatever the purpose, any attempt to take away the powers of the Interstate Commerce Commission or to destroy its influence in this country is improper and wrong, and not a sound public policy, and will not be a popular policy in this country.

The Interstate Commerce Commission was organized in 1887 after a tremendous fight; but it has so conducted itself, taking it by and large, that it has been a benefit. I do not mean to say errors have not been committed; of course there have been errors committed. No board can get along without committing errors any more than no man can get along without committing errors. A man is of no account unless he does commit them sometimes; but for the most part it has been a commission that has been of great benefit to the transportation interests of the country, to the shipping public, to the commercial world, and to the railroads themselves. In many instances it has been the very bulwark of the rights and the interests of the railroads themselves. Why dispose of it by giving this sugar-coated pill? Why dispose of the great body of its functions? Why divide its jurisdiction? Why take away its power? What is the reason for doing so? I think the reason is shown just a little later.

Senators, this bill provides for one of the most gigantic trusts that was ever created in the history of the world. It provides for the consolidation, within a period of seven years, of the entire railroad interests of this country under the supervision of this one board. It provides for the consolidation of probably \$20,000,000,000 worth of property.

Mr. FLETCHER. These interstate roads?

Mr. McKELLAR. These interstate and intrastate roads, because it combines them all, whether intrastate or interstate. Not only that, at first it starts out by what might be called what President McKinley, I believe, called many years ago "benevolent assimilation."

It provides that there should be not less than 20 railroad corporations and not more than 35. They are all absolutely under the control of the transportation board. They are controlled and managed as one institution, as one great railroad. I say that is a wrong policy and ought not to be permitted. No other railroad corporation in the country can be organized without the consent of the board. Not a foot of railroad can be built without the license and privilege to do so is extended to the person or the corporation by the board.

In the great part of our country that is undeveloped, so far as railroads are concerned, there ought to be new railroads built, but can they be built? If there are three out of the five members of the board here in Washington, or wherever they have their offices, who say that no railroad corporation can be formed in Tennessee or in Kentucky or in Texas or in Arizona or in Minnesota or in Wisconsin or elsewhere where they are needed, then, however great the necessity of those localities for a railroad, the corporation can not be organized and the railroad can not be built unless this political board so decrees.

The bill provides that every enterprise of that kind may be crushed out by the board if it is to the interest of the general railroad situation in the country. That is too much power to grant any board. It is contrary to American institutions and American policies. It ought not to be permitted, and I, for one, am not going to vote for it.

Railroad corporations now have very large powers. They are given even greater powers under the bill. All railroads that are constructed and existing at all are to be chartered by the United States Government under the provisions of the bill. A State government has no right to charter a railroad under its laws and constitution. The right of a State legislature directly or indirectly to give corporate existence to an enterprise to build a railroad is taken away from it by the bill. Not only that, but under the terms of the bill a railroad company, if it gets the permission of three of the five members of the transportation board, can run a double-track railroad right down the center of Salt Lake City, I will say to the Senator from Utah [Mr. KING]; they can run a double-track railroad right through the principal streets of Jacksonville, Fla., I will say to the Senator from Florida, or of Memphis, Tenn. They have a right under the enormous power given them under the provisions of the bill to run a double-track railroad down Fifth Avenue in New York City, if it is to their interest to do so, and if they can get the

permission of three members of the transportation board, by paying fair and just compensation.

I do not know how it is in other States, but in my State the Supreme Court of Tennessee has held—and I think it was an opinion that was delivered by my colleague [Mr. SHIELDS] when he was on the bench—that the resting places of the dead were sacred, and that a railroad could not run its tracks through a graveyard. That decision and every other law of like kind is set aside by the provisions of the bill. Listen to it:

Specific power is given to enter into any State or Territory of the United States in which there are lines of railroad of the system which it owns or into which extensions may be authorized and transact therein the business of a common carrier of passengers and freight without respect to the assent or dissent of any such State or Territory.

Mr. KING. Mr. President—

Mr. McKELLAR. Just one moment. Under the power granted by the provisions of the bill the homes or the streets of the living and the resting places of the dead can be desecrated by any railroad that gets the permission of three of the five members of the transportation board, and they can do it without regard to the people themselves first, to the local authorities, to the county authorities, or to the State authorities. All power is given them to go and take what they see fit. If they want to put railroads directly through the various cities of the country because it will be to their interest, a majority of the transportation board clothed with that power have the right to grant it, regardless of State law.

I now yield to the Senator from Utah.

Mr. KING. I was about to suggest to the Senator from Tennessee that I am inclined to think the view expressed by him as to the power of the board to determine the termini and the routes of railroads is correct; but, of course, it would be subject to the constitutional limitation that the property must be paid for, because it is taken for a public purpose.

Mr. McKELLAR. Oh, of course.

Mr. FLETCHER. Reasonable compensation.

Mr. McKELLAR. Yes.

Mr. KING. I am not sure, if the Senator will pardon me further, whether under the bill they would invoke the laws of the State as the modus operandi of ascertaining damages and being put into possession, or whether it would call for some act of Congress to determine that question, or whether it would be left to the whim and caprice of the board itself.

Mr. McKELLAR. When we pass the bill we will have passed a law which authorizes the railroad companies to do that. For instance, my home city of Memphis, Tenn., is built right along the bank of the river where what is known as Main Street, the principal street of the city, runs 4 miles north and south. Manifestly it would be to the advantage of a railroad company to have one or more lines of railway along that street through the city. If they want to use it they can take it under the provisions of this bill without let or hindrance. The fact that it may have been turned over to another use—a street car use or to the public under the eminent domain for use as streets or any other fact in connection with it—may be overridden by three of the five members of the transportation board. They have the unqualified right to go into any State and take what they want. That applies to every State in the Union, and I say that it is too much power to give this board or any other board.

Mr. GAY. Mr. President—

Mr. McKELLAR. I yield to the Senator from Louisiana.

Mr. GAY. I desire to inquire of the Senator from Tennessee, while he is speaking of the situation along the water front of the city of Memphis, whether the city control the water front and the dock facilities and whether they have any belt railroad along the river? Does the city of Memphis itself own the dock facilities there and the terminals and is there a belt railroad there?

Mr. McKELLAR. Yes; there is a belt railroad, and the city either now owns or is in the act of purchasing the dock facilities. But the railroad chartered under this bill can come along and take the belt railroad and the dock facilities under the provisions of the bill. They do not have to ask anybody about it except the transportation board. We have a perfect right to legislate on all features of interstate commerce, and a law enacted by Congress on that subject is paramount to any other law. Armed with the opinion or license of three members of the transportation board they have a perfect right to go into any State, into any community, into any city, either where the living or the dead rest, and take what they desire.

Mr. GAY. I desire to call the attention of the Senator to the fact that I have introduced an amendment to the bill in regard to control of the terminal facilities owned by the State or any

subdivision thereof. I believe it is in line with the views he expresses.

Mr. McKELLAR. Of course, I shall be for the Senator's amendment, but this whole bill should be defeated. I want to say to the Senator that if he will carefully examine, as I know he either has or will, the terms of the bill, he will find it is filled with just this kind of power, that means the upsetting of business and local conditions in every State and in every city of the Union. It is an absolute departure from all precedent. All the powers of a paternalistic government are centered in a transportation board of five men, which board, in effect, supersedes and is superior to the Interstate Commerce Commission in the management and control and supervision of railroad affairs.

What is the reason for that? What is the reason for these vast powers? Our country has grown splendidly under the present system. While the European war was going on railroads have not multiplied in the United States, but in normal times they multiply and do the business of the country and do it well. Our country is prospering as never before. What is the reason for forming this gigantic monopoly and putting it in the hands of three men to run ruthlessly over the people of the country where they will?

I do not know how Senators are going to defend the powers granted to railroads or to the transportation board when they go back home and are confronted with the proposition that they have yielded to the railroads all rights to go into their cities and into their States and take whatever they may desire, only having to pay a reasonable compensation therefor under the Constitution.

Mr. FLETCHER. Mr. President—

Mr. McKELLAR. I yield to the Senator from Florida.

Mr. FLETCHER. May I ask the Senator from Tennessee whether he is certain that the action would not be based upon the recommendation of the board and to have the approval of the Interstate Commerce Commission? In a good many of the clauses, particularly on page 48, section 9, dealing with the subject of physical property, it is provided—

That neither the physical property nor the securities of another corporation already engaged as a common carrier shall be acquired through the powers of eminent domain except upon the recommendation of the board and approval of the commission.

Mr. McKELLAR. That refers to another thing entirely. If the Senator will examine it he will find that it refers to the consolidation of railroads. All the railroads are required to be consolidated within seven years. If they do not do it voluntarily, if the trust does not benevolently assimilate them within seven years, then the Government comes along and forcibly consolidates them and puts them into this gigantic trust. There can not be any question about that. If the Senator will read paragraph 5 of section 21 of the bill, on page 46, he will see that the language is clear and unmistakable. The power is perfect, and we have the perfect power to grant it if we desire to do so. It is not unconstitutional. It is directly in line with the Constitution. There can be no doubt about our authority to do just what is authorized in the bill or to grant to the railroad corporations the right to do just what is authorized in the bill.

Fifth. To enter any State or Territory of the United States in which there are lines of railway of the system which it owns or into which extensions may be authorized and transact therein the business of a common carrier or passengers and freight—

Not of passengers alone, but of freight also—

without respect to the assent or dissent of any such State or Territory.

Of course, as we all know, that includes every subdivision of the State. It is a complete, arbitrary power. I am not a prophet, but if we enact it into law I desire to say that we shall all hear from it not once but frequently in the future from our various constituents.

I come now to another provision of the bill which is known as the long-and-short-haul feature. We all recognize that for freight which is hauled a longer distance or for passengers that are hauled a longer distance the railroads should have a greater pay, other things being equal; but there has been built up in this country a system of rate making, and there are certain physical conditions in the country that make it necessary that the principle of the long and short haul should at times be modified. The Interstate Commerce Commission, as it is, now has the right and power to enforce the long-and-short-haul policy; it does not need any other power; it does not need any other direction. As now constituted, it is already enforcing that provision in proper cases. This power ought not to be in this bill; it ought to be left to the Interstate Commerce Commission to do what is fair and right and just and reasonable in the premises. I think there is where the power ought to be left. There are many inequalities that ought to be remedied. There are some in my

own State. There are localities in my own State where there are gross inequalities. Some of the inland cities of Tennessee like Jackson are sufferers from discriminating rates; but the Interstate Commerce Commission can and will remedy these discriminations.

Section 43 of the bill does away with the State railroad commissions.

Mr. CUMMINS. Mr. President, may I interrupt the Senator? The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. In order that everybody may understand precisely the change that is made in section 4 of the interstate commerce act, I think I ought to say, if the Senator will allow me—

Mr. McKELLAR. I did not go into that, for I do not think it is of a great deal of importance, one way or the other, but I think probably the matter ought to be left entirely to the discretion of the Interstate Commerce Commission. However, I shall be very glad to have the Senator from Iowa explain the effect of the provision.

Mr. CUMMINS. If the Senator will permit me, I think I ought to state just what change is proposed, in that respect, by the pending bill.

At the present time the Interstate Commerce Commission has the power to authorize the road to charge more for a shorter distance than for a longer distance over the same line in the same direction, of course for the same commodity. There is no limit now upon its authority; no guide to the Interstate Commerce Commission in the exercise of that authority. The change that is made in this bill is to provide that the Interstate Commerce Commission may still authorize a higher charge for the shorter haul, but the rate for the longer distance which is less than the rate for the shorter distance must be a compensatory rate. That is the change and the only change. Personally I think we might well have made more changes than that, but it was the opinion of the committee that we ought not to go further than that at this time. I think no one can contend that a railroad carrying commodities over a longer distance should charge less for doing that work than a compensatory rate. That seems to me to be pretty well founded in reason and in justice.

Mr. McKELLAR. Well, there are facts to be taken into consideration in regard to that matter. Take the Seaboard Air Line, as an illustration. That line parallels the Southern and the Atlantic coast lines; it has a longer line to Atlanta and to Birmingham than the others. If that were absolutely and unequivocally fixed upon as an unvarying rule of measure of compensation for service the Seaboard Air Line, by which the haul was so much longer, would manifestly get no business to those cities. Questions of that kind and similar questions which may not now be enumerated should be left just where they have been left heretofore—to the sound discretion of the Interstate Commerce Commission.

While I am on the subject of the Seaboard Air Line, by the way, I desire to say that I can understand why some railroads desire to be consolidated with the others and want a 5½ per cent guaranteed rate. Take conditions which existed in the late war—I am speaking wholly from memory—and if I am wrong I hope the Senator from Iowa, who knows the facts, will correct me. There are three virtually parallel lines of railroads to the South—the Atlantic Coast Line, the Southern, and the Seaboard Air Line. The Atlantic Coast Line and the Southern have made large profits during the last several years, while the Seaboard Air Line has not been able to make expenses. The effect of the Senator's bill—and it is a good illustration of its effect—will be to take away the earning capacity of the Southern and the Atlantic Coast Line and to help out the Seaboard Air Line. It will probably make a great deal of worthless stock of the Seaboard Air Line very valuable stock; just how valuable I do not know, for I am not an expert in railroad finance; but the inevitable effect of the bill will be to give value to the Seaboard Air Line that does not exist under present conditions. Why? Because the Southern Railway and the Atlantic Coast Line have built their lines through populous, industrious, and prosperous parts of our country and are reaping the benefit of having done so.

The other line, my understanding is, was built, to a large extent, by speculators through a thinly settled country, and the business is not there. If gentlemen undertake to invest their money in a project of that kind, why should Congress authorize the Interstate Commerce Commission to tax the American people to pay for the mistakes of those gentlemen in building a line of that sort? Surely Congress ought not to be asked to guarantee gambling debts.

Mr. CUMMINS. The reply to that suggestion is that the bill does nothing of the kind. That seems to be the fundamental error into which the Senator from Tennessee has fallen.

Mr. McKELLAR. The Senator will certainly admit that those three lines will go in one group; that the rates are to be fixed on the average earnings of the various railroad lines composing the group; and that under the very provisions of the bill the excess earnings of the roads that are prospering are taken away from them and loaned to or turned over to the roads that are not prospering in order to help them out. I consider that that is pure bolshevism and communism, and is an improper, unjust, unfair, and un-American policy, and I am not for it.

Mr. CUMMINS. Mr. President, if the Senator intends that remark to be taken seriously—and I have no doubt he does—will he tell me how much the earnings of the Seaboard Air Line in the southern district—and that is one of the districts into which I presume the Interstate Commerce Commission will divide the country—would be increased by this bill?

Mr. McKELLAR. No; no living human being can tell that; but the bill does this: It puts all the railroads under the management and control of a central board here in Washington, or its subagents, and what this board can do and what it will be its duty to do under this bill is to route freight going South or coming North in such quantities as will keep afloat all the lines; in other words, it will be its imperative duty in the routing of freight and passengers to protect the interests of all the lines. This will be taking from two good roads and giving to one bad one.

Mr. CUMMINS. The Senator is referring to a different part of the bill entirely.

Mr. McKELLAR. I know that, but there are so many parts of the bill that cover the various matters that they have to be referred to.

Mr. CUMMINS. The part of the bill to which the Senator now refers was prepared by the body of men to which he seems to give his confidence completely, namely, the Interstate Commerce Commission. The bill was prepared by the Interstate Commerce Commission in that respect, and was introduced in the House by Mr. Esch, and was introduced in the Senate by the Senator from Ohio [Mr. POMERENE]. I am prepared to defend that proposal anywhere at any time; but it has nothing whatever to do with consolidations or with the features of this bill to which the Senator from Tennessee has been giving his attention.

Mr. POMERENE. Mr. President—

Mr. McKELLAR. Just a moment. I think it has; I differ from the Senator very materially about that. I think we have to consider every provision of this bill—how its various provisions are going to dovetail one into the other, what is going to be the effect on the country, what is going to be the effect of the rates on roads that are not now paying, and how much it is going to affect other roads that are paying. I do not believe in the principle. If the Seaboard Air Line is not making money, it is the fault of the Seaboard Air Line and not the fault of the Government, and it is not the duty of the Government to make that line earn money whether it can or not. If it earns money, it can only earn it by force of law, not by reason of merit under existing conditions.

Mr. CUMMINS. Mr. President, so far as this point is concerned, the Seaboard Air Line will have just the same opportunity to earn money that it has heretofore had. There will be no difference in that respect, unless the basis of 5½ per cent upon the aggregate value of all the property in the district shall have the effect of increasing rates. I do not think it will have that effect; I put my judgment against that of the Senator from Tennessee upon that point; but, so far as the earnings of the Seaboard Air Line are concerned, they will be just such as the management of that company can secure through the body of rates which the Senator from Tennessee has just said must be competitive and must be the same, at least to all terminal and competitive points. If any of the lines earn more than 6 per cent or 7 per cent, not one penny of it is to be taken and given to any other line or to any person.

Mr. KING. Will the Senator from Tennessee permit me to ask a question?

Mr. McKELLAR. I yield first to the Senator from Ohio, who has been desiring to be heard for several minutes.

Mr. POMERENE. Mr. President, I merely wish to make a suggestion in confirmation of what the Senator from Iowa has said in discussing the provision with regard to the routing of freight, and so forth. I can fairly state that it has been the judgment of the Interstate Commerce Commission for rather a long while that greater power should be given to the commission in that behalf. As a war measure we gave that power to the Interstate Commerce Commission; and it was largely be-

cause of the very beneficial results during the period of the war that these provisions were adopted.

With all due respect, I do not believe that the Senator from Tennessee fully appreciates the very great importance to the country of permitting some governmental body to route freight, particularly during seasons of the year when some railroads have not the capacity to accommodate their business.

Mr. KING. Mr. President—

Mr. McKELLAR. Just one moment. In answer to what the Senator from Ohio says, I think I do appreciate just what is proposed in this bill. It is a bill in every sense to strike down competition in service, to put a premium upon lack of attention to the public's business, to keep afloat the present peculiar policy by which they can treat the public without any consideration and draw a dividend on their investments just the same. For my part I think a bill ought to pass this body that is fair and just to the railroads, but at the same time one that will put them all on their mettle to conduct their operations as economically and as much to the public interest as possible. They should not look to the Government for their earnings. We ought to see to it that the well-managed road and, in fact, every road has the opportunity by prudent, careful management of its business to make money, and when it does make money we ought to permit it to enjoy what it makes. Whenever we proceed upon any other principle we tear down the structure of service to the public. We can only have service to the public by competition. We can not have it by penalizing good service and by putting a premium on poor service, by putting a premium upon poor service such as is done in this bill.

I now yield to the Senator from Utah.

Mr. CUMMINS. Mr. President, may I reply in just one sentence before the Senator from Utah asks his question?

Mr. KING. Yes.

Mr. CUMMINS. The Senator from Tennessee has characterized this bill as a bill to destroy competition in service and to penalize the efficient and the well-managed road. That is his conclusion. Of course, I have no way of reaching or overtaking that conclusion, because I do not know upon what he founds it.

Mr. McKELLAR. I found it on the bill as I read it.

Mr. CUMMINS. I want to put my judgment against that of the Senator from Tennessee in another generalization. I say this bill is to increase competition, to render it more effective than it has ever been before, and that it is not a bill to penalize efficient and skillful management; but when efficient and skillful management succeeds in earning more than is a fair return upon the value of its property, then it shall render an account of the excess to the Government. That is my judgment with regard to this bill, and I put it in juxtaposition to the judgment of the Senator from Tennessee. I have no doubt he is entirely sincere in his conclusion. I hope he will grant that I am equally sincere in mine.

Mr. McKELLAR. I not only grant it, but I know that every position that the Senator from Iowa takes in the conduct of this bill and his attitude toward this or any other bill in this body is always characterized by the utmost fidelity to the interests of the Government and the public that he so well serves. My conclusion is not meant to be any criticism whatever of the Senator from Iowa. We differ about the provisions of the bill. We differ about the effect of the language used. Inasmuch as we do differ, however, I believe it will help us to reach a just conclusion if the Senator will answer this question.

This bill fixes the reasonable income at 5½ per cent. Now, let us assume that a railroad running from here to New York or from here to St. Louis, or to both places, is just earning, with all the charges, 5½ per cent. If it earns any more, it will be taken away from it and transferred to this fund.

Mr. CUMMINS. No.

Mr. McKELLAR. Wait just one moment. If it earns any less, it will not make it. What incentive is there to go forward with that railroad, to make its earnings larger, to give better service, so as to attract business to it, if it is to be struck on the one side by taking away its excess earnings and having them transferred to a board or, on the other, by the Interstate Commerce Commission or the transportation board which says, "We will take away a part of your freight that you have built up here; you have built up too big a business, and we are going to take part of it away from you and route that freight along another line"? Thus attacked from both sides and, perhaps, from the rear by the labor unions, that will say, "We want an additional slice of what you are making"—attacked all around—what incentive has that railroad to go forward and give the country a better service?

Mr. CUMMINS. I will answer the Senator's question. In the first place, the railroad which he has in mind is not limited to the 5½ per cent. That is the first answer to his proposition.

Mr. McKELLAR. I do not understand the bill, then.

Mr. CUMMINS. That railroad, if it earns 7 per cent, retains 6½ per cent of it.

Mr. McKELLAR. I understand that, but I was excepting that. I do not want the Senator to make that mistake, because I have assumed that the one-half of 1 per cent for betterments and equipment and all that was taken out and everything like that and that the 5½ per cent is net.

Mr. CUMMINS. I am assuming it, too. That has nothing whatever to do with the earning of the company—the one-half per cent to which the Senator refers. That may or may not be added by the Interstate Commerce Commission, according to its discretion. But we will assume that the commission does not add it, but establishes rates upon a 5½ per cent basis for all the railroads of the district—that is to say, upon the aggregate value of all the railroads of the district. The railroad the Senator has in mind would then proceed to do business. Now, it would need all the skill that it has, all the efficiency which it can employ, we will say, to earn more than 6½ per cent, and it goes forward and earns 7 per cent, we will say—and many of them will. One-half of that above 6 per cent is left with the company. The company has the benefit, then, of one-half of 1 per cent above 6. If it earns 8 per cent, then the company has the benefit of one-half of 1 per cent between 6 and 7 and one-fourth between 7 and 8, and so on.

Mr. McKELLAR. To what figure?

Mr. CUMMINS. It furnishes all the incentive that men can feel to make their properties as efficient and with as high an earning power as possible. I can not conceive that men are going to be inefficient or disregardful of economies if by practicing economies and employing efficiency they can earn more money and keep more money than though they were careless and indifferent with regard to the management of the properties; and, of course, I think most of the railroads of this country have in operation been managed with efficiency always. They have been very criminal in some respects, in capitalization and in exploitation; but with those things the Senator is not now dealing, and I will not enter upon them.

Mr. McKELLAR. Mr. President, unfortunately nature has so constituted men and enterprise that they can not just stand still. It is an impossibility for the physical man to reach a place where he stops, and does not progress, and does not go back.

Perhaps unfortunately for some of us, perhaps unfortunately for a theoretical management of certain corporations, that rule of life is absolute—as absolute in corporations as it is in individuals. You have either got to go forward or you go backward. It is a law of nature. There is no such thing as standing still, even for an instant. And so, when it comes to railroads just earning up to the amount specified by law, it is not in the same situation that the Kentucky ducky's dram was in.

His old friend and employer, who was supposed to be a very close-fisted man, called him in one morning and said: "Jake, would you like to have a drink?" Jake said he would, and his employer poured out some liquor in a tumbler and gave it to him, and Jake drank it with a good deal of satisfaction. When he got through his employer said, "Jake, did you like that liquor?" "Yes, sah; jes' right—jes' right—jes' right." "Why do you call it 'just right'?" "Well, sah, jes' because it is jes' right, sah—jes' right, sah." "Well, why do you call it 'just right'?" The ducky said, "Well, if it had been any wuss, I couldn't have drunk it, and if it had been any better you wouldn't have give it to me; and so it's jes' right." [Laughter.]

Now, unfortunately, in railroading that can not happen. We can not just reach a point where there is neither retrogression nor progression. There is no standing-still point. We have got to go on, if we keep up the service, or we have got to go backward; and when you put a limit on the earnings of a corporation you put a limit upon its service to the public, necessarily.

Mr. CUMMINS. Do I understand from that observation that the Senator from Tennessee is opposed to all regulation that would interfere with the earnings of railway companies?

Mr. McKELLAR. Quite the contrary. I will state to the Senator in just a moment, in concluding what I have to say on this bill, just what I do believe in. Before doing it, however, I want to make my position perfectly plain.

I have no antagonism at all to railroads or to railroad companies. They are absolutely necessary to the prosperity and the well-being of the people of this country. They should be encouraged in every proper way. They should be protected in all of their property rights. They should be encouraged by the

Government to render their very best service. At all times they should be treated absolutely fairly by Congress, by the Interstate Commerce Commission, by the State commissions, and by every regulatory power.

I do not believe, I never have believed, in this so-called baiting of the railroads. It is not right. Business could not go along a day in this country without them. They are the great arteries of all business and all commerce. We must protect them in their lawful rights. We must see to it that they get a proper income. There is no desire upon my part in anything that I have said, or any inference that can be drawn from what I have said, that I am opposed to railroads; not at all. They are the builders up of communities, they are the builders up of States. A State full of railroads is a State of prosperity; it is a State of happiness; it is a State of progress; and I say that we ought not to pass any bill that will stop the building of railroads, as this bill does, in my judgment. We ought not to pass any bill that stops enterprise upon the part of the railroads themselves, as this bill does. We ought not to pass any bill that does away with competition in service, as this bill does. We ought not to pass any bill that does away with individual initiative, as this bill does. We ought not to pass any bill that allows all of these splendid corporations to gather together under one head and throttle all other railroad companies that it might be necessary to form in the future, as this bill does. I believe in the railroads. I believe in their necessity and their value, and that is why I am making this statement.

The Senator asked what I would do with them. I have prepared with some care just what I would do with them, and having prepared it with some care, I am going to read it rather than to attempt to state it. My idea of railroad legislation at this time may be set out as follows:

First. Terminate Federal control and restore the railroads to their several owners in a manner by which active competition in service may be restored and maintained.

Second. For the purpose of enabling carriers by railroad subject to the commerce act properly to serve the public during the transition period immediately following the termination of Federal control; provide for new loans to the railroads under the direction of the Interstate Commerce Commission, and with reasonable limitation upon these loans, together with a temporary guaranty of present income for a period not longer than six months; the House bill provision on the subject of loans to the railroads being deemed a wise and proper provision.

I may say in that connection that I doubt the wisdom of a six months' guaranty; but we might let the present rate of 5 per cent continue, say for 90 days; until they can secure these loans and go out and make their own way, as every other citizen goes out and makes his own way. I continue reading:

Third. Give to the Interstate Commerce Commission increased powers, including a supervisory jurisdiction over arbitration of labor troubles; the issuance of railroad securities and the chartering of additional lines, to the end that railroad securities may be stabilized and rendered a safe investment to the public; all dealings of the several railroad corporations with their employees; all subjects arising out of Federal control; refunding the carriers' indebtedness to the United States; and the establishment of minimum as well as maximum rates.

Fourth. Provide that existing rates—

I call special attention to that. The "existing rates," that are now making 5 per cent on the value of these roads, under Government control; not an increase, as provided in this bill, from 25 to 50 per cent, but existing rates. I resume:

Fourth. Provide that existing rates shall be continued with full power vested in the Interstate Commerce Commission to raise or lower them and thereby fix reasonable rates, to the end that both the railroads and the public shall be fairly treated and that each road that is efficiently, economically, and well managed shall be permitted to earn a just and reasonable income, but without Government guaranty.

Also, that railroads rendering the best service to the public and the greatest efficiency in management and operation shall be entitled to make the greatest income and that all railroads shall have and retain such incomes as they may rightfully earn without dividing any portion thereof with the Government or with other less favored railroads.

I say, Mr. President, that if this bill were recommitted to the committee with instructions to prepare a bill along those lines, it would be for the manifest benefit of the American public, and the manifest benefit of the railroads themselves. In turning the railroads back—and we ought to have done it long ago—we should make the terms fair and just toward all—toward the public, toward the railroad owners, toward the security owners, toward the operators, toward the men, both union and nonunion men. We should not put any theoretical plan on the statute books. We must not let the Government continue to hold the bag. We should not put it in the power of any railroad organization to exploit the American people.

The PRESIDING OFFICER (Mr. HARRIS in the chair.) The question is on the amendment of the Senator from Montana [Mr. MYERS].

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bail	Harris	McNary	Smoot
Bankhead	Harrison	Moses	Spencer
Beckham	Hitchcock	Myers	Sutherland
Brandegee	Johnson, S. Dak.	Nelson	Thomas
Capper	Jones, N. Mex.	New	Townsend
Colt	Jones, Wash.	Newberry	Trammell
Cummins	Kellogg	Norris	Underwood
Dial	Keyes	Overman	Walsh, Mass.
Edge	King	Page	Walsh, Mont.
Fletcher	Kirby	Phipps	Warren
Frelinghuysen	La Follette	Pomerene	Watson
Gay	Lenroot	Ransdell	
Gore	McCormick	Sheppard	
Gronna	McKellar	Smith, S. C.	

Mr. WATSON. I have been requested to announce the absence of the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], and the Senator from Idaho [Mr. NUGENT] in attendance at a meeting of the subcommittee of the Committee on Finance.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Montana [Mr. MYERS].

Mr. MYERS. Mr. President, the pending amendment has been explained and debated twice prior to to-day, but as there are some Senators here now who were not present on either of those occasions, I will simply say, by way of explanation, that the amendment is designed to take out of the bill the provision which authorizes the appointment on the board of directors of each railroad corporation coming under the provisions of the bill two directors from the employees of the railroad and two from the public, who are not stockholders and have no pecuniary interest in the railroad.

I think that feature of the bill is unwarranted paternalism. I can see no necessity or excuse for it. The matter of wages and working conditions is amply taken care of by other provisions in the bill, where a tribunal is provided for the settlement of those things, in which the employees will have a voice and before which they will have a fair hearing. I can see no reason for putting in the bill this paternalistic feature. Therefore I have moved to strike it out.

[Mr. LA FOLLETTE addressed the Senate in continuation of the speech begun by him on Tuesday. After having spoken for nearly two hours, he yielded the floor for the day.]

RECESS.

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

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Saturday, December 13, 1919, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 12, 1919.

The House met at 12 o'clock noon.

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

Infinite Spirit, our God and our Father, never far from any of us; we would draw near to Thee and receive that spiritual momentum sufficient unto the hour, that we may meet the conditions of life faithfully and efficiently, act wisely, do justly unto others as we would be done by and thus promote larger life, a finer influence with our fellow men, reduce injustice, right the wrongs and make the world a sweeter, nobler, more generous dwelling-place. In the spirit of the Master. Amen.

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

### PANAMA CANAL.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE, 11 December, 1919.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 3754. An act to amend sections 8 and 21 of the copyright act, approved March 4, 1909; and

H. R. 9822. An act to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication.

ORDER OF BUSINESS.

Mr. SELLS. Mr. Speaker, under the rules of the House this is the day set apart for the consideration of pension bills on the Private Calendar. The Committee on Pensions has two omnibus House bills and also one Senate bill on the calendar for consideration. I have been advised, however, that it is the wish of the House to proceed with the consideration of the military bill. I therefore ask unanimous consent that should the consideration of this bill be completed on or before 5 o'clock this afternoon it shall be in order to call up the private bills.

The SPEAKER. That would be in order without any unanimous consent.

Mr. SELLS. Then, Mr. Speaker, I ask unanimous consent that these bills be in order on next Friday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that in case the pension bills are not considered to-day they be in order to be considered on next Friday. Is there objection?

Mr. SINNOTT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee [Mr. SELLS] how he obtained the views of the House as to its wishes to-day? Has the gentleman conferred with the chairman of the Committee on Claims, the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. SELLS. I understand that under the rule that was adopted making this military bill the order of business the chairman of the Committee on Military Affairs really has the right to call up this bill and to have it considered.

Mr. SINNOTT. I think there may be some question about that. I for one am not willing to concede that right.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. EDMONDS. Mr. Speaker, I object.

EXTENSION OF REMARKS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for two minutes in order that I may have read in my time a telegram of resolutions adopted by the House of Representatives of Massachusetts relative to the sugar situation.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for two minutes for the purpose indicated. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I send to the Clerk's desk and ask to have read in my time the resolutions referred to.

The Clerk read as follows:

(Telegram.)

BOSTON, MASS., December 11, 1919.

Representative ALLEN T. TREADWAY,  
Washington, D. C.:

The Commonwealth of Massachusetts in the year 1919.

Resolutions memorializing Congress in relation to the deficiency in the supply of sugar within the Commonwealth.

Whereas the great deficiency in the supply of sugar within the Commonwealth is a hardship upon and harmful to the health and comfort of its people and prejudicial to its business interests; and

Whereas the supply and distribution of sugar being within the control of the Federal Government, it is not within the power of the general court to pass legislation which would increase the supply of sugar in this Commonwealth; and

Whereas it appears from the report of the special commission on the necessities of life recently submitted to the general court that the deficiency in the supply of sugar within the Commonwealth is due to the fault of the National Sugar Equalization Board; and

Whereas there has been presented to the National House of Representatives by Hon. FREDERICK W. DALLINGER, Congressman from Massachusetts, a resolve to prohibit the exportation of sugar from the United States: Therefore be it

Resolved, That the Congress of the United States be, and hereby is, respectfully requested to investigate at once the actions of said National Sugar Equalization Board in order that the reasons for the deficiency in the supply of sugar may be ascertained and the responsibility therefor determined and placed where it belongs; and be it further

Resolved, That the Congress be requested to at once take every action possible to insure an adequate supply of sugar by prohibiting the exportation thereof from the United States, or by any other means that will give to the people of the country and of this Commonwealth the amount of sugar needed for their health and comfort to maintain the business of the Commonwealth; and be it further

Resolved, That the secretary of the Commonwealth be instructed to send copies of these resolutions by night letter to the Senators and Representatives in Congress from Massachusetts.

House of Representatives December 11, 1919.

Adopted.

JAMES W. KIMBALL, Clerk.

A true copy.  
Attest.

ALBERT P. LANGTRY,  
Secretary of the Commonwealth.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Do I understand that the telegram as read is an instruction from the Massachusetts Legislature?

The SPEAKER. It is a respectful request.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to place in the RECORD a proclamation of the governor of Kansas convening the Kansas Legislature to deal with the coal situation in that State.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by printing a proclamation by the governor of Kansas relative to the coal situation. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, replying to the question asked by the gentleman from Ohio [Mr. GARD], I call his attention and the attention of the gentleman from Massachusetts [Mr. TREADWAY], who had this telegram read, that the language of the telegram does say as follows:

Therefore be it  
Resolved, That the Congress of the United States be, and is hereby, instructed respectfully—

Mr. MADDEN. Why not? Why should they not do that?

Mr. BLANTON. And now that the gentleman from Massachusetts [Mr. TREADWAY] has been instructed as a Member of Congress, I want to ask him what he is going to do about it?

Mr. TREADWAY. Mr. Speaker, I would be very glad to answer the gentleman's question if I have the time.

Mr. WALSH. Mr. Speaker, reserving the right to object to the request of the gentleman from Kansas—and I shall not object to this request—I desire, if permitted, to call the attention of the House to the condition of the supply of print paper upon which the CONGRESSIONAL RECORD is printed. It is now costing about \$60 per page to print it, and I trust that Members will refrain from asking for extensions of remarks unless the remarks pertain to measures under consideration. The Government Printing Office has men out all over the country endeavoring to secure a supply of print paper for the RECORD, and I believe that in such a stringency as this Members should be willing to cooperate by refraining from asking an extension of remarks for all sorts of communications and documents unless they pertain directly to matters under consideration.

Mr. GARNER. Mr. Speaker, does that mean that the gentleman gives notice to the House that after this request is granted he is going to object to any extraneous matter that does not pertain to the business of the House?

Mr. WALSH. I have indulged in that in the past, and when present shall think it my duty to object. If these various extensions are asked for, I think I shall exercise that right.

Mr. GARNER. I hope the gentleman will do so.

Mr. WALSH. I am just now asking Members to bear that in mind, so that objections may not be necessary.

Mr. GARNER. As a Member of the House I hope the gentleman will object and take that burden upon himself, unless the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Missouri [Mr. CLARK] will do their duty and see to it that the RECORD is taken care of. I think they ought to do it as leaders of the House.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have been impressed by the arguments brought forth by the gentleman from Massachusetts [Mr. WALSH]. I have not embarrassed myself nor been handicapped by any recent similar requests, and in this instance, therefore, I object.

The SPEAKER. The gentleman from Michigan objects.

AMENDMENT TO THE ARMY APPROPRIATION BILL.

Mr. EDMONDS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. EDMONDS. I would like to make a parliamentary inquiry. I would like to ask the Chair whether the bill before the House yesterday comes under the head of a general appropriation bill?

The SPEAKER. The Chair does not understand the question.

Mr. EDMONDS. I would like to know whether that bill will be considered by the Chair as a general appropriation bill?

The SPEAKER. No. The Chair recognizes the gentleman from Kansas.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8819.

Mr. SINNOTT. Mr. Speaker, I desire to make a preferential motion.

The SPEAKER. The Chair will state the question. The gentleman from Kansas moves that the House resolve itself

into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8819.

Mr. SINNOTT. Mr. Speaker, I desire to make a point of order against the motion, and also to make a preferential motion that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar—

The SPEAKER. The Chair overrules the point of order.

Mr. SINNOTT. And I would like to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. SINNOTT. Upon both those points of order. Mr. Speaker, the Speaker ruled last Friday that the rule before the House on last Friday displaced the bills upon the Private Calendar.

Now, the rule relating to the bill which was before the House yesterday is an entirely different rule. That rule merely authorized the motion to be made to go into Committee of the Whole House on the state of the Union for the purpose of considering that bill. But the rule before the Speaker last Friday directed the House to go into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 9755. Now, in the absence of some specific rule setting aside to-day, this day, being Friday, is devoted to bills upon the Private Calendar, pensions having the right of way.

Mr. WALSH. Will the gentleman yield?

Mr. SINNOTT. Now, there have been rulings, there have been decisions, cited to the Speaker and cited by the Speaker last Friday, to the effect that unless Friday was excepted from the operation of a rule that Friday would be eliminated. Those are in volume 4 of Hinds' Precedents, sections 3201 and 3202.

Mr. WALSH. Will the gentleman yield?

Mr. SINNOTT. Not for the present. I have examined all those rulings and all those decisions. The decision by Speaker Keifer and the decision by Speaker Carlisle were under a rule making a particular bill a continuing order of business. Not only that, but they were under a rule excepting from the operation of the rule revenue bills and appropriation bills. Mr. Speaker Carlisle held, in addition to the reason that the bill in question was made a continuing order, that because revenue bills and appropriation bills, and nothing else, were excepted from the operation of the rule, the rule indicated an intention on the part of the House to make no other exceptions. Those rules intended the exclusion of all other matters not expressly excepted, on the maxim *expressio unius exclusio alterius*, that when one thing is expressed that all the others are excluded, and it was upon that point as well as on the point of a continuing order that Speaker Carlisle overruled the point of order made by Mr. Reed. Now, Speaker CLARK has held that when there is a seeming conflict between the rules, as there may be to-day, between a rule presented by the Committee on Rules and the regular rule of the House, that it is the duty of the Speaker, so far as possible, to make the rules a consistent and harmonious whole—to reconcile one with the other in an endeavor to expedite the business of the House—and it seems to me that that principle should be maintained and followed by the Speaker to-day. Here is the Private Claims Calendar, having some 50 or 75 or 100 bills, deferred from time to time, and it seems to me that the Speaker might well rule to-day that because the rule which was adopted yesterday does not expressly eliminate Friday, that then the regular rules of the House should obtain.

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

Mr. SINNOTT. I do.

Mr. LONGWORTH. Does the gentleman maintain that the House has not the power to determine for itself what order of business it will take up for to-day?

Mr. SINNOTT. Oh, certainly the House may have that opportunity later on.

Mr. LONGWORTH. Precisely. But the gentleman can accomplish what he desires by voting down the motion of the gentleman from Kansas, and surely he can not maintain the Speaker can not recognize the gentleman from Kansas to make the motion?

Mr. SINNOTT. I have made the point of order against the motion, contending that that motion is out of order to-day until the motion to consider bills on the Private Calendar is disposed of.

Mr. WALSH. Will the gentleman yield?

Mr. SINNOTT. I will yield.

Mr. WALSH. Does the gentleman contend that the following rule—

That it shall be in order to entertain a motion that the House resolve itself into Committee of the Whole House to consider business on the Private Calendar in the following order on Friday of each week—

precludes the consideration by the House of a bill made in order under a special rule?

Mr. SINNOTT. Well, the gentleman is begging the question. I contend that the bill is not made in order for to-day; that the Private Calendar first has the right of way.

Mr. WALSH. The rule provides that after the adoption of the resolution it shall be in order to move to go into Committee of the Whole House on the state of the Union to consider that bill.

Mr. SINNOTT. Yes; I concede that, and the motion was made yesterday. Now, if the gentlemen in charge of the bill desired to protect themselves yesterday their motion should have been, instead of a motion to adjourn, a motion for a recess, and then the legislative day of yesterday would continue to-day. That was their protection.

Mr. WALSH. Will the gentleman yield further?

Mr. SINNOTT. I desire to quote another authority—

Mr. WALSH. Before the gentleman does that, will the gentleman kindly translate the Latin expression he used?

Mr. SINNOTT. When this matter was up yesterday the gentleman from Illinois [Mr. MANN] stated that to-day would be pension day. You will find that at the end of yesterday's proceedings on page 434 of the Record.

The SPEAKER. The Chair thinks that the rule that was adopted yesterday making the bill from the Committee on Military Affairs in order put that in a status where the motion to consider it could be recognized to-day by the Chair, if the Chair thought it wise. It was also in order to-day, according to the permanent rule, to move that the House resolve itself into the Committee of the Whole House to consider bills on the Private Calendar. Both of those motions are in order, and other motions might be in order. And it is the purpose of the Chair to recognize whatever motion the Chair thinks represents the desire of the House. Of course the Chair can not be certain what the desire of the House is, but the Chair has consulted different individuals who are interested in the various bills, and other Members, and has come to the conclusion that it was wise to recognize the gentleman from Kansas [Mr. ANTHONY].

Of course, the Chair can only guess what the House desires, and it is entirely in the hands of the House to determine what business it shall take up. If it votes down the motion of the gentleman from Kansas, then the next preferential motion would be in order by the chairman of the Pension Committee. The Chair overrules the point of order and recognizes the gentleman from Kansas [Mr. ANTHONY], who made the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8819. The question is on the motion of the gentleman from Kansas.

Mr. BLANTON. Division, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 73, noes 27.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, 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 H. R. 8819, which the Clerk will report by title.

The bill was reported by title.

The Clerk read as follows:

At Camp Normoyle, Tex.: For construction for the completion of main shops, \$30,000; for the purchase of real estate, \$2,500.

Field Artillery—

Mr. BROWNING. Mr. Chairman—

Mr. LEHLBACH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNING] is recognized for the purpose of offering an amendment, which the Clerk will report.

Mr. FORDNEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. FORDNEY. I want to ask permission to address the House for five minutes out of order on the sugar question.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNING] has the floor.

Mr. FORDNEY. Pardon me. I did not understand.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey [Mr. BROWNING].

The Clerk read as follows:

Amendment offered by Mr. BROWNING: Page 6, line 20, insert:

"ORDNANCE.

"To complete the purchase of real estate at Oldmans, Salem County, N. J., for Delaware ordnance depot, \$250,000."

Mr. BROWNING. Mr. Chairman and gentlemen of the committee, on August 29, 1918, the Ordnance Department requisitioned a number of farms in Salem County, N. J., for the site of an ordnance depot. I do not recall just the number of acres taken on that date, but it was the major portion of 1,825 acres totaled, a small tract of which was taken in April, 1919, for railroad purposes.

This land was requisitioned from farmers of that district, and it has never been paid for; thus has great hardship been suffered, some of the farmers having been practically bankrupted.

The department established the Delaware general ordnance depot there and expended \$4,236,650 in improvements, including expensive concrete foundations. The Government holds at this time 1,545 acres in the tract, all of which they now desire to retain permanently; 279 acres only have been returned to the original owners, leaving the 1,545 acres referred to, the buildings upon which are being used as a depository for various ordnance materials.

The farmers affected are my constituents, and I have been informed of many of the hardships to which they have been subjected. I saw a department letter written to one of the original owners, asking him to go back upon his land and submit an inventory of the damages sustained. This he did. He was also instructed to state in detail the damages to the property, which he did, and all was satisfactory except one very small item. After he had sent the matter to Washington and believed it was all settled he received another department letter, telling him to get off the land. He had by that time replanted his peach orchard which had been entirely destroyed, had fixed up his dwelling house, and placed a tenant therein. When he came to see me he asked my advice as to what he should do. I said to him, "Stay where you are. You can obey the first order, but you can not obey both orders; and so far as I can, I will protect you in what you do." I presume the man is still in possession of his property.

Mr. Chairman, those people had to give up their farms; they have practically no place to live, except in out-of-the-way locations, for farms can not be obtained except at very high prices, and it seems very unjust for the Government, after taking their land, never to have paid the owners one single penny.

I received the information only yesterday from the War Department to the effect that they wish to retain those 1,545 acres, and I was also informed that it will cost more to remove the Government's property, pay damages, and return the land to the owners than the purchase would cost at \$250,000.

I therefore offer this amendment to appropriate \$250,000 for the purchase of the land being held and used by the United States Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I have no doubt but that the amendment of the gentleman from New Jersey is a meritorious one. It is one, however, that the committee has not considered. The reason it was not considered is that in the limitation that was placed upon the appropriation bill last July, the object of which was to prevent the department from going ahead and acquiring further real estate, specifically eliminated manufacturing plants and industrial propositions. So there has been no limitation on the power of the War Department at any time to go ahead and purchase this real estate providing it was necessary in order to protect the interests of the Government. That was the language of the bill. If the department has not already gone ahead and paid for that real estate, it is due undoubtedly to the negligence of the department and not to the limitation imposed by Congress.

Mr. BROWNING. I just want to say, in answer to the gentleman, that the department has taken up the ground, but on account of that limitation it is impossible for them to pay for it. They can not pay even, in this instance to which I am referring, the award for the ground turned back.

Mr. ANTHONY. The committee does not doubt the figures submitted by the gentleman, but it would like it better if it had verified figures, signed by the Chief of Ordnance or the Secretary of War. The gentleman will admit that it is rather dangerous to make large appropriations without such a foundation.

Mr. BROWNING. Mr. Chairman, I want to say, in answer to that, that on yesterday I called up the department, and the information which I have here was gotten from the department. I am told that they need that land and propose to keep it.

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

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

Mr. BROWNING. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—yeas 17, noes 35.

So the amendment was rejected.

Mr. LAYTON. Mr. Chairman, I move an amendment.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report. The Chair would state to the gentleman from Delaware that the amendment offered is not in order now. We have not yet reached that point. We are now on page 6, and we are considering the bill by paragraphs. The gentleman's amendment is written to be inserted on page 10. The gentleman will have to wait until we reach that point in the bill.

Mr. LAYTON. I move it as an amendment to page 6.

The CHAIRMAN. The gentleman's amendment reads on page 10.

Mr. LAYTON. I ask that it be modified in that respect.

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 6, line 29, as a new paragraph insert:

"For payment for land purchased by the United States for right of way for the railroad connecting the munition plant at Port Penn, Del., and the Delaware Railway at Mount Pleasant, Del., \$32,270.90."

Mr. CALDWELL. Mr. Chairman, I make a point of order against the item on the ground that it does not appear in the bill. It is not germane to the bill. It is not in any part agreed to as being permissible as an amendment.

The CHAIRMAN. Does the gentleman from Delaware wish to be heard on the point of order?

Mr. LAYTON. I wish to be heard in this way. I will ask the indulgence of the committee—

The CHAIRMAN. The gentleman will have to confine himself to the point of order.

Mr. CALDWELL. Mr. Chairman, if the gentleman wants to make a speech I will reserve the point of order to let him make a statement.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. LAYTON. Mr. Chairman and gentlemen of the committee, I have a proposition here which is on all fours with that of the gentleman from New Jersey [Mr. BROWNING]. While the war was in progress it was necessary, of course, to build munition plants. The Government built a munition plant at Port Penn, on the Delaware Bay. In order that it might have more facile ingress and egress, they wanted a communication by rail between Fort Penn and the Delaware Railroad. This was for purposes of transportation both north and south. The Government proceeded in the Federal court at Wilmington and used the orderly processes of law. Viewers or adjusters, or whatever the proper name is, viewed these lands, condemned these lands, and made the award for these lands, and the Government took the lands over. It used the land. It graded them for railroad purposes. It cut through hills, it filled up dales, it put down the ties and laid the rails and built culverts, and on completion used the track, using locomotives and cars. It stands there to-day, a railroad track  $8\frac{1}{2}$  miles long by from 60 to 100 feet wide.

This is not a postwar proposition. This is a proposition where the Government took it over under process of law before the armistice was declared. That land is destroyed for all agricultural purposes. It runs through the most fertile and beautiful section of our State. The Government takes the position, on account of the bill passed here on the 11th day of July, 1919, that it can not pay for this land, and it says also that if it had the money it would not pay for the land, because it has another alternative, that alternative being that it could scrap the railroad, take up the ties and the iron and remove the ballast, and hand back the land to the original owners.

This is an obvious hardship of an inexcusable kind, obliging these people to employ lawyers, go into the Court of Chancery, subject them to that interminable delay which characterizes such proceedings. I have found, Mr. Chairman, a curious contradiction on the part of Members of the House relative to the act of July 11, 1919, relating to Federal contracts. I recollect very well that the sole purpose of that act was to forbid the War Department from purchasing any new land or to erect any new buildings for war purposes. And it was not intended to prevent the department from paying awards already determined by due process of law. I do not believe that Congress would have been willing to pass a law bearing the interpretation that the War Department now places upon that act; neither do I believe that a department has any right to annul the proceedings lawfully and duly had in the condemnation of these lands between Mount Pleasant and Port Penn and compel the landowners to begin new proceedings to affect the same purpose,

namely, to ascertain the amount of damages due to the confiscation of these lands.

I append hereto a letter from G. F. Woods, Director of Real Estate Service of the War Department, bearing out the facts which I have given relative to the lawful procedure had in the condemnation of these lands and other matters.

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

Mr. LAYTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

WAR DEPARTMENT REAL ESTATE SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, December 12, 1919.

Hon. CALEB R. LAYTON,  
House of Representatives.

MY DEAR MR. LAYTON: In response to the request made by your secretary to-day, I transmit the following information concerning the right of way for railroad connection to the Government's loading plant at Port Penn, Del. The right of way is about 8½ miles long and varies in width from 66 feet to 100 feet, and contains 21 parcels having a total area of approximately 66½ acres.

The acquisition of title to the above-mentioned right of way was requested by the Ordnance Department August 1, 1918. Condemnation proceedings for the title were filed August 19, 1918, in the United States court for the district of Delaware at Wilmington, Del. The following jury was empanelled: Frank N. Overdeer, James B. Oberley, Albertus B. Stayton, B. Frank Walls, Joshua J. Lambden, Leonard V. Aspril, Jr., Alexis P. Clark, Harry K. Fooks, William G. Williams, Harry S. Wood-keeper, Thomas I. Bird, and John H. Peach. The court ordered jurors to view on October 29, 1918, five of the tracts of land under condemnation.

Awards by the jury October 29, 1918, total \$32,270.90, including damages of the five tenants. Verdict was rendered by the court October 30, 1918, as above.

January 11, 1919, the award of \$32,270, from which \$826 awarded as damages to certain tenants was to be deducted, was agreed to by the War Department. Figures furnished by the Ordnance Department indicate that the construction work on the railroad connection over the above-mentioned right of way cost \$300,293.69 and the cost of the construction work of the plant at Port Penn was \$410,521.57.

The Ordnance Department has been requested to advise this office the date construction work was commenced on the railroad connection and the date the construction work was stopped, and as soon as this information is received it will be transmitted to you.

Respectfully,

G. F. WOODS,  
Director Real Estate Service.  
By EDWARD W. TURNER,  
Lieutenant Colonel, Coast Artillery Corps.

Mr. CALDWELL. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman from New York renews the point of order. The Chair sustains the point of order. The Chair believes that the amendment is not germane to the item pending.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to address the House for five minutes on the question of sugar.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to address the House for five minutes on the sugar question. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Chairman, if the gentleman will agree to produce some sugar that I can buy for my family I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for five minutes out of order.

Mr. FORDNEY. Mr. Chairman and gentlemen, the petition just filed by the gentleman from Massachusetts [Mr. TREADWAY] is out of order, for this reason: There exists to-day a corporation created in the Food Administration office by the Government, a Government corporation known as the Sugar Equalization Board, which last year entered into a contract with Cuban sugar producers to purchase all export sugar from Cuba. That contract is in existence and extends over this year, expiring on the 31st day of December.

That corporation further entered into a contract, copies of which I have, with the sugar refiners of this country to the effect that the refineries would take that sugar purchased by that corporation from Cuba at a given price, yielding to this corporation, as I now remember it, 38 cents a hundred pounds, a profit to this corporation, which money was supposed to take care of the expenses of the corporation.

It was further agreed between the corporation and the Governments of Great Britain and France that Great Britain and France would not bid in the market for Cuban sugar during that time, provided the corporation distributed equitably and equally between the people of the United States and the people of Great Britain and France the sugar so purchased. Those contracts have been strictly complied with and are being complied with to-day.

We produce in this country about 25 per cent of our consumption of sugar, both from beet and cane sugar. We import from our insular possessions—Porto Rico, Hawaii, and the Philippine Islands—another 25 per cent of our consumption.

The remaining 50 per cent of our supply of sugar is imported, chiefly from Cuba. No refiner of sugar in this country exports sugar produced in the United States, for the reason that on the exportation of refined sugar a drawback of 90 per cent of the duty paid on imported unrefined sugar is given to the refiners of the country. On all raw materials or any materials imported into this country and converted into a finished product, when the finished product is exported 99 per cent of the duty paid is returned to the manufacturer and exporter as a drawback. Therefore no sugar produced in this country is exported. The only sugar exported by anybody in the United States is such sugar as is imported, and to-day under these contracts we are in duty bound to export to Great Britain and France an equitable proportion of that Cuban sugar that is imported into this country from these purchases made by this board this year. Therefore a resolution coming at this time directing Congress to prohibit the exportation, or putting an embargo on the exportation of sugar, is in violation of the contract now existing between this Government corporation and the Governments of Great Britain and France.

Mr. KITCHIN. Will the gentleman permit an interruption?

Mr. FORDNEY. Certainly.

Mr. KITCHIN. What is the gentleman's opinion about this matter: Does he think it wise that the Government should authorize the President to purchase the Cuban crop now?

Mr. FORDNEY. I wanted to add that I have been urging members of the Committee on Agriculture to extend the power to this corporation to purchase the Cuban crop for the coming year and control again the price of sugar in this country for the coming year. If we do not, my friends, in my candid opinion, the consuming public of this country will pay more for their sugar than they will pay if it is controlled by this Sugar Equalization Board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I would like two minutes more.

SEVERAL MEMBERS. Make it five minutes.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended five minutes.

There was no objection.

Mr. FORDNEY. The reason I say that is that this corporation has fixed the price, in addition to the price that the refiners must pay for that raw sugar, and they have also fixed the price that refiners can charge for the sugar, and therefore the price at which the refiners are selling sugar in this country to-day is absolutely controlled by this Government corporation in the food department and the Food Administrator's office. Now, the taking away of that power to fix the price for the coming year is going to cause such competition in the sugar markets of the world, because of a shortage of the world supply of sugar of some 2,000,000 or 3,000,000 tons out of a total of 16,000,000 or 17,000,000 tons world's production, that in my opinion the price of sugar to the consumer will go to from 25 to 30 cents a pound. I believe this power to fix the price can be extended under the Lever Act, and if it is extended for another year in my candid opinion this Government corporation will purchase the remaining amount of sugar produced in Cuba not already sold, where practically 90 per cent of all the export sugar brought to the United States is produced, and it will be purchased at a price and sold to the refiners under such conditions as now exist for this year, and the price fixed by this corporation will be such that the refiners can charge wholesalers a price so that the consumers of this country will get sugar at a less price than they otherwise would.

Mr. MONDELL and Mr. KITCHIN rose.

Mr. FORDNEY. I will yield first to the gentleman from Wyoming and then to the gentleman from North Carolina.

Mr. MONDELL. Is the gentleman informed as to the present selling price of the Cuban crop?

Mr. FORDNEY. No.

Mr. MONDELL. I was told yesterday that it was 13½ cents a pound in Cuba.

Mr. FORDNEY. The price of last year was around 7 cents.

Mr. MONDELL. Yes.

Mr. FORDNEY. But now, as we have delayed the purchase of the crop until a portion has been sold, we must go into the market and compete with other people on that sugar at a price based on what the owner can sell it for to the people of the whole world.

Let me say that when I left my home in Michigan a week ago last Monday the price of sugar fixed by the Government for beet sugar was, I believe, 12½ cents a pound, wholesale. That price prevailed last week, fixed by the Government.

Mr. MONDELL. But the Government fixed the price of 17½ cents on Louisiana sugar, unrefined. Why does the Louisiana sugar producer get 17½ cents and the beet-sugar producer get 12½?

Mr. FORDNEY. It may be that the price of sugar in Michigan has been advanced by this corporation since that time. I do not know.

Mr. MONDELL. But they did not advance it.

Mr. FORDNEY. But let me say to you that our sugar crop began in the State of Michigan—began to be ground out—about 30 days ago. The beet-sugar refineries east of the Mississippi River began grinding out beets about 30 days ago, and that season lasts about 120 days. While that beet sugar is upon the market it supplies more than 50 per cent of the total consumption of sugar in the United States for four or five months or more.

Mr. MONDELL. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Wyoming.

Mr. MONDELL. Does the gentleman know why the Equalization Board held the wholesale price of Colorado and Michigan and California sugar down to 10 cents while they have allowed Louisiana planters to charge 17½ for their unrefined product?

Mr. FORDNEY. No; I do not know about that.

Mr. MONDELL. Having done that, how do they expect we are going to maintain a low price for sugar in America for a part of the crop?

Mr. FORDNEY. We can not maintain a lower or higher price in this country than is fixed by that corporation that has the power to fix the price; they have absolute control.

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

Mr. REAVIS. I ask unanimous consent that the gentleman from Michigan may proceed for five minutes more.

Mr. ANTHONY. Mr. Chairman, reserving the right to object, I have no idea of being unduly severe on the gentleman from Michigan—

Mr. FORDNEY. That is very kind of the gentleman.

Mr. ANTHONY. But I submit that we ought not to take up any more time on other things while the bill is under consideration.

Mr. FORDNEY. I will not occupy any more than five minutes.

Mr. ANTHONY. With the understanding that no more time will be asked on this matter, I withdraw any objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman is recognized for five additional minutes.

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

Mr. FORDNEY. Yes.

Mr. KITCHIN. Mr. Chairman, does not the gentleman think that Congress, now, before December 31, ought to pass some legislation by which the equalization board, or the President, can, for the benefit of the people of the United States, buy and distribute the Cuban crop?

Mr. FORDNEY. I have asked certain members of the Committee on Agriculture, which has this very thing in charge, to recommend to the House that authority be given to this corporation, which is a division or a part of a division of the Food Administrator's office, extending their power for another year in order that they may control the price of sugar in the United States, as they have during this year just passing out. I have asked that. I think it is wise.

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

Mr. FORDNEY. Yes.

Mr. REAVIS. I was called out of the Chamber while the gentleman was talking, and I do not know whether he has adverted to what I had in mind or not, but does the gentleman not know that last September the equalization board, with the desire to continue its functions, asked the President for permission to buy the Cuban sugar at 6½ cents per pound and he refused that permission?

Mr. FORDNEY. However that request, I am informed, was made by that board, the President, I am told, has not replied.

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

Mr. FORDNEY. And in addition to that, let me say to the gentleman that the President has not yet, as I am informed, answered either of two letters addressed to him by that corporation. In addition to that, the beet-sugar manufacturers held a convention some 60 days ago in Chicago and requested by resolution to the Government that this corporation be given control over the price of sugar for the next year.

Mr. REAVIS. But if the President had replied to that letter in the affirmative last September we could have purchased all of that crop at 6½ cents.

Mr. FORDNEY. Absolutely; yes.

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

Mr. FORDNEY. Yes.

Mr. MARTIN. Mr. Chairman, I just want to state, in answer to the question asked by the gentleman from North Carolina [Mr. KITCHIN] in regard to legislation, that the Senate just a few moments ago passed the McNary bill, authorizing the equalization board to purchase the Cuban crop.

Mr. FORDNEY. I am very glad to hear that.

Mr. MARTIN. I want to say something more in regard to fixing the price of Louisiana sugar at 17 cents. Neither the Department of Justice nor any one else has ever fixed the price of sugar in Louisiana at 17 cents. What did take place was this: The Louisiana crop is about 25 per cent of the normal crop, and, owing to the shortage of sugar in this country, when we began to harvest our crop people from all sections of the United States came down there and offered us from 20 to 25 cents a pound for every pound of sugar in Louisiana. We were then told by the Department of Justice that this would be profiteering. It would not have been profiteering, for the reason that at 25 cents a pound a great majority of the sugar planters in Louisiana would not have made a profit on this year's crop, and there could be no profiteering when a profit does not exist. However, in order to avoid any friction with the Department of Justice the sugar producers of Louisiana agreed that they would not sell their clarified sugar at a price exceeding 17 cents per pound, and the Department of Justice stated that any price in excess of this figure would be considered as prima facie evidence of profiteering. For the purpose, therefore, of avoiding friction with the Department of Justice, the sugar producers of Louisiana have sold their sugar for much less than they were offered for it. I shall go into this matter fully when the McNary bill comes up for consideration.

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

Mr. LEHLBACH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. LEHLBACH: Page 6, after line 19, after the figures "\$2,500," add the following as a new paragraph:

"RIFLE RANGE.

"At Caldwell, N. J.: For the purchase of the site known as Great Peace Meadows and the completion of the rifle range thereon, \$200,000."

Mr. CALDWELL. Mr. Chairman, I make the point of order against the amendment, or reserve it, if the gentleman desires, in order that he may discuss it. It is not germane and it is not a part of the matter stricken out of the original bill.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. LEHLBACH. Mr. Chairman, it seems to me to be germane.

The CHAIRMAN. The gentleman reserves the point of order.

Mr. LEHLBACH. I know, but I do not want to discuss the matter if the point of order is to be sustained.

Mr. CALDWELL. I suggest that the gentleman go ahead and discuss it on the merits. If he makes a good speech I may withdraw the point of order.

Mr. LEHLBACH. Then, Mr. Chairman, I shall discuss the merits of the proposition. Under paragraph 113 of the national defense act the War Department is authorized to establish at various points rifle ranges, to be available not only to the military forces but also to the National Guard and to civilians under proper limitations. In 1917 an exhaustive examination was made of the terrain known as the Metropolitan District in and about the city of Greater New York and that section of the country for a suitable range. This was done because of the numerous military posts and the naval forces stationed in that vicinity, the National Guard, and also because of the large number of civilians who desire to avail themselves of the opportunity afforded by this paragraph in the national defense act.

At Caldwell, N. J., a site was found, about a square mile in area, suitable for such use, which could be purchased at a very low sum of money. A bill to that effect was passed by the Senate, but because of the great stress and quantity of military legislation in the Sixty-fifth Congress it was not reported in this House. However, the Navy Department, acting in cooperation with the War Department, did establish on this property, without the acquisition of the land, however, such a range. This rifle range is the greatest range in the country. It has 250 targets. There are 100 targets with a range of 1,000 yards, 100 targets with a range of 500 yards, and 50 targets with a range of 200 yards. There are over 25 buildings erected on the property, and the range is completely equipped. Last summer the national rifle match was held there, and over 5,000 marksmen participated. Thousands of visitors came there daily. The bill now under consideration was drawn and intro-

duced on or about August 25, 1919. The rifle-range proposition was under consideration by the War Department, but its recommendation to the Committee on Military Affairs did not come in until under date of September 25, 1919, after this bill had originally been introduced.

As I understand it, the letter of recommendation by the Secretary of War was not transmitted to the subcommittee having the matter in charge, being addressed to the chairman of the committee, the gentleman from California [Mr. KAHN], and for that reason the project was not included in this bill. As far as I am informed, I understand there is no opposition to it, and in the opinion of some it ought to have been included.

The Government has spent in labor and materials on this rifle range over \$600,000. The purpose of this amendment is to authorize the acquisition of the land upon which the range and its attendant improvements are located. The property is now being held under options or leases, and unless the Government acquires title within a reasonable time the project will have to be abandoned and the \$600,000 already expended will be scrapped. This range is located accessible to a population of 10,000,000 people. It may be reached by two railroads or trolley or by roads from all directions. It is, in direct line, about 18 miles distant from the city hall in Manhattan Borough, the heart of Greater New York. It is 14 miles distant from the city of Newark, which, with its suburbs, embraces a population of half a million. Within Greater New York and northern New Jersey, which this range is designed to serve, there are at least 41 rifle clubs and associations regularly chartered and maintaining membership in the Associated Rifle Clubs of New York and New Jersey. The benefits that will flow from the maintenance of this range are so obvious and its abandonment will be so disastrous that the willful waste of \$600,000, although important, becomes a minor consideration.

Mr. CALDWELL. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. CALDWELL. Does the gentleman know the price per acre at which the land is to be acquired?

Mr. LEHLBACH. Much of it at a nominal sum. A great part of the land is waste, but there are possibly two arable parcels.

Mr. CALDWELL. Can the gentleman state of his own knowledge the price the Government is expected to pay for it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. CALDWELL. Can the gentleman say from his knowledge that the price the Government will be expected to pay for the land is a fair price?

Mr. LEHLBACH. It is fair.

Mr. CALDWELL. Then I will withdraw the point of order.

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

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

On a division (demanded by Mr. LEHLBACH) there were—ayes 14, noes 20.

So the amendment was rejected.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Mr. Chairman, I make the same request, to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND of Virginia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 20, insert before the words "field artillery" a new paragraph, to read as follows: "Coast Artillery. To complete purchase of real estate for Coast Artillery school at Camp Eustis, Va., \$42,198.23."

Mr. BLAND of Virginia. Mr. Chairman, the figures that are contained in that amendment are identically the figures which are shown on the photostatic copy which was sent to the Senate in the hearing on real estate purchases and to which I referred yesterday. I understand that this amendment is acceptable to the chairman of the Committee on Military Affairs. The land has been taken possession of, it is in use, and while I said yesterday that all land was under process of condemnation I find from the records that there was one tract of 50 acres, involving \$2,500, which was not involved in condemnation pro-

ceedings and upon which the Government, as I am reliably informed by the Construction Division this morning, has constructed about a million dollars' worth of improvements, so that it is necessary for the Government to acquire that tract. The largest tract involved, approximating \$8,000, belongs to a widow. The widow has a life interest in it, and the property was taken possession of some time ago. It was necessary to condemn this land in order to acquire full title. The land ought to be acquired, and I hope the amendment will be accepted.

Mr. ANTHONY. Mr. Chairman—

Mr. CLARK of Missouri. Mr. Chairman—

Mr. ANTHONY. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word for the purpose of having read a telegram from Representative UPshaw about Camp Gordon.

The CHAIRMAN. The Clerk will read the telegram.

The Clerk read as follows:

ATLANTA, GA., December 11, 1919.

HON. CHAMP CLARK, M. C.,

Washington, D. C.:

Gen. Pershing, who is on tour of military camps at request of Secretary of War, has carefully inspected Camp Gordon to-day. He expresses conviction that this great property, so recently bought by Government and so well suited for recruiting and distribution camp, should not be hastily disposed of, and naturally feels that Military Committee should wait until he submits his report. Courtesy to him and courtesy to Atlanta calls for postponement until both can be heard. Having been assured by members of committee that nothing would be done for several months, I came home to get facts during Pershing's visit. No harm can come from temporary postponement. Hope you will urge Congress in fairness to all concerned to strike Camp Gordon proviso from pending military bill.

W. D. UPshaw.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. Mr. Chairman, at this point, following the reference to Gen. Pershing, I desire to suggest that the gentleman from New York [Mr. CALDWELL]—

Mr. CALDWELL. I told the gentleman I would put it in.

Mr. LITTLE. Put in the telegram from Gen. Pershing.

Mr. CALDWELL. I could not get my hands on it last night. I will come some time during the day.

Mr. LITTLE. If the gentleman pleases, I believe it is better to put Gen. Pershing on record.

Mr. ANTHONY. Mr. Chairman, in regard to the amendment proposed by the gentleman from Virginia, I think it very proper we make provision for the purchase of the parcels of real estate covered by the amendment at Camp Eustis. The figures for the purchase of these parcels was presented to the committee, and it is undoubtedly necessary that the Government make provision to complete the contract, whether we continue that camp in its entirety or not, so that the committee has no objection to the amendment. But I would like to ask the gentleman from Virginia if he would be willing to make the language of his amendment conform to the other provisions for the purchase of real estate, making it simply read for purchase of real estate at Camp Eustis, Va., whatever the amount is.

Mr. BLAND of Virginia. I accept that.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to modify his amendment in what respect?

Mr. BLAND of Virginia. In the manner indicated by the chairman.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by the gentleman from Virginia [Mr. BLAND]: Page 6, line 20, insert before the words "field artillery," a new paragraph to read as follows:

"Coast Artillery: For purchase of real estate at Camp Eustis, Va., \$42,198.23."

Mr. SNELL. Mr. Chairman, I would like to ask the gentleman this question.

Mr. ANTHONY. I will yield to the gentleman.

Mr. SNELL. I understood yesterday the committee had decided to cut out and oppose all of these extra amendments which are going to be presented on the floor of the House, and it was one reason why they wanted to present the bill in the amended form. I would never have voted for the bill coming out of the Committee on Rules to make this bill in order if I had not understood the committee were going to stand by it as presented here and not allow any of these additional matters to be brought in on the floor of the House.

Mr. ANTHONY. I will say to the gentleman this amendment is asked for by the War Department, and in the opinion of the committee it is absolutely necessary.

Mr. SNELL. Why did not the gentleman put it in in the first place? Nearly all of these were asked for by the War Department, and I understood that only matter carried in the bill would be considered at this time.

Mr. ANTHONY. We desire to eliminate the entire project at Camp Eustis.

Mr. SNELL. Why not stand for it now?

Mr. ANTHONY. But whether they continue it or abandon it, we will have to pay for these parcels of land.

Mr. MCKENZIE. I would like to ask the gentleman another question. I want to understand this matter before we vote on it. If I understood the gentleman from Kansas [Mr. ANTHONY] correctly, he and his associates on this subcommittee favor the abandonment of Camp Eustis as a military project.

Mr. ANTHONY. We do.

Mr. MCKENZIE. Now, then, if that is true, why shall we authorize an amendment here to spend \$48,000 on a proposition to abandon?

Mr. ANTHONY. Let me explain to the gentleman and he will see the point. Camp Eustis is a war-time proposition. A great many millions of dollars have been expended there. Most of the land had been purchased, except these two tracts, which are under contract; the Government is in possession and has a million dollars worth of property on these tracts, and so it is obvious, I know, to the gentleman that we must make the purchase for the purposes of salvaging.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia [Mr. BLAND].

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

Mr. LINTHICUM. Mr. Chairman, I arise to inform the House of Camp Holabird, Md., perhaps the greatest motor-truck camp in the world, certainly the largest automobile repair shop in existence. Camp Jesup, at Atlanta, Ga., and Camp Normoyle, at San Antonio, Tex., are about two-thirds the size of Camp Holabird, while Camp Boyd, on the reservation of El Paso, is about one-third the size.

According to the testimony of Gen. Drake, there are 80 officers and 2,000 employees at Camp Holabird. It is located about 4 miles from the old city limits of Baltimore, on Colgate Creek; has large truck facilities and railroad connections. You will see, therefore, that it is admirably located from every economic point of view, being in close proximity to a city of 700,000 people, with its vast number of mechanics, having railroad and water connections which lead to all parts of the country and to every country of the globe.

There have been purchased at Camp Holabird 97.74 acres of land, costing \$340,000, and upon construction, \$4,933,000, making total expenditure of \$5,273,000. I am thankful to say that this bill provides for the completion of the purchase of land at that camp, 43.53 acres having already been contracted for, the price agreed upon, and the people promised their money. They have been waiting for a long time for the payment, and the \$140,000 which the committee gives under this bill will allow the Government to settle with these people who have long since parted with their property in the hope of prompt payment. We are very thankful that the committee has granted this appropriation. We feel that it is not alone the appropriation that is granted, but that the appropriation signifies that the camp has been adopted for continuation. That we shall look forward to great work of the Government in that section. I say we are pleased with this. We congratulate the committee upon its good judgment, and we know all Baltimoreans are thanking them for having given them their attention in this bill.

I am disturbed, however, over the fact that two very important items were not included. I realize the absolute futility of attempting to amend the bill, and will therefore not engage in an attempt which I know would be impossible of accomplishment. I want this House to know, however, Camp Holabird for their future information, and I hope to guide them in making the necessary appropriations in the very near future.

The two items which have been omitted from the bill as amended and which were originally carried in the bill when introduced are: First, for construction of railroad, receiving and storage yard, \$53,000; and, secondly, for construction of steel storage building, \$120,000. If the committee had made these two appropriations, as was originally contemplated, we would then have had a complete motor-truck camp in every particular. There has been great criticism of the Government for not taking better care of the vast number of automobiles at this camp. It is true that the officials have not been able to care for the machines as well as they would have liked. The trouble is there has not been sufficient shelter afforded by the Government for storage and protection. There have been several acres of valuable automobiles and trucks at this camp, and storage space has been absolutely unavailable. The \$120,000 I spoke of was intended to build a storage warehouse for machines and those parts which it is necessary to carry for the supply of the territory embraced by this camp. It was intended

to build five buildings at the camp, four for aviation hangars and one large steel building 250 feet by 400 feet. This would have given ample accommodation for the protection of all the valuable material belonging to the Government and located at this camp. It would have given excellent accommodations for the carrying of a large supply of parts and equipment for automobiles and trucks, and these buildings certainly should have been appropriated for.

The fact is the main building was started in the early part of this year and a large part of the material for its construction was gathered and contract awarded. The contract would have been completed and the building erected had it not been for the act passed by Congress on July 19 of this year, which prohibited further construction by the War Department.

No further criticism can be made of the Government when Congress absolutely refuses to carry out a contract for the erection of storage facilities which would care for the Government's property in the best manner. There should be no criticism otherwise, because the officials in charge of this camp have cared for the automobiles in the best possible manner. They have been covered wherever possible, and just so often they are examined and gone over so that time and weather will not seriously affect them; this, however, is only partial care at best, and had Congress not prevented the construction of this warehouse in July all the automobiles and repair parts would long since have been under cover and vast sums saved for the Government in preventing the deterioration of its property. I should say that a sum far in excess of the appropriation would have been saved many months ago by the construction of this building and the proper care of the property.

The other item for \$53,000 was for the purpose of construction of railroad, receiving and storage yard. This would have given the camp much better railroad facilities. This item embraced trackage and grading and storage building. When the legislation of July of this year stopped construction work at this camp, all the grading for the railroad had been done and the ties and a part of the rails had been placed, and the \$53,000 which was asked for would have completed the work. As it is, it now remains in an incomplete state, and the Government is deprived of the efficiency of the camp to the extent that the railroad and railroad storage house has not been built. These items were both recommended by the War Department, and it was impressed upon the committee how important and essential they were to the proper operation of the camp and protection of Government property. I say therefore that while we appreciate the appropriation of the money for closing contracts for the land, we feel that the committee has not placed this camp in position to do the very best work by lopping off the other two appropriations.

We must realize that the Government having a vast number of automobiles and trucks in its service ought to have the very best equipped and most up-to-date repair shop that can be procured; its property ought to be sheltered and cared for; its railroad facilities and railroad storage ought to be ample in order to be economical and efficient. It is therefore regretted that the committee has not seen its way clear to make these two appropriations.

I bring these matters to the attention of the House so that when the subject comes before us again we may be informed and act in the interests of the camp and the Government by embracing the two items omitted in this bill.

Certainly Baltimore, with its close proximity to the West, the coal and iron fields of the country and the cheap railroad rates, the doorway to the Southland, and with a harbor second alone to that of New York, is an admirable location for such a camp; that it should be fostered and enlarged as requirements demand is self-evident.

I sincerely hope that this camp, which has performed such a valuable service in salvaging and handling automobiles and trucks and has meant such a vast saving to the Government, should be dealt with liberally and well, so that its usefulness may become greater and more abundant as the demands upon its capacity require.

I do hope that the members of this committee may see the wisdom of granting the other two items of the appropriation, and that they may use their influence with the Senate committee in having them restored to the bill as was originally intended and as the War Department has so strongly advocated. [Applause.]

Mr. MCKENZIE. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MCKENZIE. Is it not a fact that these automobile trucks have stood out in the open so long now that they are practically absolutely worthless, and would it not be another waste of money to put up a building to put them in?

Mr. LINTHICUM. The gentleman is wrong in that. If he should go there and inspect them, he would find they have been carefully covered up; that they have been cared for to the best advantage possible, and they are now in as good condition as you could possibly keep an automobile when out in the weather. And while they have taken the very best care of them, they could not continue to keep them in proper condition unless this appropriation of \$120,000 is made to preserve them.

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

Mr. LINTHICUM. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, the committee considered the item covered by the amendment of the gentleman from Maryland [Mr. LINTHICUM] and did not consider it advisable to place it in the bill, for the reason that the practical operation of this \$5,000,000 motor plant up at Baltimore is in some doubt, as to whether the plant can be economically and profitably operated by the Government. So we declined to make provision for the appropriation for storage purposes. The War Department had from November 8 of last year to July 11 of this year to erect proper storage facilities for the service automobiles stored there. In all that time they had all the money they desired, but refused to afford proper protection to these vehicles, and instead of building sheds to further protect them, many of the committee believed that the trucks and automobiles should have been disposed of to the best advantage to the Government.

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

Mr. ANTHONY. I will.

Mr. REAVIS. The gentleman from Maryland [Mr. LINTHICUM], in reply to the question of the gentleman from Illinois [Mr. MCKENZIE], stated that these machines had not deteriorated to an appreciable extent.

Mr. ANTHONY. I yield the remainder of my time to the gentleman from Nebraska.

Mr. REAVIS. I have here a letter from Col. J. W. Furlow, colonel of the Motor Transport Corps, written on the 10th of this month, where the inquiry was made of him as to the deterioration of 2,100 machines that have been standing in the open for a year without protection, and in reply to that inquiry he writes the following:

Considering the 2,100 vehicles that may be covered by the proposed construction, the saving from deterioration on items named in the preceding paragraph covering that number of vehicles is estimated at the approximate value of \$250 per vehicle.

Or \$525,000 deterioration annually on 2,100 machines. Seventy thousand have been standing in the open, just as these 2,100 machines have, and if you have time you may compute the loss to the Government by such neglect.

Mr. RAKER. Mr. Chairman, I move to strike out the last four words, the amendment being withdrawn.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes out of order.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I find in the Washington Times to-day, December 12, 1919, the noon edition, on page 1, the following statement, with headlines as follows:

Would teach redism in school as unrest cure. Teaching of bolshevism in the schools is advocated by Congressman RAKER, of California, who declares that this is one way in which the danger of bolshevism may be impressed upon the Nation by education.

Yesterday the Committee on the Judiciary of the House had under consideration the bill H. R. 10379 and held hearings on that bill. I appeared before the committee advocating the passage of the bill.

I suggested the following amendment:

On line 10, page 1, after the word "Government," insert as follows: "or to advise and advocate the overthrow or destruction of the Government of the United States."

The bill says:

Those who advocate or teach the overthrow of the Government of the United States by violence or force.

I wanted to go a step further and make it the law that those who advocate the overthrow of this Government should be punished, and that all such publications should be made nonmailable.

The Committee on Immigration and Naturalization, of which I am a member, have been having this subject under investiga-

tion for the last month, and I have been strenuous in my efforts to amend the law and do all I can to eradicate radicalism and to deport all those who teach doctrines against this country, and particularly to enforce the present immigration laws and amend them so as to make them more stringent, to the end that those people who have been arrested and those that may be arrested on these charges, wherever sufficient, might be deported. In substance both before the committee and elsewhere I have said that there is no more important subject before the American people to-day than that of eradicating radicalism, doing what we can to prevent I. W. Wism and to overthrow the doctrines of bolshevism and the doctrines advocated by the soviets of Russia. That it is our duty as American citizens to teach patriotism and Americanism in our common schools, and to use that great forum for that purpose, together with every other resource at our command. I have contended that all good American citizens, men and women, should give their time and ability to efforts for the eradication of these pernicious doctrines against our Government.

Now, that is the attitude I took on that subject and the attitude I take. I thank the House for granting me this courtesy at this time simply to make this statement. I am satisfied the paper tried to get me right, but it just twisted the words. I hope they will make the correction in the next edition, so as not improperly to represent me before the country, inasmuch as I am one who has been strenuous in my efforts to procure proper legislation, particularly as the author of the provision in the immigration bill that makes deportable one who teaches the unlawful destruction of property in the United States or who belongs to an organization that teaches and advocates it. [Applause.]

Mr. EMERSON. Mr. Chairman, I rise in opposition to the motion. I simply desire to second the suggestion made by the gentleman from California [Mr. RAKER].

I was very much interested in the remarks of the gentleman from Maryland [Mr. LINTHICUM] on the question of automobile trucks that are left out of doors. I have never understood why they could not be sold. Why should the Government keep them? Perhaps there is some reason for it, but I never have quite understood the reason.

I want to call the attention of the committee to the pending bill. Many of us had supposed that when the war was over it was over, but I find this bill contains many items to purchase land. I thought instead of buying land we would be selling land which we had bought for the purpose of carrying on the war, but it seems we are buying more land.

Perhaps it is necessary to pass this bill. I expect to vote against it simply as an object lesson. You know we are appropriating billions of dollars this year. We spent billions of dollars to carry on the war, and the people of this country stood for it. They stood patiently by and saw these great appropriations made. They stood for these bond issues and this high cost of living and things of that kind. But now that the war is over, the people look to us to economize and cut down every single item of expenditure that it is possible for us to cut down, and if there is any item in this bill that can be cut out it should be cut out. If every item in it can be cut out, then it should be cut out.

I want also to speak of the effect of these great appropriations on the country. We have got to begin to reduce taxes, to take taxes off the backs of the people of this country, and we can not do it if we continue to pile up these large appropriations. If we continue to pile up these large appropriations, it will increase the burdens on the people, not only in the matter of taxation but also in the matter of living costs and such things as that. They are always reflected throughout the entire industrial system of the country, and I for one stand here ready to vote against every appropriation that can possibly be eliminated at this time.

The sugar situation in this country is a disgrace to this Government, and some one somewhere is responsible for it. Either there is a hoarding of sugar for higher prices or the Government has neglected to look out for the interests of the people of this country.

We have been devoting too much time to the welfare of other countries and too little time to the welfare of the people of this country.

The Attorney General informed us that when we amended the food-control act that he could reduce the high cost of living, but instead of the cost of living being reduced it has been greatly increased.

The people of this country stood patiently by and submitted to high prices during the war, but the people of this country feel that over a year after the war there should be a settling down to peace conditions.

The Government must take some drastic action so that the food prices may not only be reduced but that an equal distribution may be made of foodstuffs, and especially sugar.

I have known of a sugar shortage in Cleveland when there was none in Washington. Such conditions should not be tolerated, and the people of this country will not tolerate it much longer. There is more unrest in this country right now because of the food situation than there is because of the coal strike or the steel strike. There is no reason in the world for eggs being over a dollar per dozen or apples 10 cents apiece and other food products 100 per cent higher than they were before the war.

We must do a little house cleaning here at home, and take this food situation in hand and use some strong-arm methods if they are necessary.

I believe that sugar is being hoarded for a higher price, and I believe the Government should go after these hoarders, as I supposed they were when we passed the amendments to the food-control bill. I realize that the Government is very busy, but the most important thing now for this Congress and the Government to attend to is this food situation.

There seems to be no way to stop this steady increase in the price of food products unless the Government takes a hand. If the Department of Justice has not enough power to prosecute these profiteers, we should give it to them. If they have it and are not exercising it, we should get after them.

I consider the high cost of food products a more dangerous menace to this country than the L. W. W. or the Bolsheviki, and God knows they are bad enough.

Complaints come from all over the country of an increased price in food products. This high cost is because of a lack of sufficient supply or too much demand abroad, or it comes from cornering food products and forcing up the price. If there really is not enough supply, the Government should encourage it. If it is because the supply is held from the people and cornered, the Government should take hold of the matter and regulate the supply.

In any event, the Government is to blame, and unless we do something the people will hold us responsible.

If we would reduce the high cost of living in this country we would eliminate 98 per cent of the unrest in this country. The foundation of the argument of all these peace disturbers right now is the high cost of living.

Workingmen have stated over and over again that if we reduced the high cost of living they would be satisfied with their present wages, and I believe most of them would. Unless this gradual increase in the cost of living is stopped the time is not far distant when we will be in the same condition they are in in Russia. The Revolutionary fathers when they went to market were obliged to fill the bottom of their carts with money, and unless we do something to stop this manipulating of food prices we will be in the same condition.

I am in favor of the Government doing whatever is necessary to choke off this control of food prices and the distribution of the same, even though we have to use some unusual methods.

The Clerk read as follows:

To complete Field Artillery training centers:  
At Camp Knox, Ky.: For the purchase of real estate, \$811,388; Provided, No land shall be purchased west of Illinois Central Railroad tracks for construction as follows: For general construction work, \$59,000; for completion Dixie Highway, \$100,000; for plumbing, heating, and refrigeration, \$25,000; total for Camp Knox, \$986,338: Provided, That no part of the unexpended balances of appropriations heretofore made for the support of the Army shall be expended for construction at Camp Taylor, Ky., and the Secretary of War is hereby directed to sell the real estate and buildings of such camp to the best advantage of the Government, the proceeds of such sale to be covered into the Treasury to the credit of miscellaneous receipts.

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

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

The Clerk read as follows:

Amendment by Mr. OGDEN: Page 7, line 8, after the word "Government," insert: "When Camp Knox is prepared to take over the Field Artillery School now being conducted there."

Mr. OGDEN. Mr. Chairman, the amendment which I offer does not interfere with the policy of the Military Affairs Committee to salvage Camp Taylor; it only defers or suspends the salvaging of that camp until such time as Camp Knox can be prepared to take over the activities thereof.

The committee in providing for the ultimate salvaging of Camp Taylor is following the trend of the military policy of the War Department, which is to abandon not only the small camps of recent construction, but the small post as well and to concentrate the troops in divisional camps. A large school of Field Artillery, assisted by an Artillery regiment, is being conducted at Camp Taylor, and, to avoid the interruption of the school

and the necessary entailing of a large expense in relocating temporarily at some other place the present activities of this camp, it is wisdom to retain Camp Taylor during the time that will be required to complete Camp Knox. I might add that there are now at Camp Taylor three regiments of the First Brigade of the First Division, in command of Maj. Gen. Summerall, and that the closing down of the camp would require these regiments to be transferred to some other place not so conducive to the contentment and welfare of the personnel of that famous division.

Mr. Chairman, although Camp Taylor, of all the camps throughout the United States, has become the most popular with the soldiers, chiefly by reason of the interest which the citizens of Louisville have manifested in their comfort and condition, and although the camp has been made historic by the presence there of "the mighty" First Division and its distinguished commander, Gen. Summerall, whose personal opinion is, by the way, that the camp has a military importance and should not be abandoned, I shall not ask the Congress to go further than as indicated in my amendment.

Gen. Snow, Chief of Field Artillery, has advised me that Camp Knox is not ready for the transfer thereto of the Artillery School, and it is his opinion that, besides the fact of Camp Taylor being, of any camp in the country, the best adapted for the conducting of the school, the transfer of its activities to some other place while awaiting the completion of Knox would not only seriously interfere with the progress of the work, but would incur a much greater expense than would be entailed in retaining Taylor until Knox is ready. Therefore, my amendment is in the interest of economy to the Government and of the efficiency of the School of Artillery.

Now, Mr. Chairman, as to Camp Knox. This reservation is located in Kentucky, but is not in the district which I have the honor to represent. It comprises an area of a little less than 40,000 acres. After the establishment of the Chief of Field Artillery, it was recognized that, in divisional cantonments, Artillery brigades could not be efficiently trained as a component part of a division, and to correct this condition four Artillery brigade firing centers were established, and one of them was located at Camp Knox. As plans for training called for an increase in the number of brigades at Camp Knox, it was quite obvious that the original tract would be insufficient in area to accommodate same, and as a result the reservation was expanded to include the acreage I have mentioned. The construction of this camp was strictly a war-time project, but its retention as a permanent post is essential to the reorganization plan of the Army. Prior to the war our permanent construction was limited to six regiments. We then had six regiments of Field Artillery. This number was increased by the national-defense act to 21, an augmentation of 15 regiments. Now, the additional regiments must be provided with barracks as well as training fields; they are permanent regiments and a part of the Regular Army under the national-defense act. We have at Camp Bragg capacity for six regiments of Field Artillery, and at Camp Knox capacity for nine such regiments. If Camp Knox were to be abandoned the Government, besides losing millions of dollars in salvaging it, would be required to expend many millions of dollars in the construction of another camp. It is not a choice between Knox and no camp, but a decision between Knox, upon which an expenditure of \$17,985,212.52 has already been made, and a new camp, the building of which would require a disbursement of eight or ten millions of dollars. Is there a Member of the House who would favor the junking of such valuable property in the presence of the Government's imperative need of same? A solution for the problem of reduction in public expenditure can not be found in salvaging property that is necessary for public use. And, in the case at hand, such action would clearly not be wisdom, when salvaging the camp at salvage price would necessarily be followed by building another camp to fill the identical purpose designed for the one dismantled.

But, Mr. Chairman, the \$17,985,212.52 would not represent the Government's total investment, even should the camp be abandoned. The Government has entered into contracts and assumed obligations which we must carry out, irrespective of the destiny of this camp. Four hundred citizens have been dispossessed of their property. Some of these hold contracts evidencing our Government's solemn promise to pay them a fixed price; others have been brought into courts in condemnation actions to have the awards fixed for their lands. All of these people have meritorious claims and are entitled to be paid. No doubt many of them have suffered for want of means with which to purchase other homes.

Assuming that the Government would have the right to return these lands, which approximate in acreage 17,000 acres, in my

opinion the bills for damages would approach the half-million dollar mark, and the Government would have nothing to represent this outlay of money.

The artillery practice, which extended over a period of more than five months preceding the signing of the armistice, was calculated to and did destroy valuable property. The destruction of woodlands and orchards by this means and the dismantling of the houses and buildings on these farms, together with the tearing of great holes in the fields, will enter into the bill for damages for which, under every rule of equity, the residents are entitled to be compensated. Furthermore, Mr. Chairman, the area of 19,000 acres which the Government now owns could not be used advantageously without acquiring the lands which I have been discussing, because these parcels or plats of land are scattered through the reservation, most of them being entirely surrounded by the land owned by the Government.

I have heard the suggestion that it would be economy to concentrate the Field Artillery regiments in one camp, and that Camp Bragg, in North Carolina, has sufficient area to serve the purpose. I wish to say in answer to this that our Army experts are not in accord with such a plan. It is their position that the area at Bragg is not extensive enough to afford the training accommodations, and also that it is necessary to have several locations in order to enable that branch of the service to take care of the Reserve Officers' Training Corps, the Reserve Officers' Field Artillery, and the National Guard Field Artillery. We have 22 regiments in the Reserve Officers' Training Corps, and they are scattered throughout the United States. It is the plan to take the officers from the colleges which they are now attending and in the summer time send them to the Artillery camps, where they can receive practical work. We have over 7,000 Reserve Officers' Field Artillery, and these officers must be kept in touch with training.

By maintaining the camps at their present locations these officers can be taken care of better.

There is another potent reason for not concentrating these regiments in one camp. Whether Fort Sill, Okla., or Camp Bragg, N. C., or Camp Knox, Ky., should be decided on as the camp of concentration, the facilities which now exist at the two abandoned camps would salvage 90 per cent loss to the Government, and the providing of increased necessary constructions at the camp retained would entail an expenditure of many millions of dollars. These reasons are sufficient, in my opinion, for supporting the bill under consideration, which makes an appropriation to carry out the War Department's plan.

In passing, I wish to say that the Military Affairs Committee deserves to be congratulated on bringing before the House a bill which bears the earmarks of economy. The camps which are considered as being without military importance are directed by the bill to be salvaged and the appropriations made for the camps which are to be retained are more than one-half less than the amount asked for by the War Department. Camps Gordon and Jessup, in Georgia; Camp Pike, in Arkansas; Camp Eustis, in Virginia, and many others are to be salvaged.

I believe it is the sense of the people that all unnecessary and useless war-time projects should be abandoned and the expenditure of money limited to the activities and the construction indispensable to peace-time conditions. I am in full accord with legislation which has in view the reduction of public expenditures and the resultant lessening of the burdens of taxation. Camp Knox is a useful and necessary project.

Mr. TILSON. What have they as to artillery-range facilities at Camp Knox? Is there sufficient ground, in the first place?

Mr. OGDEN. About 39,000 acres of ground in the reservation.

Mr. TILSON. Is it so located as to be suitable for artillery practice?

Mr. OGDEN. I understand from the War Department that it is one of the best locations that we now have—well adapted for artillery practice and the other uses in connection with a field artillery camp.

Mr. CANNON. How about West Point? Is not that a military proposition?

Mr. OGDEN. That is a part of this reservation.

Mr. CANNON. I thought it was right out of Louisville.

Mr. OGDEN. It is not a great distance.

Mr. GREENE of Vermont. Does the gentleman want to supplement his remarks to the gentleman from Connecticut [Mr. TILSON] by suggesting that very likely the difference in ranges between Camp Knox and Camp Bragg is indicated by the proposed policy of the department to make the artillery practice at Camp Bragg of the brigade and heavier formation order, whereas Camp Knox will be the base school for batteries and regiments?

Mr. OGDEN. I thank the gentleman for his suggestion. I also understand that Camp Knox will be limited to the guns with ranges from 2,000 to 8,000 yards and Camp Bragg to the larger guns—the railroad artillery.

Mr. GREENE of Vermont. I did not mean to indicate that there would be absolutely nothing done in heavier calibers at Camp Knox, but that the general proposition was of a more limited character.

Mr. OGDEN. Yes; that is my understanding.

Mr. Chairman, I have addressed myself mainly to showing the necessity for the camp rather than to the amount of the appropriation required to complete it. I have chiefly concerned myself with the policy which ought to be declared toward the camp, feeling that if the amount appropriated should prove insufficient to carry out the policy to complete the camp the policy itself would take care of that part of it. I wish, however, to speak briefly upon the great need for the early completion of the Dixie Highway and the moral as well as the legal obligation resting on the Government to complete it.

We will hear in the debate on this section of the bill severe arraignment of those responsible for the expenditure of so much money on this highway. I would remind my colleagues, however, that the citizens of that vicinity were not responsible for any of the waste or extravagance in the building of the road, and the citizens are the ones who are suffering and who will continue to suffer until the road is finished. When the Government went there it found one of the best highways in the State of Kentucky, and, owing to the fact that 10 miles of this road was in the range of fire of artillery practice, the Government summarily closed the road to public travel and agreed to build another road at another location to take its place. It can not honorably decline to finish the work. It is bound by every right known to mankind to provide a highway equal to the one which it took possession of and destroyed.

But, Mr. Chairman, I do not wish to be understood as upholding the enormous expenditure of \$1,485,430 which has already been made by the Government on the building of less than 8 miles of the road. Slightly more than 2 miles of the road remains yet to be built. I understand that some investigation is to be conducted into this expenditure, and no doubt in the course of time all of the facts will be developed and brought to the attention of the people. Whatever the facts may be, they have no bearing upon the obligation which the Government has assumed to build this road. The expenditure of the appropriation of \$100,000 carried in this bill should be safeguarded against waste and extravagance, to the end that it may be sufficient to complete the road without an additional appropriation.

I submit that Camp Knox should be retained and the appropriation carried in the bill for its completion approved, and that the amendment which I have offered to retain Camp Taylor, pending the completion of Camp Knox, should be adopted.

Mr. SNELL. Mr. Chairman, I rise in opposition. I desire to call the attention of the committee, and to get some information from the chairman of the Military Affairs Committee relative to the figures carried in the committee amendments, as compared with those introduced in the original bill. I notice that the original bill calls for an expenditure for land for \$1,200,426. The committee advises an expenditure of \$811,333. Will that provide for the purchase of all of the land that we intend to buy in this place?

Mr. ANTHONY. I will say to the gentleman that it provides for the purchase of those tracts which are under contract east of the Illinois Central Railroad which bisects the original reservation taken possession of by the Government. The committee came to the conclusion that about 8,000 acres of land, which are under contract, which lie to the west of the Illinois Central Railroad, could well be dispensed with. They wanted to provide a short artillery range there, which we thought would be a duplication of ranges upon the east side, and at the suggestion of the gentleman from Iowa [Mr. HULL] who made a personal investigation of the matter, the committee eliminated all land west of the Illinois Central tracks.

Mr. SNELL. Then the committee will not come before the House and ask for any further appropriations with which to buy further land in connection with Camp Knox?

Mr. ANTHONY. Not if we can get by with the elimination of all west of the railroad, as we are trying to do.

Mr. SNELL. The committee is going to stand upon that?

Mr. ANTHONY. Unless the Government is involved in such contractual obligations that it finds it can not get away from them.

Mr. SNELL. Then the committee is undecided?

Mr. ANTHONY. I do not know. We are trying to get away from it in this bill by reducing the appropriation.

Mr. SNELL. Coming to the appropriation of \$50,000 for construction work, the original bill was \$331,485. Does that mean

that the \$50,000 is just a starter here and that you will have to appropriate the full amount asked for later?

Mr. ANTHONY. There has been, I think, about \$17,000,000 expended for construction at Camp Knox.

Mr. SNELL. I understood that it was a very large amount.

Mr. ANTHONY. Of course, these buildings are all of the temporary cantonment type. A great many were in partial stages of completion, from 10 to 50 or 65 per cent complete. The committee felt it unwise to provide for the building and completion of all those structures, and we have allowed the minimum sum of \$50,000 with the idea that it would allow them to complete a few of the absolutely necessary temporary propositions.

Mr. SNELL. Does the gentleman think that that will carry it for some time without additional expenditures for construction?

Mr. ANTHONY. Of course, the gentleman understands that all construction done during the war was of a temporary type. We might get by for from three to five years with the expenditure only of money for repairs at the Army camps and cantonments, but at the end of that time it would be necessary to replace all of these temporary buildings by permanent buildings.

Mr. SNELL. That is what I want to find out. Will it be necessary to have permanent buildings for as many as were provided for by the temporary structures?

Mr. ANTHONY. Probably not as many at that specific camp, but let me say to the gentleman that when the Congress is brought face to face with the proposition of replacing the temporary construction at all of the National Army camps and cantonments which we are retaining with permanent construction the expense bill will be appalling, for it will run up to many hundred million dollars.

Mr. SNELL. That is what I want to get before the Committee of the Whole.

Mr. ANTHONY. That is as near any figure as I can arrive at. The construction department has already notified us that if we keep in proper repair the temporary buildings at the Army camps and cantonments which we are retaining for the use of the Army of the size which we contemplate to make it, with proposed training activities, our repair bill will alone amount to about \$60,000,000 a year.

Mr. SNELL. That is one reason why I want to keep the number of these camps under Government control as low as possible, because I know the expense is going to be enormous.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield there?

Mr. SNELL. I yield to the gentleman from New York.

Mr. CALDWELL. I would call the attention of the chairman of the committee to the fact that in his reply he has overlooked the fact that part of the expense of this \$50,000 is to make some of those houses which were on the land when we bought it habitable for our Army officers—to put in the necessary plumbing and sewerage.

Mr. SNELL. Here is an appropriation of \$100,000 for the Dixie Highway, which originally was \$226,100. What is the Dixie Highway, how long is it, and how much have we already expended upon it, and what is this additional \$100,000 for?

Mr. ANTHONY. I would say to the gentleman that he has now struck a proposition which, in the opinion of the committee, smells to high heaven—if not of graft, at least of the most wanton waste and extravagance of any single proposition the committee ran across in all of its investigations.

The CHAIRMAN. The time of the gentleman from New York has expired.

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

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. SNELL. I yield first to the chairman of the committee, and then I will yield to the gentleman from Kentucky. Will the chairman of the committee give us the balance of the information in respect to the Dixie Highway and the money that has been expended upon it and the number of miles constructed?

Mr. ANTHONY. When the reservation was first taken possession of at Camp Knox there was a State highway which ran through the grounds, 8 or 10 miles in length. Because of military necessities it was decided to relocate that State highway. I think it was originally a macadamized road. When it was relocated the men who had charge of the relocation relocated it through a section of hills, where the expense of constructing the road was brought to a figure that is almost unbelievable in highway construction.

Mr. SNELL. What is the amount?

Mr. ANTHONY. The 8 or 10 miles constructed by the Government was at a cost of \$155,000 a mile for construction when ordinarily in most of the States it could be built for \$35,000 a mile. They asked for \$250,000 to finish a mile and a half which is yet unfinished. The committee thought they ought at least to be able to do it for \$100,000, and so cut the appropriation.

Mr. FIELDS. Two and a half miles.

Mr. SNELL. The balance the gentleman thinks can be built for \$35,000 a mile and—

Mr. ANTHONY. The balance is completed. The new survey is completed, all except 2½ miles or a fraction over that. That is around places almost solid rock and, of course, very difficult construction.

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

Mr. MCKENZIE. I would like to ask my colleague on the committee whether or not this road construction was inside the reservation or outside of it?

Mr. ANTHONY. It was inside, as I recall; the land taken over by the Government. Is not that correct? I may be mistaken.

Mr. OGDEN. A larger part of that was in the reservation.

Mr. SNELL. And some of it outside the reservation?

Mr. FIELDS. The original road was entirely in the reservation, but it runs through the firing range.

Mr. SNELL. Who had charge of the road that cost \$155,000 a mile?

Mr. ANTHONY. The construction department of the Army.

Mr. SNELL. Built on a cost-plus contract or day labor? I would like to have one of those contracts if they happen to be floating about.

Mr. CALDWELL. No; they were not built on a cost-plus contract. They were built under the supervision of Army engineers.

Mr. GREENE of Vermont. Will the gentleman from New York inform me whether Wall Street was interested in this enormous expenditure for road building? I would like to find some place where Wall Street was not interested. Wall Street never got anywhere near like this—

Mr. SNELL. Well, if it is \$155,000 a mile for the construction of a highway, we never had any such easy graft as that up in New York.

Mr. MCKENZIE. May I ask the chairman of the committee another question?

Mr. SNELL. I will yield to the gentleman.

Mr. MCKENZIE. I would like to ask the chairman of the committee to put in the Record somewhere something showing the amount of this road within the military reservation, and the amount outside of this reservation, and I would like to ask him now if he knows of any law on the statute books authorizing the construction of military roads outside of the military reservation?

Mr. ANTHONY. No; but I will say to the gentleman that during the war the War Department built roads inside and outside of military reservations wherever it served a military purpose for the Government. For instance, from here to Camp Humphreys, Va., the Government built 18 miles of concrete roadway on a public highway of Virginia.

Mr. MCKENZIE. It is also true that they used soldiers at a dollar a day on that construction, working alongside of negroes at \$3 or \$4 a day.

Mr. SNELL. Was there any such reckless waste as this in the other work carried on at Camp Knox?

Mr. FIELDS. If the gentleman will permit, I will say that the Dixie Highway is a national highway, built in part out of Federal funds, and the War Department went in there and destroyed 11 miles of this road and they felt it was only right, and I think the people felt it was only right, that they should reconstruct that road.

Mr. OGDEN. It was necessary to abandon that part that interfered with the rifle range.

Mr. SNELL. I do not yield further. I would like to ask the chairman of the committee one more pertinent question; that is, if there is any other place where there was such reckless extravagance and waste of money in building highways as on this Dixie Highway?

Mr. ANTHONY. The committee found no such specific instance.

Mr. SNELL. This is one specific instance of reckless waste on the part of the War Department that I hope the investigating committee will investigate and bring all the facts before the House at an early date.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, as I understand the situation in reference to the Dixie Highway it is this, that when it was determined to locate this camp at this particular place there was no idea the Dixie Highway would be destroyed. On the

other hand, it was thought that the highway would be a great benefit to the camp and that it would give the means of getting in and out of it and was one of the reasons for selecting the site. It soon developed that a piece of this road was going to fall within the area of fire, and if they permitted the general public to use the road it would probably result in the killing of a great many of our people. It was a national highway partly built by national funds, and a board was sent down there to relocate the highway. In order to relocate they had to have the consent of the State authorities and the approval of the county authorities. After considerable negotiation it was finally agreed that the road was to be built along the line as it is now being constructed, and to do that they had to make a great cut through a hill. It was a gigantic piece of work, but it is one that will last for all time, and as long as the United States is the United States it will be an aid and assistance to the people who live along the great Dixie Highway, one of the greatest arteries of highway transportation in the United States, and while it has been expensive no graft has been found, and I do not believe any will be found.

Mr. FIELDS. The main road ran from the city of Louisville to the camp.

Mr. CALDWELL. It is the main road from the city of Louisville into the camp. It was necessary for the camp and will be necessary for the camp as long as the camp stays there. If this bill is passed and Camp Knox is taken, we will always use the Government road and material needed for the camp will go over it.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. HULL of Iowa. Did the gentleman see the enormous cut which he mentioned?

Mr. CALDWELL. The gentleman from New York did, but the gentleman asking the question only saw it from a height of 5,000 feet in the air, for he was flying over it while I rode over it.

Mr. HULL of Iowa. How deep a cut was it?

Mr. CALDWELL. I did not measure it with a foot rule.

Mr. HULL of Iowa. Was there any cut at all?

Mr. CALDWELL. Yes.

Mr. HULL of Iowa. Did it not run around the side of a hill and only for a short distance?

Mr. CALDWELL. It was for a considerable distance, and they had to cut off the side of the mountain.

Mr. FIELDS. The gentleman from Iowa will remember that the road is cut around a rocky hillside.

Mr. HULL of Iowa. How far was it?

Mr. FIELDS. Four or five miles.

Mr. HULL of Iowa. They built about 40 miles of road, and paid \$150,000 a mile for it, and a school child knows that it did not cost that much. And every member of the committee knows that there was graft there.

Mr. FIELDS. Mr. Chairman, I challenge that statement.

Mr. CALDWELL. I will challenge that statement, too. I do not know and nobody else knows that there was graft there. If the gentleman knows it, he should have the men prosecuted.

Mr. KNUTSON. You can build a No. 1 road for \$25,000 a mile.

Mr. FIELDS. I will say that if I knew of graft I would point out the individual connected with that graft, and I think the gentleman from Iowa ought to do the same thing.

Mr. HULL of Iowa. I have asked the investigating committee to find the man.

Mr. FIELDS. If there is graft, I hope they will find him.

Mr. HULINGS. Mr. Chairman, I desire to oppose the amendment.

We built cantonments and camps in this country for about two and one-half millions of troops. Now, I would like to know from this committee how many troops they are proposing to take care of in this country now. Are we going to have 596,000 of the Regular Army, which the War Department recommended to be taken care of, or are we going to have only 509,000, which, I understand, the chairman of the Military Committee wants? It seems to me that when we have had so much of this work done for the accommodation of at least two and one-half millions of troops who were better taken care of than any other army in the world, so far as cantonments are concerned, it would seem that this is a mighty good time to sell about three-fourths of all these camps that we have and apply the proceeds to the payment of such claims as the gentleman from New Jersey spoke of awhile ago, or all these other claims where the Government has taken over private property. That would seem to be the plain businesslike way, instead of putting more money into the plans and notions of the War Department.

Mr. CALDWELL. I am prepared to answer the question if the gentleman would like me to do so in his time.

Mr. HULINGS. If the gentleman knows.

Mr. CALDWELL. If I understand it, it is the policy of the committee to report a bill for only approximately 300,000 men in the Army. Personally I think it ought to be over 500,000 men, unless we have some kind of universal training. So far as disposing of all of this war material—

Mr. HULINGS. I prefer to take the opinion of a man like Gen. Wood, as to the number of soldiers, rather than the opinion of the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. I am not far from Gen. Wood on that subject, although I do not agree with him in many things. But I do agree that we ought to have some kind of universal military training.

In reference to these camps—

Mr. HULINGS. I refuse to yield further.

Mr. CALDWELL. That is in keeping with all the Republican majority. Whenever they ask—

Mr. KNUTSON. The gentleman was going to reply to a question, and he makes a speech.

Mr. HULINGS. Mr. Chairman, I know that many people on this side of the House ought, in his opinion, to go to the gentleman from New York [Mr. CALDWELL] for information about military affairs, and those who seek him will probably secure a great fund of information. If I do not go to learn from him what I ought to believe and know about military matters, I hope he and the House will excuse me.

Mr. ANTHONY. Mr. Chairman, I believe the debate has been exhausted on this amendment of the gentleman from Kentucky.

The CHAIRMAN. The debate has been exhausted.

Mr. ANTHONY. Then I ask for a vote on the amendment.

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

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

Mr. CALDWELL. I have a perfecting amendment in the matter of punctuation of the bill.

The CHAIRMAN. The gentleman from New York offers an amendment.

Mr. CALDWELL. On line 24, after the word "tracks," insert a semicolon.

Mr. ANTHONY. The correction should be made.

The CHAIRMAN. Without objection, the Clerk will make the correction. The gentleman from Kansas [Mr. TINCHER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TINCHER: Pages 6 and 7, line 25, after the word "work" strike out "for completion Dixie Highway \$100,000."

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I do not care to discuss this amendment. I think it has already been discussed to such an extent that every member of the committee feels that it is time to stop graft on the Dixie Highway, and the only way to stop it is to stop appropriating money for that graft. And the only thing this amendment seeks to do is to strike out "\$100,000" appropriation for work on the Dixie Highway.

Mr. FIELDS. Mr. Chairman, I desire to oppose the amendment of the gentleman from Kansas [Mr. TINCHER]. I stated here awhile ago that the Dixie Highway runs through this reservation. It was necessary to change it, because the original highway through the reservation passed through the range of fire. Hence the necessity of a new survey.

They have completed all but 2½ miles of this new survey. This \$100,000 is for the completion of the 2½ miles. It is not only a State highway but an interstate highway, and traffic is blocked because of the uncompleted part of it, which was of great inconvenience to the people of the entire country. It is an important road. The Government has destroyed the road, and I appeal to the reason of the Membership of the House as to whether or not it should complete this small gap of 2½ miles which is still uncompleted.

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

Mr. FIELDS. Yes.

Mr. KNUTSON. The gentleman states there is yet 2½ miles of the road to be completed, and this bill proposes to appropriate \$100,000 to complete this road?

Mr. FIELDS. Yes.

Mr. KNUTSON. What is the nature of the topography of that country which makes it necessary that this road should cost such an unheard-of amount?

Mr. FIELDS. I will say to the gentleman that the unfinished portion must be constructed along the side of a steep hill, which is almost solid rock.

Mr. KNUTSON. In that event could we not save money by putting an airplane service across that cliff instead of finishing this road? [Laughter.]

Mr. FIELDS. I will say to the gentleman that we in Kentucky have not learned to operate aeroplanes, as have the people in the gentleman's State, so that we could not ride across that cliff in aeroplanes.

Mr. KNUTSON. But this is up in the moonshine country, is it not?

Mr. FIELDS. Not altogether.

Mr. KNUTSON. Mr. Chairman, I withdraw my amendment.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. GREENE of Vermont. Will the gentleman allow me to ask him whether there is not, in addition to this Dixie Highway, railroad transportation from Louisville to the post or some convenient site adjacent to it?

Mr. FIELDS. Yes. The Illinois Central Railroad runs through or near the post.

Mr. GREENE of Vermont. So that it is a convenient location, where the traffic and supplies intended for the Army may be taken from Louisville over the railroad?

Mr. FIELDS. Yes. Supplies may be taken by the railroad. But that is not the question involved here. The Government has destroyed or changed 11 miles of the Dixie Highway, and 2½ miles of the new survey is unconstructed or uncompleted.

Mr. GREENE of Vermont. And they have replaced the other part of the road with the small Monte Cristo contribution that has been made?

Mr. FIELDS. They have replaced all but 2½ miles.

Mr. GREENE of Vermont. That 2½ miles is part of the 11 which they promised to replace?

Mr. FIELDS. Yes.

Mr. LAYTON. Mr. Chairman, referring alone to the cost of construction under the most favorable circumstances on alluvial soil, with no rock or anything of the kind, it is costing about \$40,000 per mile to build a 16-foot wide cement road.

Mr. FIELDS. Yes. The engineers agree upon the subject.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. TINCHER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TINCHER. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

At Camp Bragg, N. C., for the purchase of real estate, \$1,128,000; for construction as follows: For hospital, painting and carpentry, \$5,000; for glazing one hangar, \$1,000; for siding on administration building, \$1,500; for gravel roads in reservation, \$10,000; for gravel road to Fayetteville, N. C., \$25,000; for incidental work and miscellaneous, \$2,500; total for Camp Bragg, \$1,173,000: *Provided*, That no part of the unexpended balances of appropriations heretofore made for the support of the Army shall be expended for construction at Camp Eustis, Va., and the Secretary of War is hereby directed to sell the real estate and buildings of such camp to the best advantage of the Government, the proceeds of such sale to be covered into the Treasury to the credit of miscellaneous receipts.

Mr. LITTLE. Mr. Chairman, I am very sorry to see disputes arising between members of this great committee over that road, and the difficulty they have had in adjusting the matter and of finding the man who got away with the \$150,000. I suppose there is a man on the committee who can find that fellow, because he is evidently a mind reader. I find here in the RECORD of yesterday a statement by the gentleman from Connecticut [Mr. TILSON], in which he says:

I can not quite agree with my friend from Kansas [Mr. LITTLE] that we do not need any training of soldiers in time of peace or that any training that we may be able to give them in time of peace is practically useless, nor am I quite willing to go with him so far in the other direction as to take all of Mexico for a military training or drill ground for the training of our soldiers.

Inasmuch as I never made any statement of either kind, the gentleman must evidently be a mind reader, and as I never had such a thought, the gentleman evidently made the mistake of reading the wrong man's mind. [Laughter.] If he will get after the right man he may be able to find the one who got away with that \$150,000.

Mr. TILSON. "The gentleman from Connecticut" is not a member of the Committee on Military Affairs, in the first place. In the next place he was following the gentleman from Kansas immediately, and had the impression fresh in his mind that the gentleman from Kansas had said something like that

in effect, and also what the gentleman has just quoted in regard to Mexico.

Mr. LITTLE. The gentleman from Connecticut is an emeritus member of the Committee on Military Affairs and a past master in all its methods of information. I am sorry he is off the committee now, because when he was on the committee he was a very useful member. I said yesterday, before the gentleman spoke, that every boy ought to have an opportunity, before he goes to war, to learn how to march, and learn how to carry a gun, and learn how to take care of himself. I said there were certain things necessary to make a soldier, and that it takes time. I excepted from that general rule those in the Engineer branch and in the Artillery, who, of course, require exceptional technical training. I think it is the fact that we are not as far apart from each other as we sometimes think in our views on military matters, because I am convinced that the ultramilitarist, when he is toned down, is found not to want to kill everybody, and those who are accused by the ultramilitarist of being pacifists are really just as much concerned in having the country prepared for war when it comes as are the militarists. The gentleman from Connecticut went on to say that in the Spanish-American War his own regiment never had a chance to fire a rifle until it had been in camp for months, and the war was over. Now, one of the first things I did—

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

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. LITTLE. The first thing I did when our regiment got to San Francisco was to go to general headquarters and ask that we be put upon target practice. I think the principal thing for the soldier is to learn how to shoot people, and hit them, and hurt them. I talked with a young man last night who was a top sergeant in the Argonne, and he said that one of the great difficulties there was that they never established any connection up and down the line. He said that if they put up a telephone, down it went the first thing you knew. An orderly would be told to go back and find the brigade headquarters, and the boy would say, "Where is it?" and his superior would say, "I don't know; go back and find it." That is the way that battle was fought. But the boy said something that I have been trying to tell you people for two years. He said, "If we had had one more fight like the Argonne we could have maintained our liaison and maintained our relations with headquarters and whipped the world," for then they would have learned by that battle how to fight the next one. And the boy was as right as a rabbit. That is the point I am trying to make. But as it was that battle was just a continual jumble. I heard the division commander of that boy's division tell about it, and he did not know nearly as much about it as the boy whom he had been training did.

You have got to have some preparation, gentlemen, and I do not like people to put me in the attitude of saying you have not, when I spent six months doing nothing else but training men for war in 1898. The boy explained the point exactly, that the first battle would have been a preparation for the second battle and they would have known how to fight. Just because I spent a couple of thousand dollars during the last two years on military schools it does not necessarily follow that I think the American taxpayers should spend a billion dollars a year on such enterprises, when we have 4,000,000 of the best-trained soldiers the world ever saw with us now.

Mr. BLAND of Virginia. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. BLAND of Virginia: Page 7, line 18, strike out the colon and insert a period. Strike out the remainder of the paragraph and including line 25.

Mr. BLAND of Virginia. Mr. Chairman, this amendment eliminates that portion of the bill which provides for the abandonment of Camp Eustis.

Before entering into a discussion of that proposition, I want to say that on yesterday the impression may have been obtained from my remarks that no further sum would be necessary for this camp if it were to be used as a permanent garrison point. That impression is erroneous. The information in my possession from Gen. Hagood, who is in charge of this camp, shows

that for permanent garrison purposes there would be required from \$2,500,000 to \$3,000,000 or \$4,000,000.

Mr. GODWIN of North Carolina. Will the gentleman yield?

Mr. BLAND of Virginia. Yes; although I have only five minutes.

Mr. GODWIN of North Carolina. This amendment does not affect Camp Bragg in any way?

Mr. BLAND of Virginia. Not in the slightest. It simply strikes out the remainder of the paragraph.

The point I want to make is this: You have an act of Congress which prohibits the War Department from expending any other moneys on this camp. That is not affected in any way by this bill except as the payments are specifically authorized under this act.

In the second place, there is not a provision in this bill for the expenditure of any other money than is absolutely necessary to make effective the amendment that was adopted this morning for the purchase of land.

If you strike out this provision in the bill, you leave Camp Eustis as a proposition to be considered in the future.

Now, gentlemen, I submit to you that with all due respect to the distinguished gentlemen of the Military Affairs Committee, for whom I have the greatest respect, it is a little hasty to order that this camp shall be salvaged, when not 10 per cent of its value will be recovered, and convert the proceeds into the Treasury, without once going upon the land or without procuring the testimony of an officer of the War Department. All in the world that my amendment does now is to provide that you shall give the Military Affairs Committee an opportunity to investigate this thing, as you would investigate any business proposition that was to be considered by you in your personal affairs.

Mr. BLANTON. Will the gentleman yield?

Mr. BLAND of Virginia. In one moment. I have very little time. The strategic importance of this camp will be shown when you remember that it is located in a vicinity that has participated in every war that has ever been fought in the history of America. [Applause.] It was here that the Revolutionary War was won, within 7 miles of this camp. It was here that there was great fighting in the Civil War. It was here in 1898 that you established one of your camps from which to send troops to Cuba. It was from this point or near this point that you sent your troops to Cuba when they had the intervention there. It was from a point in this immediate vicinity that more soldiers went to France than from any other point in America save the port of New York.

Mr. ANTHONY. Mr. Chairman, I regard the amendment which the committee has made for the salvaging of Camp Eustis, in connection with the appropriations that we are making for Camp Bragg, as one of the most important provisions we have put in this bill. The reason for it is that the operations for which they propose to use Camp Bragg and for which they propose to use Camp Eustis are, in my opinion, so related that they can be consolidated at one point.

At Camp Bragg we are providing the longest artillery range that they will be able to have at any place in this country. The distances there are so great that they will be able to fire the artillery of large caliber which has been developed during this war over ranges of 28 miles and still have a back stop of 10 or 12 miles against a range of mountains for safety purposes.

Mr. GODWIN of North Carolina. Gen. Pershing was at Camp Bragg last week, and he made the statement that it was the most delightful location of any camp in the service for long-range firing.

Mr. ANTHONY. At Camp Eustis the Coast Artillery propose to establish a school for the training of certain sections of the Coast Artillery in handling large-caliber guns mounted upon railroad mounts. We believe that these guns can be handled and training received in firing at Camp Bragg. We want, if possible, to eliminate the necessity of maintaining two large establishments for practically the same purpose. The only argument for the retention of Camp Eustis is that water targets may be afforded for the large 14-inch guns mounted on railroad mounts.

Now, if the statement made to me by high authority in the War Department is correct that our coast defenses are now practically obsolete and must in the future be supplanted by large-caliber guns mounted on railroad mounts to make them mobile, able to be transported to any part of the coast that is threatened, there is no reason for anchoring at any one place the use of these large guns mounted on railroad mounts, because in the process of modernizing our coast defenses there will be spurs of railroad track run into available positions at every coast defense point where such construction is possible, so that the railroad mounts can be used for target purposes at any number of places.

As a result of the war and as a result of the policy of the War Department we are completing the building of 90 of these big 14-inch guns to be mounted on railroad cars, in addition to about 40 immense 12-inch mortars that are to be mounted on railroad mounts.

I do not believe it is necessary for this Government to waste money by keeping all of those immense engines of war in active commission or in active practice. I suggested to the chief of the Coast Artillery the other day that instead of keeping them in active use they should be stored away at some available point, all except a few of them, which may be used for the practical work of training and practice. They propose, if we allow them to go ahead with the development of Camp Eustis, to first call upon us for \$4,000,000, as I read it from the estimates, for further construction. I think we would better look into the matter further before going into such expense.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the Chair declared that the amendment was rejected.

Mr. HARRISON. Mr. Chairman, I would like to be heard upon the amendment.

The CHAIRMAN. The Chair has already put the question, and the gentleman is too late.

Mr. CALDWELL. Then, Mr. Chairman, I demand a division, if the gentleman from Virginia is not to be permitted to speak.

The CHAIRMAN. The gentleman from New York demands a division.

Mr. CANNON. Mr. Chairman, are we voting for or against Camp Eustis?

The CHAIRMAN. To vote aye would be to vote for Camp Eustis.

Mr. CANNON. The ayes are for it and the noes against it?

The CHAIRMAN. Yes.

Mr. CANNON. I just wanted to know when to stand up.

The committee divided, and there were—ayes 20, noes 54.

Mr. CALDWELL. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers. Those favoring tellers will rise and stand until counted. [After counting.] Not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. HARRISON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 7, line 25, after the words "receipts," insert: "But such action shall not be taken by the Secretary of War until there shall be provided at some other place now owned by the War Department, facilities, including water ranges for moving targets, for the training of railway artillery, and for other Army activities now at Camp Eustis."

Mr. ANTHONY. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ANTHONY. That it is legislation.

The CHAIRMAN. The Chair does not think that that point of order would lie.

Mr. ANTHONY. Then that it is not germane.

The CHAIRMAN. Does the gentleman from Virginia wish to be heard upon the proposition?

Mr. HARRISON. Mr. Chairman, this simply provides that until the activities now carried on at Camp Eustis are provided for at some other place, Camp Eustis shall be continued. It is in exact accord with what the committee has already done in respect to Camp Taylor, I think it was, or Camp Knox.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from Virginia is in order. The Chair therefore overrules the point of order.

Mr. HARRISON. Mr. Chairman, the object of this amendment is simply to carry out what has already been done in regard to the provision respecting Camp Knox and Camp Taylor. I provide for continuing activities at Camp Eustis until suitable provision has been made elsewhere for such work. The fact about the matter is that the work at Camp Eustis has never been investigated by the subcommittee. Furthermore, the Committee on Military Affairs has never heard a word of testimony in regard to the abandonment of Camp Eustis. The camp is utilized by the Coast Artillery, an entirely different branch of the Army from any other branch of it. It is in no way connected with the Field Artillery. It is a branch unto itself. It is a highly specialized branch of the service, requiring special training. I am informed by Gen. Coe that the camp is essential for the use of the Army without regard to the number of men that we propose to have. There is no money asked; not a dollar. The only proposition that is now up for

this committee to consider is whether or not until the Army shall have an opportunity to establish a training base for the Coast Artillery elsewhere, the activities at Camp Eustis shall be continued.

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

Mr. HARRISON. Yes.

Mr. ANTHONY. Does not the gentleman think that the whole matter is largely dependent on whether we consider these big guns on railroad mounts mobile artillery, coming under the jurisdiction of the Field Artillery of the Army, or whether they are considered as fixed coast-defense guns, and properly under the Coast Artillery?

Mr. HARRISON. I think the gentleman from Kansas may be right, but why pass on it now? Why not have the opportunity of securing expert advice?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. The function of the Coast Artillery heretofore has been harbor defense.

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. Coast defense is a misnomer. Our defenses are really harbor defenses and are fixed. This railroad transportation for artillery to ply between posts on the coast is comparatively new, is it not?

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. If they say they need Camp Eustis where they may practice railroad artillery firing, why can they not do that at many of the points between the posts that we have now where there is railway connection?

Mr. HARRISON. They may be able to do it, but I think we ought to at least have testimony as to what is necessary.

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

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

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARRISON. The point I make is that we ought not here, haphazard, in this sort of way, without any consideration or advice upon the part of the military authorities of the country, to cut down their training. That is what it amounts to.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield further?

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. What particular function does the Coast Artillery perform that renders it necessary that it should have training apart from that which it can get in the posts where it is now assembled?

Mr. HARRISON. It wants water target practice. I have been informed that to remove these big guns from Camp Eustis would cost over \$500,000.

Mr. GREENE of Vermont. But it is the very function of the Coast Artillery to defend the coasts, and our posts are located on the coast.

Mr. HARRISON. This is simply a training camp—

Mr. GREENE of Vermont. Yes; but why do they not train at the places which they now have?

Mr. HARRISON. They have got the training facilities here; why move them?

Mr. GREENE of Vermont. The point, as I understand it, in the practical use of coast artillery is that it is not a mobile arm. It does not move itself in divisions and similar units for field evolutions. Its larger purpose is served by its fire control and its gunnery.

Mr. HARRISON. But it is not practiced at Camp Bragg, where it is intended to carry it.

Mr. GREENE of Vermont. But the purpose is served by giving—

Mr. HARRISON. If the gentleman will permit, does not the gentleman think before we destroy Camp Eustis that we ought to have a place provided where this work can be carried on?

Mr. GREENE of Vermont. That is the point I am trying to suggest by my question—that we seem already to have provided it. The experience of coast artillery in this World War, when they went to the field and took charge of the heavier calibers of field artillery, is not a fact upon which we should base future legislation, because the purpose of coast artillery is for coast defense and not for field artillery—

Mr. CALDWELL. Will the gentleman permit?

Mr. GREENE of Vermont. They went to the field at that time because we were short of field artillery.

Mr. CALDWELL. Is it not a fact that the matter of shooting on water and the matter of shooting on land are two different things, and that it is more deceptive on water than it is on land—

Mr. GREENE of Vermont. Oh, exactly, but—

Mr. CALDWELL. Well—

Mr. GREENE of Vermont. The gentleman has asked a question; now let me answer it. When distances are known, the question of whether you can see the objective point with your eye is not involved, because it becomes a mathematical proposition. They might be firing at indefinite distance—

Mr. HARRISON. I can not yield further.

The CHAIRMAN. The gentleman declines to yield further.

Mr. HARRISON. I want just a few minutes of my time to conclude what I have to say. The point I desire to bring to the attention of the committee is this, that we are interfering with the organization of the Army as advocated by the generals of the Army, the experts of the Army. It is something more than abandoning a camp field; it is breaking up a branch of the service and impairing its efficiency. At least, it may be; and we have made no personal investigation nor received any testimony from any source to guide us. I understand Gen. Pershing will visit this camp in a few days on an official inspection, and it seems to me to be the part of wisdom and common sense to hear what he may have to say. Furthermore, my amendment simply postpones the removal of the Army activities at Camp Eustis therefrom until the War Department has provided a more suitable place where these activities can be carried on. Now, I can not understand why there should be any objection to that proposition.

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

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

On a division (demanded by Mr. HARRISON) there were— yeas 39, yeas 51.

So the amendment was rejected.

The Clerk read as follows:

SIGNAL CORPS.

To complete Signal Corps camp at Camp Alfred Vail, N. J.: For the purchase of real estate, \$110,000.

Mr. EAGAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 8, after the period in line 7, insert the following:

"That the Secretary of War be, and he is hereby, authorized to expend such portion of the unexpended balances of the appropriations made by the second urgent deficiency act dated October 6, 1917, for terminal storage and shipping buildings as may be necessary for the payment of awards to cover the acquisition of the following described real estate which has been requisitioned under the provisions of section 10 of the act approved August 10, 1917 (40 Stat. L., p. 276), to wit: Two thousand and eighty-nine acres of land, more or less, and appurtenances thereto belonging, situated near Metuchen, in townships of Woodbridge and Raritan, county of Middlesex, State of New Jersey, and now occupied as an ordnance depot and known as Raritan Arsenal.

Sec. 2. That where the title to the above-described real estate sought to be acquired by such requisitions, already served, proves to be defective by reason of the fact that all necessary parties in interest were not served with requisitions or for any other reason, the Secretary of War be, and he is hereby, authorized to purchase or to acquire by condemnation or otherwise such outstanding titles as are necessary to completely vest the fee simple title to such real estate in the United States of America."

Mr. EAGAN. Mr. Chairman, this amendment is in the same language as the bill H. R. 9144, introduced by the chairman of the Committee on Military Affairs [Mr. KAHN] on September 9, 1919, in compliance with a letter from the Secretary of War dated September 6, 1919, which I read:

WAR DEPARTMENT,  
Washington, September 6, 1919.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
House of Representatives.

SIR: There is submitted herewith the draft of a bill to provide for the completion of the purchase of certain real estate for ordnance storage at Raritan Arsenal.

The act approved July 11, 1919 (public No. 7, 66th Cong., H. R. 5227), will prevent the payment of awards in requisition proceedings for the acquisition of titles to lands embraced within the site of Raritan Arsenal and Ordnance Depot, situated near Metuchen, N. J., where the Government has expended approximately \$9,500,000 for permanent improvements. The completion of the purchase of this site is essential for the protection of the Government's costly investment. The payment of the awards, made or to be made, in cases where the land has been requisitioned, is necessary in order to protect not only the interests of the Government but also to afford relief to the original owners of the property, possession of whose lands and whose titles has been taken under the requisition proceedings. The titles of the claimants of many parcels of the land embraced in this site have been found to be so defective that in all probability it will be necessary hereafter to institute condemnation proceedings in order that a fee-simple title may be vested in the United States.

Raritan Arsenal can not be considered an industrial plant in the sense of the exception in the provision of H. R. 5227, which prohibits the purchase of real estate. Therefore it will require congressional action to permit the consummation of this transaction, which has been delayed

principally on account of the difficulty of ascertaining the true owners of the property.

Favorable consideration of the legislation proposed is earnestly requested.

Very truly, yours,

NEWTON D. BAKER,  
Secretary of War.

I understand that the materials in the buildings on the ground embraced in the Raritan Arsenal are worth upward of \$340,000,000, ordnance, ammunition, and so on. I also understand the Raritan Arsenal is to be permanent, in which to put reserves for ammunition and ordnance in case of emergency. I am told by the officials of the War Department that unless provision is made for this storage to be continued there that it will be very expensive, if not impossible, to consider the removal and provide elsewhere for the storage of such ordnance and ammunition.

Mr. CANNON. Mr. Chairman, I want to ask the gentleman a question. How much money—I understand this is to utilize some appropriation that has been made?

Mr. EAGAN. Yes.

Mr. CANNON. I would like to know how much it is contemplated?

Mr. EAGAN. I asked that question, and they tell me approximately \$650,000. Of course, an accurate estimate can not be made, because some land must be acquired by condemnation.

Mr. CANNON. How much of the five or ten millions appropriated would be available under the amendment of the gentleman?

Mr. EAGAN. I take it, of course, whatever would be required would be available. I do not know there is enough available for the purpose.

Mr. CANNON. Then nobody knows whether it is \$600,000 or \$100,000 or \$6,000,000?

Mr. EAGAN. The War Department advised me that they believe that will be the amount—\$650,000.

Mr. CANNON. Six million dollars?

Mr. EAGAN. No; \$640,000 or \$650,000.

Mr. CANNON. That is just a guess, I take it, at present prices. Is there any reason why we could not wait a year or two and let the Democrats and Republicans fight out about the increase of taxation and the increase of the dollar as compared with other credits? If we do not make this appropriation now, will we be defeated in a war hereafter?

Mr. EAGAN. Of course, the lands of these owners have been requisitioned, and it would seem to me some effort should be made to enable them to get their money when the War Department determines that they are entitled to it.

Mr. CANNON. This is to care for land that is to be condemned?

Mr. EAGAN. The land to be condemned, of course, is that to which they will be unable to get, I suppose, a clear title.

Mr. CANNON. You would not need this appropriation until after the condemnation was made?

Mr. EAGAN. Frankly, I am not advised as to the details of this matter. This was to be handled by my colleague from New Jersey, Mr. ACKERMAN. I do not know whether he is on the floor now or not.

Mr. CANNON. I am seeking the information. I have not the floor. The gentleman has it.

Mr. FIELDS. Have the landowners been dispossessed? Have they been moved off their land?

Mr. EAGAN. I am not informed as to that. But it may be, of course, that that is the case.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The question is on agreeing to the amendment.

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

Mr. EAGAN and Mr. CALDWELL demanded a division.

The committee divided; and there were—ayes 20, noes 28.

So the amendment was rejected.

The Clerk read as follows:

#### CHEMICAL WARFARE SERVICE.

To complete the purchase of real estate at Salt Well site, Midland, Mich., \$3,072.

Edgewood Arsenal, Md., for reservoir and pipe lines, \$7,500.

Total for Chemical Warfare Service, \$10,572.

Mr. MANN of Illinois. Mr. Chairman, is not the question now on agreeing to the committee amendment, which strikes out and inserts?

The CHAIRMAN. Yes. The question now is on agreeing to the committee amendment, which strikes out and inserts the language we have just adopted.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### AIR SERVICE.

To complete Air Service fields, as follows:  
For hangars for storage at Aviation General Supply Depot at Fairfield, Ohio, \$5,500.  
For hangars for storage at Aviation General Supply Depot at San Antonio, Tex., \$23,000.  
For completion of barracks and quarters at Ford's Island, Hawaii, \$35,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman as to this appropriation at Selfridge Field, if that is for the purchase of the field or is it to spend more money on land that does not belong to the Government?

Mr. ANTHONY. The item provides for general construction.

Mr. LAGUARDIA. I want to state to the chairman, for the benefit of the committee, that we have spent millions of dollars on Selfridge Field; that the land is below the level of the lake; that we built dikes around it and have an expensive drainage system to keep it dry; that the title of the land is not in the Government. We are paying a high rental for this property, and I advise strongly against any more expenditure on Selfridge Field until we know what we are going to do with it.

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

Mr. LAGUARDIA. Certainly.

Mr. SNELL. What do we own there if we do not own the land?

Mr. LAGUARDIA. We rent it. We own the buildings.

Mr. SNELL. How many buildings?

Mr. LAGUARDIA. I think it runs two to three million dollars' worth. I do not know.

Mr. ANTHONY. There have been \$2,325,000 expended for construction.

Mr. LAGUARDIA. That does not include the drainage of land or the building of the dikes.

Mr. ANTHONY. That is entirely new matter which the gentleman has suggested. I will say the land involved there is 640 acres, and the present status is that it is in court. So they have not come to us yet for authority to purchase the land and provide the money.

Mr. LAGUARDIA. I will state to the distinguished gentleman that we are supposed to pay an enormous price for this building after spending a high price to improve it, and paying high rental.

Mr. GREEN of Iowa. What is this field?

Mr. LAGUARDIA. It is a flying field.

Mr. GREEN of Iowa. Why did they expend money for expensive buildings?

Mr. LAGUARDIA. They do not need it at that point. There is no reason for spending millions of dollars on Selfridge Field.

Mr. GREEN of Iowa. That is what occurred to me.

Mr. LAGUARDIA. It is one of the outrages of the \$640,000,000.

Mr. ANTHONY. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. ANTHONY. In the plan for the retention of a certain number of air fields I understand that Selfridge is on the list for retention. It is one of the most northernmost of the flying fields that has been retained in the Central West, and it occurred to some of the members of the committee that it would be advisable to have a flying field somewhere in that locality. And because of its location, and from the fact that we have spent two or three million dollars on the land, we thought it would be a better thing to proceed there.

Mr. LAGUARDIA. Because we have spent so much let us hold this back until we find we will have to buy this land. Let us hold back the \$35,000 until we find we will have to buy this land.

Mr. ANTHONY. The \$35,000 that is provided in the bill is for the purpose of continuing work on the sewage disposition plant, which they regard as absolutely necessary.

Mr. LAGUARDIA. Suppose we spend that, do you want to present them with \$35,000 more?

Mr. ANTHONY. The War Department is not to return it. They are going ahead to determine the legal status of the land.

Mr. LAGUARDIA. There is no question as to the legal status of the land.

Mr. ANTHONY. Oh, yes; there is. It is now in the court.

Mr. LAGUARDIA. For condemnation proceedings?

Mr. ANTHONY. Yes.

Mr. LAGUARDIA. There is no question of the legal status. I have information that they are asking an enormous price for the land even after we improve it.

Mr. LAYTON. Does the gentleman from Kansas think that he knows the mind of the War Department as to what they are going to do in this respect?

Mr. ANTHONY. We have their recommendation.

Mr. LAYTON. They say that they are going to scrap this Delaware railroad proposition.

Mr. LAGUARDIA. Mr. Chairman, I press my motion to a vote. I moved to strike it out. I moved to strike out lines 5 and 6 on page 9.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

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

Mr. LAGUARDIA. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks for a division.

The committee divided; and there were—ayes 19, yeas 30.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For Chanute Field, Rantoul, Ill., \$208,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I do this, Mr. Chairman, for the purpose of making an inquiry of the chairman as to the necessity for this field. This is another flying field?

Mr. ANTHONY. Yes; at Rantoul, in the State of Illinois. It is one of the most important flying fields that the Government has. It is located immediately adjacent to the University of Illinois. The scientific portion of that university has taken a great interest in aviation. Its college professors and scientific men have been of great aid in the development of aviation there. The field is regarded as an ideal one. Geographically it is well located. I believe the department has wisely concluded to retain it as part of the chain of flying fields from east to west.

Mr. GREEN of Iowa. I know the lay of the land in that vicinity, and it is level, of course. It is nearly as level as a floor. But is not that pretty high-priced land to take for a flying field? I should judge it is worth several hundred dollars an acre. Is it not?

Mr. ANTHONY. Yes; \$305, I understand, they are proposing to pay for it. In our investigations we found that invariably the aviation people picked out these level pieces of land, frequently in river bottoms, and often they are the richest and most fertile lands in the neighborhood.

Mr. GREEN of Iowa. I think I could find land in Illinois that was not worth one-fourth of that.

Mr. ANTHONY. I do not know of any land in Illinois that could be bought for one-fourth of that.

Mr. GREEN of Iowa. Yes; and places where the land is practically nothing but sand. I do not think that such an expensive location ought to have been taken for a flying field in the first instance.

Mr. HULINGS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. HULINGS. Mr. Chairman, I see in the report here, as to the present status, that the land to be purchased there is 640 acres, at \$305. That is an aggregate of \$208,000. Then the cost to complete the project, the amount to complete the purchase of the land, is \$208,000 more. Is not that \$416,000 for 640 acres of land?

Mr. ANTHONY. It is my understanding that the purchase of the land completes the project.

Mr. HULINGS. How much land?

Mr. ANTHONY. Six hundred and forty acres.

Mr. HULINGS. That is over \$700 an acre.

Mr. ANTHONY. Oh, no.

Mr. HULINGS. It is \$400,000 for 640 acres.

Mr. ANTHONY. No; \$305 an acre.

Mr. HULINGS. It will not take more than half that.

Mr. ANTHONY. The gentleman perhaps confuses the duplication of language in the line. It means that is the last appropriation that is asked for to complete it.

Mr. MANN of Illinois. Mr. Chairman, I am an alumnus of the University of Illinois, and am very much interested in the work which it does. I have been very much interested in the Aviation Service in the Army from its inception. But I can not imagine anything more ridiculous than for the Aviation Service to go out in the best corn belt in the world, where farm land is higher priced than anywhere else in the world, to buy land for the purpose of preventing them from raising corn on it, in order to have an aviation field not large enough for aviation service.

For this land it is proposed to pay \$305 an acre. If the Government gets the land it is advisable to carry out the contract, because undoubtedly with the present increase in prices this land is worth in the market from \$400 to \$500 an acre. But how ridiculous it is for the Government, for the purpose of having an Air Service, to seek out land which is the most expensive in the world, and which could be better used to raise produce. The Air Service does not care how much corn is worth or how much it costs, or how much wheat is worth or what it costs. They do not care anything about the high cost of living except as it applies to themselves individually, and they go out on the prairies of Illinois, right in the midst of the corn belt, and buy land at these high prices, and then say that it is because it is close to a university. Well, about the last thing that the University of Illinois ought to do is to take an interest in the Aviation Service. There are many things that the university can do more profitably than that. Their help during the war may have been advisable, as everybody's help was, but to locate a permanent flying field in this place is the very height of foolishness.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For Brooks Field, San Antonio, Tex., \$140,446.

For Kelly Field No. 2, San Antonio, Tex., \$349,686.33.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. I wish to ask the acting chairman of the committee the reason for these large appropriations for two flying fields in the same locality. There is one at Brooks Field, San Antonio, \$140,000 plus, and one at Kelly Field No. 2, San Antonio, Tex., \$349,000 plus.

Mr. ANTHONY. As is well known, during the war Texas was liberally endowed with the establishment of flying fields. They were scattered all over the State.

Mr. TILSON. These seem to be somewhat concentrated in one place.

Mr. ANTHONY. Three of them were concentrated at San Antonio. We went there to visit those establishments, and we found they were some of the best located of any that we had seen, with millions of dollars on permanent improvements already expended thereon; and inasmuch as the Government had spent this money on land which it had contracted to buy, it was obviously a businesslike thing and a sensible thing to do to go ahead and complete the purchase in order to protect the interests that the Government already had there. It is now proposed to use Brooks Field as a balloon station.

Kelly Field will be used as one of our principal flying centers. There are \$4,000,000 worth of buildings already erected on Kelly Field.

Mr. TILSON. What kind of a balloon school is to be established there?

Mr. ANTHONY. Not a balloon school but a balloon station. They intend to construct beds for the balloons. I believe they call them beds. It is to be a station both for dirigibles and for observation balloons.

Mr. BEE. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from the San Antonio district to explain.

Mr. BEE. I am not going into a defense of the appropriation, because we believe that the propositions are absolutely meritorious and do not need any defense. But in answer to the question of the gentleman from Connecticut, Brooks Field is separate and distinct from Kelly Field. Aviation has been carried on at Kelly Field since 1917. Brooks Field is a balloon school. It was used as a balloon school during the entire period leading up to the armistice. It was not a proposition that came up at that time. It was in use for some time prior thereto.

I present this fact to the judgment of the committee, that it has been demonstrated that under existing conditions the dirigible is considered the most useful aerial machine for the character of warfare that might be contemplated on the Mexican border, because of the topography of the country and the large timbered areas and the land covered with mesquite and cactus in that country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEE. I move to strike out the last word.

The CHAIRMAN. That motion has already been made.

Mr. BEE. I just wanted to make this explanation.

Mr. KITCHIN. I should like to ask what became of the amendment offered by the gentleman from Illinois [Mr. MANN] to strike out Chanute Field, at Rantoul, Ill.?

Mr. MANN of Illinois. I did not offer the amendment, Mr. Chairman, because just a moment before the gentleman from New York had offered an amendment to strike out the appropriation for Selfridge Field, Mount Clemens, Mich., of \$35,000, and we had had a division on it, and every Democrat in the House voted to retain it, and every Republican except three or four voted to strike it out, and I did not want another such pitiable exhibition in the Congress of the United States.

Mr. KITCHIN. Nobody made out as good a case against Selfridge Field as the gentleman made out against Chanute Field, at Rantoul.

Mr. MANN of Illinois. Oh, yes; they did. The gentleman from North Carolina was not here. A better case was made out.

Mr. KITCHIN. We are all with you on this point after the strong argument made by the gentleman from Illinois.

Mr. MANN of Illinois. I am in favor of striking it out.

Mr. KITCHIN. I am, too.

Mr. MANN of Illinois. If the gentleman had been here, he would have voted to keep it in, just as he did before on Selfridge Field in Michigan.

Mr. KITCHIN. Oh, no; I voted against Michigan.

Mr. MANN of Illinois. No; the gentleman did not vote against Michigan. The gentleman voted in favor of keeping it in. The Republicans voted to strike it out, but you gentlemen on that side, who had never had any idea of economy, voted to keep it in.

Mr. KITCHIN. I ask unanimous consent that the committee return to the item for Chanute Field at Rantoul, Ill.

Mr. CRAGO. I object.

The CHAIRMAN. Objection is made.

Mr. SNELL. I want to ask the gentleman in charge of the bill in regard to the price that we are paying for this land for Kelly Field No. 2 near San Antonio. Perhaps the gentleman from Pennsylvania [Mr. CRAGO] can tell me.

Mr. CRAGO. All the information I can give the gentleman is that when we were at this point we made investigation as to the price of land and were assured by people in whom we had confidence that this was a reasonable price. In fact, land around San Antonio is increasing in value very rapidly.

Mr. SNELL. Has it increased because we have located these fields there?

Mr. CRAGO. That may be part of it, but there are other activities there. The city of San Antonio is growing very rapidly.

Mr. SNELL. What is the assessed valuation of property in this vicinity?

Mr. CRAGO. I do not know, nor do I think that would be any fair criterion, because you never know on what basis the assessment is made.

Mr. SNELL. Would it not be something on which to base an estimate?

Mr. CRAGO. It would not be in Pennsylvania, because our assessed valuation is always far below the selling price.

Mr. SNELL. I will admit that, but I would like to know if lands there are assessed anywhere near \$200 an acre.

Mr. CRAGO. This is fine land, lying 3 or 4 miles from the great city of San Antonio, and you can readily recognize the fact that with railroad facilities and macadamized roads, and everything of that kind, with the land practically contiguous to the city of San Antonio, it is valuable land. Kelly Field No. 2 is really the flying part of Kelly Field, Field No. 1 being used for different purposes. The storage and supply base is at Kelly Field No. 2. At Kelly Field No. 1 they bought the land several years ago at approximately the same price.

Now, to salvage this plant or to move off from it and pay the damages and pay rental, we thought was not good business judgment, and as the two plants work properly together, it is a splendid location for the Aviation Service. There is no question about that, especially in view of what some people think may be our military activities in the near future.

Mr. SNELL. As nearly as I can learn, we go into various parts of the country and establish a school, raise the price of the land two or three or four times, and then pay the increased price when we come to buy it.

Mr. CRAGO. That is true in some cases. In others it is not. These projects were all started as war projects, and these locations were made by the different forces. All we could do was to take these locations as we found them, and determine in our own mind what was the best business proposition for the Government.

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

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment H. J. Res. 260, authorizing the payment of officers and employees of Congress for December, 1919.

The message also announced that the Senate had passed the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes, in which the concurrence of the House of Representatives was requested.

## AMENDMENT TO THE ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Committee amendment: Page 9, line 18, add the following: "For purchase of real estate and acquisition of oyster rights at Langley Field, Va., \$12,000.

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

The committee amendment was agreed to.

The Clerk read as follows:

For general construction at Selfridge Field, Mount Clemens, Mich., \$35,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out lines 5 and 6, on page 10.

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

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 10, strike out lines 5 and 6.

Mr. LAGUARDIA. Mr. Chairman, now with the cooperation of the distinguished gentleman from North Carolina [Mr. KITCHIN], who was so willing to help us on Selfridge Field, we are back to it, and here is an appropriation of \$190,000 to buy land, the price of which has not yet been fixed. This House has not yet decided whether we are going to buy that land, and we find ourselves in this position, that we are appropriating money for land which we have not decided to buy, the price of which has not yet been fixed, and the matter is still in court to ascertain its value, if any.

Mr. KITCHIN. Does not the gentleman know that I voted with him awhile ago on the Selfridge Field proposition?

Mr. MANN of Illinois. Oh, no Democrat voted with us.

Mr. KITCHIN. Two Democrats voted; yes—myself and another gentleman.

Mr. LAGUARDIA. Can not the gentleman get me more Democrats on this amendment?

Mr. KITCHIN. I am going to vote with the gentleman on this amendment.

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

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 47, noes 13.

So the amendment was agreed to.

Mr. KITCHIN. Now, I want to know whether the gentleman from Illinois wants to go back to Chanute Field with his amendment?

Mr. MANN of Illinois. Sure, I would in a moment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Committee amendment: Strike out all of line 7, page 10.

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

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Strike out, page 10, lines 8 and 9, as follows: "Total for Air Service, \$1,497,202.33."

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

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Insert, lines 8 and 9, page 10, the following: "For purchase of Curtiss-Elmwood plant at Buffalo, N. Y., \$1,804,300.49.

Mr. LAGUARDIA. Mr. Chairman, I will ask the attention of the committee to this item. I want to point out that the only argument presented for the expenditure of \$1,804,300.49 is that an agreement was made with the Curtiss Co., of my State, if you please, whereby they promised the Curtiss Co. to take the Elmwood plant off their hands. After the armistice, and when we had stopped producing at that factory, they began to use the plant for storage purposes, and are now so using it. It is chock full of motor transport equipment. Mark you, this is a

factory, with machinery in it, and it is full of motor trucks for storage, and we are paying rent for it.

Mr. CALDWELL. How much?

Mr. LAGUARDIA. Three hundred thousand dollars a year, and they come to us and say, "Now, you have got to pay this amount, because if you do not, in three years we will get that much money from you anyway." It is as clear a case of holdup as was ever presented to this House, and I refuse to be held up by the Curtiss people or anybody else in my State or elsewhere.

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

Mr. LAGUARDIA. Yes.

Mr. HICKS. Is there any machinery in this plant to manufacture aeroplanes?

Mr. LAGUARDIA. There is.

Mr. HICKS. What is the capacity of this plant?

Mr. LAGUARDIA. Oh, I do not know. It is a big plant.

Mr. HICKS. How much?

Mr. LAGUARDIA. I do not know. Hundreds of planes.

Mr. DEMPSEY. I will answer that. The capacity of the plant is 1,300,000 square feet.

Mr. HICKS. I mean the capacity with respect to turning out planes.

Mr. LAGUARDIA. Oh, I do not yield to the gentleman from New York. I have only a few minutes.

The CHAIRMAN. The gentleman from New York declines to be interrupted.

Mr. LAGUARDIA. It is not now being used as a factory, but we are paying a factory price for the rental of it.

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

Mr. LAGUARDIA. Yes.

Mr. DEMPSEY. They did use it as a factory all during the war.

Mr. LAGUARDIA. That is correct.

Mr. DEMPSEY. And it is one of the largest factories in the United States.

Mr. LAGUARDIA. It was.

Mr. DEMPSEY. And it was used until aeroplanes were generally discontinued in the country.

Mr. LAGUARDIA. Yes.

Mr. DEMPSEY. And the situation is one that is not peculiar to this plant, but is a general situation which prevails, owing to the fact that they have discontinued aeroplane work.

Mr. LAGUARDIA. Is any other factory coming to us now and saying, "Take our plant off our hands"?

Mr. DEMPSEY. I do not know, but I will tell you about this plant in a moment, and why you should buy it. I do not want to take up the gentleman's time.

Mr. LAGUARDIA. I have some startling information on the next item of this bill.

Mr. DEMPSEY. Oh, I think we ought to confine ourselves to this item now.

Mr. LAGUARDIA. I will confine myself to this item. That is the whole proposition. The only justification for it is that they are charging us an exorbitant rental of \$300,000 a year. We can move that equipment out of there. We have motor transport troops. Let us move the equipment out; let us go into this thing and find out what this agreement was with the Curtiss people and then appropriate for it, if we have to buy it, and if we have to pay factory rental for the building let us use it as a factory and not as a storage warehouse.

Mr. FISHER. The gentleman says that we could move this out? Where would we move it to?

Mr. LAGUARDIA. Does the gentleman mean to say that after all of the millions of dollars we have spent for equipment of Army posts and cantonments we have not a place to transport this motor-transport equipment?

Mr. FISHER. I would like to have the gentleman state just what warehouse or what place we have room for it, in which we could put this equipment now at Buffalo.

Mr. LAYTON. Then let us sell it.

Mr. LAGUARDIA. Then the gentleman would admit that we are being held up.

Mr. FISHER. I do not admit any such thing.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANTHONY. Mr. Chairman and gentlemen of the committee, while I have the greatest respect in the world for my colleague, Maj. LAGUARDIA, as a brave flying officer and a distinguished legislator, his business judgment as expressed upon the proposition of the acquisition of this Curtiss-Elmwood plant will hardly pass at par with me. The subcommittee of the House Committee on Military Affairs has most carefully investigated every phase of this proposed purchase. I only regret that Maj. LAGUARDIA, who was named as a member of that subcommittee, could not find the time to accompany the committee

and participate in the hard work and labor it put in in the investigation of this and other aviation propositions. [Applause.] To any man who knows enough to operate a peanut stand on a corner and make a profit [laughter and applause] the question of the purchase of the Curtiss-Elmwood plant from a business standpoint is at once apparent. It is proposed to take over this plant at a cash cost to the Government of \$1,800,000.

The building is a modern concrete and steel structure on 77 acres of ground in the midst of the manufacturing district of Buffalo, N. Y., that cost the Curtiss Co. \$6,300,000 to build of their own money. We are now using it as a storage proposition pure and simple for Army trucks and for other surplus material.

Mr. HICKS. Will the gentleman yield?

Mr. ANTHONY. I would rather complete this, but I yield.

Mr. HICKS. Are we buying this as a factory or as a storehouse?

Mr. ANTHONY. As a storage proposition at this time.

Mr. CALDWELL. The gentleman would not impress the committee with the belief that it can not be used as a manufacturing proposition?

Mr. ANTHONY. It is equipped with the most modern machinery and can be turned over to-morrow in the production of aeroplanes, and I may say there are large automobile-manufacturing interests who are now trying to get this property away from the Government for their own purposes. We have stored there in that 1,300,000 feet of storage space available, which Gen. Marshall, of the Construction Corps, says it will cost \$3 a foot to build at this time, \$55,000,000 worth of Air Service surplus material, in addition to 3,000 Army trucks—Packard and General Motors Co. trucks—which are stored in one end in the middle of that concrete factory—one of the best pieces of storage work the committee saw in any place. We are paying for that factory \$312,000 a year rental. We are advised by the authorities that we will need it for four years more. There is \$1,200,000 rent. If we are compelled to move to some other place of storage, they say it will cost \$300,000 merely to transfer the material from there to other storage points. That is the amount of money the Government would be compelled to pay out for rent or for moving that immense amount of material.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN of Illinois. I would ask that the gentleman have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN of Illinois. How was the price fixed?

Mr. ANTHONY. I want to go into that phase of it. During the progress of manufacturing contracts which were held by the Curtiss people by our Government for the manufacture of aeroplanes the War Department advanced to them a total of \$8,000,000. About \$4,000,000 of this amount was taken up in the settlement of aeroplane contracts, leaving about four million and some thousand dollars over unpaid on the part of the Curtiss Co. Then came up the question of adjustment of the cost of this factory with the Curtiss people in connection with their Government contract. That contract provided that the Curtiss Co. should be awarded by the Government the difference between the war cost of that factory, \$6,300,000, and its value to the Curtiss Co. as a peace-time proposition. The board of appraisers which was appointed under the provisions of that contract brought in a ridiculously low valuation of 7½ per cent as the peace-time value of this plant to the Curtiss Co., which, if that award had been allowed to go through, would have meant that the Curtiss Co. would have been able to retain the plant and have been able to cancel their obligation to the Government and receive \$454,000, the 7½ per cent involved. The conference committee which had under consideration the last Army appropriation bill refused to carry an appropriation through at that time which was based upon that award. We have since investigated the matter and given it most careful scrutiny, and we believe it is a sound, safe proposition, and the sensible thing to do, to take over the plant at the price named in the bill.

Mr. MANN of Illinois. Does the gentleman yield for a question?

Mr. ANTHONY. I will yield.

Mr. MANN of Illinois. How does it happen that we pay \$300,000 rent for property that we can buy at \$1,800,000?

Mr. ANTHONY. That was the price agreed upon before any purchase proposition was contemplated.

Mr. MANN of Illinois. Well, that would seem to make it still worse. The Government agreed to pay rent at \$300,000 a year for property worth less than \$2,000,000?

Mr. ANTHONY. The property cost \$6,300,000 to the Curtiss Co.

Mr. MANN of Illinois. Well, was that Government money?

Mr. ANTHONY. No; that is the Curtiss Co. money, not furnished by the Government.

Mr. MANN of Illinois. I thought the gentleman was definite in his statement, but I must confess now I do not understand him.

Mr. ANTHONY. What is it the gentleman does not understand, and I will try in my feeble way to clarify it?

Mr. MANN of Illinois. The gentleman was very clear before, and I can not understand how this price is arrived at.

Mr. ANTHONY. I think I have figures here that will give the idea. Of course, the question of the amortization of the value of that factory to the Curtiss Co. is involved in this whole transaction. The Curtiss Co. still owed the Government, as I understand it, over \$4,000,000 of the unpaid balance. Now, as the bookkeeping is kept, the department has charged off \$4,000,000 of that amount on its books with the Curtiss Co., feeling certain that in any settlement that is made that amount of amortization would be taken care of.

So that the difference between the \$6,114,126, which the Curtiss people claimed the plant actually cost them—that is, the net figure—and the amortization which is actually paid in this settlement of \$4,309,825.54 makes \$1,804,300.49, the amount asked for in the present bill as a proper, equitable price to be paid for the plant.

Mr. SNELL. Will the gentleman yield for one more question?

Mr. ANTHONY. I yield.

Mr. SNELL. And the Government has already over \$4,000,000 in this plant at the present time?

Mr. ANTHONY. Not in the plant.

Mr. SNELL. If they furnished the Curtiss Co. this money and charged it off the books, they really have it in the plant.

Mr. ANTHONY. Of course, you might say that.

Mr. SNELL. And we are simply completing the purchase?

Mr. ANTHONY. That may be true.

But the balance of this \$4,000,000, I understand, is involved in what would be the actual amount of amortization finally allowed. The board of appraisers made it as low as 7½ per cent, which is a too ridiculously low value to put on it. It gave the Government the worst of it.

Mr. SNELL. There was no Curtiss money in the plant?

Mr. ANTHONY. Do not confuse the loan to the Curtiss Co. with the cost of the construction of the plant.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, I object for the time being. If he will renew his request at the end of the five minutes—

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] is recognized for five minutes.

Mr. DEMPSEY. Mr. Chairman, the chairman unwittingly said that the cost of this plant was \$6,300,000. The report shows the cost was practically \$7,000,000—\$6,943,000. The plant itself covers about 30 acres. There is no better plant in the United States for any manufacturing purpose. It is an absolutely modern, up-to-date plant, built in the most modern way, of the best material, and it is the best fitted plant in the United States for future work in aircraft production. And it was used for aircraft production until we ceased in our efforts to make aircraft.

Mr. HICKS. How many planes did they turn out? Does the gentleman know?

Mr. DEMPSEY. I do not know. I know they did a great deal of work there; that they had thousands of men employed throughout the war.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DEMPSEY. In just one moment, and I will.

In addition to this modern plant, which is, as I say, as good a plant as you can produce, the plant has with it 79 acres of land in a large city, one of the best cities in the country, land that is bound to increase in value, and is of very great value at the present time, something like 30 acres being in the plant proper. So you have this situation: You have a plant that cost \$7,000,000; you have a plant that is thoroughly up to date; you have a large acreage of land in a big city, in a city that is growing very rapidly. And now, what is the situation of the United States with regard to it? Let us take the present. For the present you are in this position: You have \$55,000,000 worth of property stored in it, and what are you going to do with it in the event that you abandon the plant? Nobody has made any provision; nobody can point to any near-by place where these supplies can be stored; nobody can say what it will cost to store them; nobody will say where you can find a place in which to store them.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CAMPBELL of Kansas. What kind of property is stored there that is valued at \$55,000,000?

Mr. DEMPSEY. There is the most modern kind of machinery for aircraft production, and there is something like 3,000 trucks and automobiles—high-priced automobiles, like the Packard—stored there, end on end, just as closely as they can pack them.

The CHAIRMAN. The time of the gentleman has expired.

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

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Will the gentleman yield to me right there?

Mr. DEMPSEY. I yield to the gentleman.

Mr. GREEN of Iowa. With what the gentleman is saying about the land that is connected with this, the size of this great factory, and valuable machinery that is in it, it seems to me that the Government might use it for storage purposes and get this amount out of it. What does the gentleman think of that?

Mr. DEMPSEY. It seems to me they ought to get much more than the price out of it. Anybody who knows anything about the frontier will agree with me that land on the frontier not only in Buffalo but all the way down the river is absolutely jumping in value, and you have 79 acres of land there at Buffalo. You have, besides, this enormously valuable plant. Then you have this property that is stored in it. And what is the situation as to storage? I am not saying whether or not the Government made a wise contract in agreeing to pay the amount which it has agreed to pay, but the fact is the Government has agreed to pay \$300,000 a year for storage, and it will eat up the entire purchase price before you know it, and instead of having this plant, with its land increasing rapidly in value; instead of having in the future a splendid plant for aircraft production at this great city of Buffalo, midway between the centers of population in the United States; instead of having this land that will produce a profit; instead of having all of it at the end of a short time you will have nothing. You will simply have paid out the \$300,000 a year and have nothing to show for it.

Now, I am sure that the gentleman from New York [Mr. LAGUARDIA], who was able to impress his personality so favorably upon the great electorate of the city of New York, is not going to maintain the statement that this is not a wise purchase without basing it on facts, and he did not produce any facts to show that the electorate of Buffalo, the largest city in his State outside of the great center which he so ably represents, is trying to do anything here that is dishonest or that is to the disadvantage of the country. That is not true. The gentleman on reflection will not attempt to say that, but will recognize the situation as being one which in business prudence demands the purchase of this property at the very low price at which it can be acquired.

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

Mr. DEMPSEY. Yes.

Mr. HICKS. I am in favor of the gentleman's proposition. I want to ask the gentleman this question: In the hearing before the Committee on Military Affairs of the Senate the fact, I think, was developed that since the armistice was signed about 90 per cent of our aircraft production has been liquidated. Is it not a proper thing for the Government to have in reserve a factory of this kind, so that in case of an emergency we can have some chance of speedily building up an aircraft service?

Mr. DEMPSEY. I think so. I think the location is absolutely ideal, and I do not think there is a better plant in this country, or in the world.

Mr. HICKS. I agree with the gentleman thoroughly.

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

Mr. DEMPSEY. Yes.

Mr. BUTLER. I read here that this building cost the Curtiss people over \$6,000,000.

Mr. DEMPSEY. Yes; practically \$7,000,000.

Mr. BUTLER. Now, when we pay practically \$1,800,000, how much will this building have cost the Government?

Mr. DEMPSEY. I can not tell what the arrangement is. I am not familiar with the arrangement.

Mr. BUTLER. It would cost the Government more than this figure, would it not? We can not get a \$7,000,000 plant for \$7,000,000 when there are other bidders, can we?

Mr. DEMPSEY. You are going to get a \$7,000,000 plant for less than \$2,000,000.

Mr. BUTLER. I can not understand how that can be. [Laughter.]

Mr. DEMPSEY. That ought not to trouble the gentleman.

Mr. BUTLER. But it does trouble me, and I can not help having it trouble me.

Mr. DEMPSEY. The fact that in this rare instance the United States is making a very good bargain should not trouble any of us.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BUTLER. How much will it cost?

The CHAIRMAN. There is not anything pending but the committee amendment. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase of Dayton-Wright plant and real estate at Dayton, Ohio, \$2,740,228.

Mr. CALDWELL. Mr. Chairman, yesterday I promised the gentleman from Kansas [Mr. LITTLE] that I would insert certain data in the RECORD. I now ask unanimous consent to extend my remarks in the RECORD in order to insert the data referred to.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. CALDWELL]?

There was no objection.

Following is the matter referred to:

The military necessities are illustrated from the official cables of Gen. Pershing on the subject, beginning almost with his first cable to this side, No. 85, of August 8, 1917:

"PAR. 3. Study here shows value and desirability of retaining our existing small arms target practice courses. In view of great difficulty in securing ranges in France due to density of population and cultivation, recommend as far as practicable the complete courses be given in United States before troops embark. Special emphasis should be placed on rapid fire."

Again, on September 25, 1917, cable No. 178:

"PAR. 1. Referring paragraph 3, my number 85, longer experience conditions in France confirms my opinion highly important Infantry soldiers should be excellent shots. Thorough instruction and range practice prescribed our small arms firing manual very necessary. Our allies now fully realize their deficiency in rifle training. Difficult secure areas for target ranges in France even now when crops off ground. Much greater difficulty soon when plowing begins. After ground secured in France considerable time required for troops to construct ranges and improvise target material. In theater active operations this time should be available for intensive training new weapons and formations. Therefore strongly renew my previous recommendations that all troops be given complete course rifle practice prescribed our firing manual before leaving United States. Specialty of trench-warfare instruction at home should not be allowed to interfere with rifle practice nor with intensive preliminary training in our schools of soldiers, companies, and battalions."

Again, on October 21, 1917, his cable No. 228:

"PAR. 16. Recommend that instruction of divisions in United States be conducted with a view to developing the soldiers physically and in knowledge of sanitation, inculcating high standards of discipline, producing superior marksmanship both on the range and in field firing exercises in large bodies. Close adherence is urged to the central idea that the essential principles of war have not changed, that the rifle and bayonet are still the supreme weapons of the Infantry soldier and that the ultimate success of the Army depends upon their proper use in open warfare."

The next is dated December 22, 1917, his No. 408:

"PAR. 1. Reference training of troops in United States, deficiencies noted here indicated, first, great laxity on the part of division and brigade commanders in requiring officers to learn their duties or to perform them efficiently; second, almost total failure to give any instructions in principles of minor tactics and their practical application to war conditions. Officers, from colonels down and including some general officers, are found ignorant of the handling of units in open warfare, including principles of reconnaissance, outpost, advance guard, solution of practical problems, and formation of attack; third, no training whatever has been given individual target practice on the range. Many officers of high rank are hopelessly ignorant of what this training consists of."

"SUBPAR. B. Suggest that important work in practical application of tactics and thorough training in musketry for all units be taken by Maj. Gen. John F. Morrison, and that these subjects be presented to our troops in great detail by his office; also, that all officers of whatever rank, including those in Regular Army, be held up to a high standard of accomplishment. Many of our high regular officers do not know how to instruct men practically, and they should either be compelled to learn or be removed."

"SUBPAR. C. I would recommend Maj. Gen. Richard M. Blatchford, National Army, as assistant to Maj. Gen. John F. Morrison, as Gen. Blatchford's experience in musketry should be invaluable. Too much importance can not be placed upon this sort of training as exemplified in our school of musketry at Fort Sill, Okla., the elements of which should be thoroughly pounded into our Infantry."

"PERSHING."

No. 952:

"SUBPAR. IF. Great battle now raging makes certain that too much trench warfare militates against successful conduct great operations. Morale troops long accustomed duty in trenches lowered thereby. When driven into open, men have feeling nakedness and helplessness. Current great battle also emphasizes extraordinary value highly trained riflemen and machine gunners."

"SUBPAR. IG. Recommend, therefore, following outline for training in United States: Thorough instruction in marksmanship to include known-distance firing for all men to 600 yards and in battle practice after method school musketry. Production excellent close-order drill gain of high discipline. Thorough instruction, both officers and men, in open warfare. Small units should be thoroughly grounded in patrolling in all forms of — and in attack and defense of minor warfare. Problems for such should customarily be prepared by next higher commander."

"PERSHING."

No. 990:

"PAR. 2. Reference target practice, have been informed that none of our troops have had practice above 300 yards. Consider this very grave oversight that should be corrected as soon as possible. Target practice should embrace instruction in skirmish firing and practical application of the principles of fire direction, control, and discipline, with especial emphasis upon instruction of your officers in musketry as applied to tactical problem in open warfare. Request advice as to action taken upon above recommendations, and also information regarding what instruction has been carried out in divisions to come over within the next three months."

Mr. LAGUARDIA. Mr. Chairman, I move to strike out lines 10 and 11 on page 10.

The CHAIRMAN. Will the gentleman allow the Chair to make a suggestion?

Mr. LAGUARDIA. Yes.

The CHAIRMAN. These lines are being offered by the committee now as an amendment. They will have to be voted on, anyway.

Mr. LAGUARDIA. Then I want to oppose the amendment.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is not this item in the same category with all the items on pages 8 and 9, which by unanimous consent were read as original items?

The CHAIRMAN. They have application to that part of the bill which was stricken out, on pages 3, 4, and 5. Then the original bill began on page 8, relating to the Air Service, and continued on down to the roman letters, and then, wherever items appear in italics, they are supposed to be committee amendments.

Mr. LAGUARDIA. Then, I understand, this is a committee amendment?

The CHAIRMAN. It is a committee amendment.

Mr. LAGUARDIA. Then I rise for the purpose of opposing the committee amendment. I ask the attention of the committee on this item. Here, fortunately, we are not confronted with the situation that this plant is chock full of Government property, and that we are paying \$300,000 rent. There is no Government property on this land.

Now, then, gentlemen, what is the situation? At the outset of the war we had an Aircraft Production Board, and we had certain gentlemen who had a great deal of influence on this board, who moved the technical section from Langley Field, where it was originally placed, and put it on the McCook Field, at Dayton, Ohio. We leased McCook Field from the city of Dayton, and we are now paying rent for the McCook Field.

This Dayton-Wright Field is owned and controlled by the same people—the Moraine Development Co., Col. Deeds, and that crowd. This lease, mark you, of the McCook Field expires in 1927. They want us to release McCook Field and give up that lease and buy permanently the Wright-Dayton plant, and they ask for it \$2,740,228. We have spent large amounts on McCook Field and it is greatly enhanced in value. As was stated yesterday, Mr. Chairman, McCook Field is a dangerous flying field. Then why did they move it from Langley Field, where we had sufficient space and grounds to carry on experiments, and move it to McCook Field? Testing work is always dangerous. We are always bound to have accidents where we have testing work. But why did we abandon Langley Field and take McCook Field? They tell us that we must stay in Dayton, Ohio, because it is the only place where we can get the necessary mechanics. That is incorrect. Philadelphia is a good center. The Navy plant is located there. Langley Field is a short distance from Newport News and Hampton. We have mechanics there. There is no earthly reason why we should appropriate \$2,740,000 now for this land scheme. Everybody in this committee knows that I am doing all I can to develop aviation in this country, but I am also doing all I can to stop the expenditure of millions of dollars that are being wasted on the purchase and improvement of swamp lands and land schemes like the Dayton-Wright project.

The distinguished gentleman from Kansas a few moments ago made a comparison with the corner peanut seller. I quite agree with the gentleman—

The CHAIRMAN. The time of the gentleman from New York has expired.

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

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LAGUARDIA. I quite agree with the gentleman from Kansas that a hard-working peanut seller on the corner, who pays value for his goods, and gives value in his five-cent package, can not comprehend such an outrageous steal on the Treasury of the United States as this project. While we were at war these same people to whom you now bow planned and schemed

this project. They moved out of Langley Field, where we had a good plant, and took it to McCook Field, and we paid the high rent. They knew that they had this plant next door, and now they come to you to get back McCook and sell their other land, and you are falling for it. I call the attention of the committee to this scheme, and it is only a scheme to get \$2,608,000.

The air service does not need it. We can continue at McCook Field for a little while longer or we can go to Langley Field, and I urge your support in defeating this amendment and saving \$2,608,000.

Mr. ANTHONY. Mr. Chairman, the purchase of the Dayton-Wright plant at Dayton, Ohio, does not come to the Committee on Military Affairs from any clique of men at Dayton, Ohio, or any men who have been involved in past waste of public money or peculations of public funds in the manufacture of aircraft. The proposition for the purchase of the Dayton plant comes to the committee from the officers of the air service of the Army, as honorable a body of men as I know of any place in this country. [Applause.] The proposition comes with the indorsement of the Secretary of War, whom I have never heard accused of being a dishonest man, and in the mature, careful judgment of the committee this is another manufacturing proposition wherein it is perfectly clear to the man who sits down and realizes the purpose for which the plant is desired, no matter who the man is that we are going to buy it from, no matter what his character may have been, or what he may have done during the war. It is to the distinct advantage of the Government to buy this plant if it intends to build an engineering development plant for the air service of the Army.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. In a moment I will be glad to yield. We did try to provide such an engineering plant at Langley Field, and spent millions there, but it has been a failure, for the simple reason that they can not and could not get the skilled mechanics at Langley Field with whom to operate the plant. It was then moved to Dayton, Ohio. A temporary plant was built upon McCook Field which is now serving that purpose. The land there is not owned by the Government and it is not land adapted for the purpose. It is plain to anyone who visits the ground that it is absolutely necessary either to move the plant or to construct permanent buildings on the same ground, which would be very undesirable.

The most available plant is the old plant of the Dayton-Wright Co., 5 miles from Dayton.

The situation there is that this plant was built by the Dayton-Wright people at a cost of approximately \$1,000,000 during the war to take care of Government contracts. During the war the Government put \$690,000 more into extensions of buildings. By this proposition we secure the original building for \$390,000 in money, as I understand it.

In addition to that main building we propose to buy the Moraine tract, as it is called, 800 acres more of valuable land which has two very valuable manufacturing buildings upon it which the Government can utilize, at a cost of half what it will cost to build anew. We are in addition providing a little more than \$1,000,000 for new construction that will be involved there. We are asking for a total of \$2,740,000, and the Air Service officials tell us that if they had to locate the plant some place else and build it entirely anew, based on present costs of construction, would cost the Government from \$7,000,000 to \$10,000,000. It is a business, economic proposition, like the other, in my opinion.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. LAGUARDIA. Will the gentleman tell us what we expect to pay for the Moraine land?

Mr. ANTHONY. Yes.

Mr. LAGUARDIA. How much an acre?

Mr. ANTHONY. I think it is approximately \$700 or \$800 an acre.

Mr. LAGUARDIA. Does the gentleman know the assessed value of that land?

Mr. ANTHONY. Oh, yes. The gentleman mentioned that the other day.

Mr. LAGUARDIA. It is \$85 an acre.

Mr. ANTHONY. Assessed valuation does not always carry the true value of land in all localities.

Mr. LAGUARDIA. There is a big difference between \$85 and \$800.

Mr. ANTHONY. We went all over this land. It is located in the Miami Valley and is first-class agricultural land, probably as good as there is in the State of Ohio, and worth certainly \$300 an acre. It is within a few miles of Dayton, surrounded by beautiful homes on the hills on one side of it, and will soon be in what will be a manufacturing suburb of Dayton;

and while \$800 an acre may be high, it is within the range of values of land in the locality.

Mr. BLAND of Virginia. Mr. Chairman, I move to strike out the last word. It is peculiarly significant that the information that skilled experts can not be obtained at Langley Field came from the aviation department. I presume the chairman knows nothing about that. The House Military Affairs Committee are compelled to take the advice of the Army.

Now, gentlemen, Langley Field, which has been constructed at an expense of over \$8,000,000, is located within 10 miles of the plant of the Newport News Shipbuilding & Dry Dock Co., where the highest skilled experts in the United States are to be found.

They have gotten them for that concern and kept them there without any trouble, and I submit, Why could they not get experienced men at Langley Field?

Mr. LAGUARDIA. I would state to the gentleman that it is not so that we have abandoned Langley Field. We have two squadrons there, and we are contemplating putting a school of application there for aviation, and we can use Langley Field as an ideal technical school.

Mr. BLAND of Virginia. Of course; and just across the water from Langley Field the Navy is maintaining its aviation plant. I am not an aviator and I do not know what expert service is required, but I do know that if we get experienced men at the Newport News Shipbuilding & Drydock Co.; if you can get them in Norfolk, just a short distance away; if you can get them at the naval base, which is just across the water, then you will be able to get them at Langley Field. It is an absurd proposition to talk about abandoning that and spending about \$2,740,000 elsewhere. I defy the Army to produce any evidence to sustain any such proposition. The Military Affairs Committee, of course, is taking the statement of the Army in that respect.

Mr. HULL of Iowa. Mr. Chairman, the gentleman from Virginia defies any military authority to demonstrate that Langley Field is not a proper place.

Mr. BLAND of Virginia. Mr. Chairman, will the gentleman yield? Is the gentleman qualified?

Mr. HULL of Iowa. I want to call the gentleman's attention to the fact that the location of propositions of this kind within 150 miles of the Atlantic coast has been condemned by two boards of military experts.

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

Mr. HULL of Iowa. No. I want to call the gentleman's attention to the fact, and also the attention of the committee to the fact, that you have not in this country anything like this plant for an engineering school.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. No. The present condition of the production and development of aircraft is deplorable in this country. The gentleman from New York [Mr. LAGUARDIA] has been holding hearings, and I am a member of the subcommittee that has been with him, and every witness that we have had for the last two weeks has made the statement that we have not the proper facilities for the production of aeroplanes in this country to-day. I do not know, no man knows, what the future of the aeroplane is as a defensive measure, but we all realize that it is a very important instrument of warfare, and if you, by your votes to-day, take that item out of the bill you remove one of the big items for the protection of your country, and for this reason it should remain in there.

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

Mr. HULL of Iowa. No. It should remain there for the protection of the city which lately honored the gentleman from New York.

Mr. LAGUARDIA. Is the Dayton-Wright plant producing anything now or is it contemplated to produce anything there?

Mr. HULL of Iowa. Everyone knows that the McCook Field, at Dayton, is producing to-day, and it is the only engineering school in the Army. We want this Dayton-Wright plant to remove the McCook Field to.

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

Mr. HULL of Iowa. Yes.

Mr. MCKENZIE. Does the gentleman from Iowa favor the proposition of having the Army undertake the manufacture and the development of aircraft machines?

Mr. HULL of Iowa. I do not care to go into that controversial question at this time. I do know that the Army has to have an engineering school, and I would say further that I was one of the members of the committee that objected to this item. I think I was the last member of the committee to give in, and since then I have found out so much that I am more and more in favor of that item than I am of any other item. It is the one

item that we have got to have, an engineering school for aeroplane service.

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

Mr. HULL of Iowa. Yes.

Mr. SNELL. The first item in the bill provides for the purchase of a building, \$300,000. On what ground does this building stand? Who owns the ground?

Mr. HULL of Iowa. The Dayton-Wright Aeroplane Co. owns it.

Mr. SNELL. And when we buy this do we buy the land that this building stands on?

Mr. HULL of Iowa. Yes.

Mr. SNELL. That is included?

Mr. HULL of Iowa. Yes; and there are a lot of other things included. There are residences and a lot of other property there. As the gentleman has said, the entire property value to replace it would be four or five million dollars.

Mr. SNELL. What can be done here that can not be done at the Curtiss plant in Buffalo?

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

Mr. SNELL. Mr. Chairman, I ask unanimous consent that he be given two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNELL. What is it proposed to do here that can not be done at the Curtiss plant?

Mr. HULL of Iowa. I had thought of that very thing, and it might be possible to concentrate everything in Buffalo, but as a matter of fact that should not be done. We should not place all of our eggs in one basket, and that is just what you are contemplating when you contemplate placing all in Buffalo. We will not have too much of the production of aeroplanes. As a matter of fact, I do not believe that we are to have very much commercial aviation for a very long time. No man can tell how it is going to be developed commercially, but we must have development for proper defense.

Mr. SNELL. What is it proposed to do with the property that we have leased for eight years yet?

Mr. HULL of Iowa. The gentleman means at McCook Field?

Mr. SNELL. Yes.

Mr. HULL of Iowa. The city wants that. It is in the city.

Mr. LAGUARDIA. And that is the whole proposition. The city wants it back and wants to dump something else on the Government.

Mr. HULL of Iowa. It is an unsafe proposition to have the plant at McCook Field.

Mr. SNELL. Why was it put there with a long lease?

Mr. HULL of Iowa. Simply because it was like a great many other things in an emergency. It was thought best to do it.

Mr. LAGUARDIA. That is it—millions and millions in land and that is why we have not any planes.

Mr. SNELL. The last item of \$1,283,000 is for new construction, buildings, and so forth.

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

Mr. GARD. Mr. Chairman, the country is face to face with a business proposition in a matter of the development of aircraft. When we went into the war, of course, the aircraft industry had only reached a limited development. Now that the war is ended practically 90 per cent, as has been testified by the gentleman from New York, of the aircraft industry has been liquidated. It is essential for the national protection that the engineering department of the aircraft industry be made permanent. In the matter of this item which has been advocated by the Committee on Military Affairs I think it has been well stated that the request comes from nobody in the city of Dayton, comes from no real estate clique, comes from no organization which seeks to get public money, but comes from the War Department of the United States. I have in my hand, and I read it with the privilege of the War Department, a report made by Capt. Estabrook of the Department of Engineers, who was sent out to Dayton at the request of the Air Service to find out about the present value of this site. Now, I only desire to read a little bit from it so you may be advised. Maj. Estabrook says:

That under no conditions should this proposal be rejected, but the sale should be consummated at once. Should the Air Service abandon this project the United States should exercise its option and acquire the plant, thereby saving their investment. It is firmly believed that if the United States acquires this property the same can readily be sold for \$1,500,000, resulting in a saving of over \$1,000,000.

Now, the proposition in brief is this: The experimental field is located at what is called McCook Field. The gentleman from New York [Mr. LAGUARDIA] has said that the lease of that

expires in 1927. In this he is in error. I also have in my hand, and I read with the approval of the War Department, a statement showing in detail—I would be pleased to read it in full if I had time—the leases, of which the longest lease is for a period of 1922, and a great number of leases here are for eight months after the termination of the war. Now, McCook Field is at present an engineering field. It is necessary to have an engineering field and a number of things enter into it. First, you must have buildings, the proper buildings for doing the work. Second, you must have a field for the testing and the flying. Third, you must have a place which is secure. It must be a place in the interior of the country, or should be. Fourth, you must have a certainty of a labor market. Now, this McCook Field is something like 225 acres. It is not enough for testing and flying. South of the city of Dayton there is a place called the Dayton-Wright Field, which, with the contiguous land, is absolutely made to order for the continuation in the best proper place of a permanent engineering and manufacturing concern, and therefore the Committee on Military Affairs, which went there through its subcommittee some time ago, makes a unanimous report through that subcommittee in favor of accepting this common-sense business proposition, to take the place which appears of all places in the United States to be the best under the circumstances for the development of aviation. Now, as I said, there is no desire on the part of the city of Dayton or no desire on the part of anybody in the city of Dayton to profit in this matter.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. GARD. If I had the time I would be glad to yield to anybody, because the matter is one I know particularly about, and I desire to afford all possible information.

Mr. EVANS of Nebraska. As I understand the gentleman, the price at which it is offered to the Government is much less than would be realized if it were sold?

Mr. GARD. Yes.

Mr. EVANS of Nebraska. What is it that induced the owners of that field to give something to the Government for nothing?

Mr. GARD. Oh, there is nothing in that.

Mr. ANTHONY. If the gentleman will permit, I desire to say in reply to such a question as that, that involved in this transaction is an investment in this Dayton-Wright plant of \$690,000, which the Government put in during the war, in addition to the factory. If the Government does not buy the plant, it is allowed to go to the company at the appraised value; the Dayton-Wright people get this \$690,000 additions to the factory for \$64,000—

Mr. EVANS of Nebraska. I do not see the point, why they should not want to do that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I will ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. I will yield to the gentleman.

Mr. ANTHONY. So that in adjusting this matter of \$690,000, which the Government has practically advanced to the company during the war for war purposes, the appraisal value would only be \$64,000 in real money to go back to the Government if we do not buy the plant. Of course, that is a war contract we are face to face with.

Mr. EVANS of Nebraska. The owners of this plant intend to give up the profit on it and the difference between the bargain which the gentleman has just mentioned?

Mr. ANTHONY. Give up what?

Mr. EVANS of Nebraska. They intend to give up the profit, the difference between the selling price and the actual value of the plant, and likewise the difference between the money the Government advanced and the \$64,000.

Mr. ANTHONY. I think the answer to that is that the same men owning the Dayton-Wright plant also are the principal owners of the Moraine Development Co., to whom we are to pay over a million dollars for their property.

Mr. GARD. In other words, Mr. Chairman and gentlemen of the committee, this proposition comes here in this wise: It is a recommendation of the War Department through several different agents sent out there from the Department of Engineers to investigate what was the actual value of the premises sought to be acquired under this item.

The value of the ground and buildings is absolutely honest and vouched for by the best men in the city of Dayton. It is the center of all aircraft activity in investigation now. It was the birthplace of the heavier-than-air machine. It is near a most progressive city, whose citizens will lend every aid to the success of aviation in America.

In addition to that, a committee of seven or nine—I do not remember which—from the Committee on Military Affairs of this House went to the city of Dayton. They were sent out

to determine the actual and present facts, and made an investigation, and they support this item. They went there to see the field, to see the buildings, and determine for themselves, with additional information from the War Department, what the value of the proposition was. So that the facts that are now presented to the House for their consideration of this item are, first, is there to be an engineering department of aviation? If so, it must be housed in the best possible place we can find. Of course, no one would say that there is no place in the United States other than this where that may not occur, but under the present conditions this is the most fortunate place at this time for the establishment of this field. Second, it is in the territory of the widest development of the best mechanical craftsmen in the country, and I say it with the utmost respect to other portions of the country. It is within a night's ride of Chicago, Detroit, Indianapolis, Toledo, and Cleveland, and all the cities where, by reason of necessity, are assembled the very best mechanical craftsmen in the country. It is necessary to have these men. It is necessary for the protection of this department, and it must be in the interior, away from the seaboard. Above all, here is a plant already completed, with buildings and grounds and everything, and if this plant be not accepted there must be an expenditure of at least \$7,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I have listened very carefully to what has been said in support of this proposition by my distinguished friend from Kansas [Mr. ANTHONY], for whose judgment I have great respect and whom I ordinarily follow. But I can not follow him in this case. I know something about this matter myself. I have visited Langley Field. I have seen those splendid buildings, which cost somewhere from \$8,000,000 to \$10,000,000, the most elaborate of any I know in any of the aviation camps, and most of them not used at the present time. And what sense was there in moving this engineering camp to Dayton in the first place? Possibly during a war emergency they could not get the mechanics at that particular time. Suppose that is so; as the gentleman from Virginia has very well said, there is no reason why you could not get the mechanics at Langley Field at this time. Why should we talk about an engineering camp, a testing camp, not being located near the coast? I grant that a construction factory ought not to be located near the coast, but there is no reason why this testing field should not be located near the coast. And they say there has been many accidents where it is now located, because this building is near Dayton, near a large city. It is no nearer than the camp we have at Anacostia.

Mr. ANTHONY. Oh, yes; it is. The gentleman has made a misstatement.

Mr. GREEN of Iowa. I have not; because that is in the building part of the city, as the gentleman knows, and you can not get it any nearer. And I presume the gentleman and a large number of other Members of Congress have flown over this city without any accident. You can not take a flight from Bolling Field without going over this city or Anacostia. I have myself been over the Capitol at least a dozen times going back and forth.

Now, this is just simply a pure waste of money. The Aviation Department has no more need of this extra field than a wagon has for a fifth wheel. There is room, and room to spare, at Langley. It is not being used. It will not be used unless used for this purpose, and the only reason for this that I can see is because somebody wants this particular camp located near Dayton in order to increase the manufacturing capacity of that great city and the number of men employed there in some kind of way. There is no occasion for it whatever, and this item ought to be stricken out of the bill.

I place no reliance on the demands of Army officers, however distinguished they may be. If we yielded to their demands we would add to our appropriations at least a billion of dollars instead of reducing them, as we should. If we can not economize where we can get along just as well without, where will we economize?

The CHAIRMAN. The gentleman from Tennessee [Mr. FISHER] is recognized for five minutes.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, there has been more loose talk about our Air Service since we entered the war than any other single thing connected with the Government. We have had more investigating committees to investigate that service than any other single branch of the Government. Now, the very distinguished and active gentleman from New York [Mr. LAGUARDIA] was absent from this country, probably flying over the Adriatic or making Liberty loan speeches for some of our allies, when a former Justice of our Supreme Court conducted an investigation of the Air Service and went into the details of the activities at Dayton, Ohio.

Thousands of pages of testimony were taken under his direction relative to all the transactions in and around Dayton, including matters relating to the plant now under discussion, and not a single thing that was wrong was disclosed relative to this matter. All of us who were here at that time knew that if anything could have been found which was adverse to the administration or which was wrong, as a matter of fact, it would have been found, because we knew the man that was at the head of that investigation, regardless of which side of the aisle we sat upon, was a most distinguished investigator, because all of us remembered the very splendid services he rendered in the State of New York in a very large investigation relating to insurance matters. After that investigation there were others, and the very distinguished gentleman from New York [Mr. LAGUARDIA] has not had the time since he got out of the service because he has been running for office and he has been holding hearings relative to a separate Air Service, all of which is a splendid work, to investigate and carefully study the reports made by these different investigating committees.

We have an investigating committee—the Select Committee to Investigate War Expenditures—and if there had been anything wrong with these transactions at Dayton, Ohio, they would have taken a bee line to discover something in order to make it known to the people of this country. The reason I say this—and I had not intended to speak on this matter—was the expression of “steal” and the expression “these same people.” That is an expression with nothing definite to stand upon. When a man makes a charge of “steal” and refers in an insinuating way to “these same people,” I want him to say what is known that is definite to substantiate the charge. This Government has spent hundreds of thousands of dollars to find the cause of the delay on the part of the Air Service, and to find out if there had been any graft or illegal acts in the aviation activities, and the man is not here now that can say truthfully that there was crookedness or graft relative to the Dayton proposition.

We have an investigating committee which was appointed in accordance with the provisions of the act of Congress approved March 3, 1915. It is called the National Advisory Committee for Aeronautics, and their report, which has been made to Congress within the past few days, tells us the real cause of the delay on the part of the Air Service. I will not read it all. I will read one paragraph:

The science and art of aeronautics made wonderful progress during the war, due to the stimulus of necessity. Over 11,000 aviators were trained in the country, with a loss of 264 lives in training, and more than 13,000 airplanes were constructed in the United States. There were great delays, however, in getting an effective air force into action during the war, due primarily to the general lack of preparation for war, but particularly due to the lack of a proper scientific and technical foundation before the war.

That indicates to me that there is one committee without any partisan spirit that has found the true cause of the delay on the part of the Air Service. That means that as Members of Congress it is our duty to prepare this country along scientific and technical lines. In other words, we have got to have an experimentation plant, and where would we put it? When we think of aviation and aeronautics we think of Dayton, Ohio.

I never was in Dayton, and knew nothing about it until I went there to personally study the situation and give it my most careful investigation. But when we think of technical engineers relative to aviation, and skilled workmen relative to aviation, we think of Dayton, Ohio. There is a congenial center for technical experts along this line, and if we are not to let the Air Service stagnate, we must have some such plant, and there is no other place in this country comparable to this place.

Suppose we put it somewhere else. We have got to spend money for construction, and where is the man who knows anything about construction that will not say that the buildings at Dayton could be duplicated for anything near the sum that we are paying for them? I certainly hope this committee will adopt the amendment. [Applause.]

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

Mr. CRAGO. Mr. Chairman, I was a member of this subcommittee that went to Dayton, and I want to state my position in just a few words, because otherwise the fact of my silence on this subject might be misunderstood.

I think this is not a local question. It is a national question. If it were local I would like to get something of this kind over in Pennsylvania. But we are so busy over there that we do not need anything of this kind.

But I want to say that I indorse most heartily what the gentleman from Tennessee [Mr. FISHER] has so well said regarding this project. [Applause.] We went to Dayton with open minds. We went over the McCook Field in the forenoon, going through

all the engineering shops and taking in everything we could in respect to them. In the afternoon we went out where it is proposed to make this purchase. We found the McCook Field in a small circumscribed area, the greater part of the land belonging to the city, which they want to get back very badly, the land being right up against the city proper. It is not a proper place for experimental aviation. Machine shops would be all right at that point, but we can not afford to pay the price that would be asked for city property of that kind worth \$2,000 or \$3,000 an acre. Later we were shown this other location.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. GREEN of Iowa. Why not move this field back to Langley, where it ought to be, and abandon McCook altogether?

Mr. CRAGO. I am frank to say that I know very little about the relative merits of these two fields. I am simply making this statement as to the merits of this particular proposition. We want to develop a school of aeronautical engineering. We have that, in a way, at McCook Field. We can not continue to keep that school there, and we can not keep that field. The whole question is a practical one, as to whether or not we want to invest this money at this locality.

Personally I looked for some time before I could convince myself that this locality, decided upon, was really what we wanted; and I will say now that after we went to Buffalo I tried to figure out in my own mind some way by which we could utilize that splendid plant at Buffalo, not only for storage and manufacturing purposes but for experimental and training purposes in that vicinity. But I found that this could not be worked out to the satisfaction of the department.

Now, we had with us men from the aeronautical service who were disinterested parties, so far as this real estate is concerned, and there was no question in the mind of any one of them but that the property was being offered to us at the proper price, a mere song compared with what these buildings would cost if they were now to be erected. The whole question in my mind then resolved itself to this: Did we want an engineering development school, an aeronautical engineering school, at Dayton or any other point? We found no other location so well adapted for the purpose, and so we concluded that this appropriation was well warranted.

I want to say before I close that we had with us that splendid leader of men, the commander of the Rainbow Division in France, Gen. Menoher, and anybody who could think that Gen. Menoher would lend himself to any scheme that was not all right would be sadly mistaken. [Applause.]

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

Mr. LAGUARDIA. Mr. Chairman, this Dayton land is not going to run away over night, is it?

Mr. CRAGO. I do not know as to that, but our option can not hold out forever. I know, or I believe I know, that the General Motors Co. would be very glad to see the Government drop its rights in this field in order that they might take them over at a greater price.

Mr. LAGUARDIA. With all the land we have, available and equipped for technical purposes, does the gentleman now advise spending \$2,700,000 at the present stage of aviation progress in this country?

Mr. CRAGO. Well, I am surprised that the people who are always claiming that they are in favor of the development of aviation, when you come on with any concrete plan by which that can be worked out and put into effect, are against it.

Mr. LAGUARDIA. I am speaking of the purchase of land.

Mr. CRAGO. I can not understand that proposition. I believe this is the proper plan.

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

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last two words.

Mr. BANKHEAD. Mr. Chairman, I am not a member of the Committee on Military Affairs, as are a number of other gentlemen who are now sitting here and listening to this debate. Since this paragraph came under consideration I have been endeavoring to listen to the debate, in order to secure some real information as to the merits of this proposition. The Committee on Military Affairs is a great committee in this House. It is invested with great authority. It is presumed to have made very careful investigation of these various items for which it is recommending these appropriations.

I must confess that I was very much astounded when I heard the distinguished member of that committee from New York,

Maj. LAGUARDIA, apparently with deliberation, apparently without any reservation whatever, declare that this appropriation was a straight-out steal from the Treasury of the United States. Now, gentlemen, that is a serious charge for a member of a great committee to make, not only against those who may be privately interested in this, but against the merits of the proposition, and also against his colleagues upon the committee, and I assume that the distinguished gentleman did not make that charge lightly or unadvisedly, and I now desire to ask him if after reflection he desires to reiterate the charge he made a few moments ago that this appropriation was a steal, which implies a felonious taking away of Government money out of the Treasury of the United States.

Mr. LAGUARDIA. The first thing that was demanded after the armistice was the purchase of this Moraine property—

Mr. BANKHEAD. I am asking the gentleman if he reiterates his statement deliberately and emphatically made a few moments ago that this particular appropriation of \$2,500,000 was a steal?

Mr. LAGUARDIA. I will give the facts, and the gentleman can draw his own conclusions.

Mr. BANKHEAD. The gentleman seems to be of the same opinion. Now, gentlemen, that implies either one or the other of two propositions, either that those who are privately interested in this enterprise in Ohio have hoodwinked the Committee on Military Affairs by a fictitious statement of fact to them to show the necessity for this appropriation, or else that the members of the committee have ignorantly and unwittingly allowed themselves to be made the tools for a steal for some private concern.

Mr. FIELDS. Or else that the gentleman from New York [Mr. LAGUARDIA] does not know what he is talking about.

Mr. BANKHEAD. I do not know whether he does or not. I have been sitting here undertaking to get light upon this proposition, and here is a distinguished member of that committee, a member of the majority party, who has lately been highly honored by the electorate of the greatest city in the United States of America, who upon his own responsibility as a Representative and as a member of that committee, deliberately puts in the RECORD and before the country the statement that here is a proposition of a steal out of the Treasury of the United States for private interests.

On the other hand the distinguished acting chairman of that committee, the gentleman from Kansas [Mr. ANTHONY] and other Republican members of the committee, say it is a bona fide transaction, and the dilemma that we are left in who are in doubt about this proposition is whether to believe that the gentleman from New York [Mr. LAGUARDIA], who has had larger experience in aeronautics than other members of the committee, knows what he is talking about and that this is a steal, or whether these other gentlemen are correct. So we are left at the end of this debate in the same situation that we were at the beginning of it, without any real facts upon which to base a conclusion.

Mr. DEMPSEY. Did the gentleman hear the chairman of the committee state that while a subcommittee visited this field at Dayton the gentleman from New York [Mr. LAGUARDIA], who made the statement to which the gentleman from Alabama referred, found himself unable to accompany the committee? And did the gentleman also hear the gentleman from Ohio [Mr. GARD], who represents the district and who knows the land personally and has a personal acquaintance which he can bring to bear upon this issue, state what his personal knowledge is?

Mr. BANKHEAD. I am inclined to think that the preponderance of testimony is in favor of the project, but it is important that Members in high responsibility in this House should not lightly make statements of the sort that have been made characterizing this proposition as a steal, or else they ought to have facts upon which to base a statement of that serious character.

Mr. CRAMTON. Mr. Chairman, a few moments ago the gentleman from Tennessee [Mr. FISHER] made some references to the investigation of aircraft production during the war in a way to lead this House and the country to believe that the conclusions of Justice Hughes after that investigation were in the nature of a certificate of good character for everyone concerned in that important work. That obliges me to call attention to this fact, which would not seem, perhaps, to have great relation to the question before us, except that gentlemen have urged the perfection of aircraft production as an argument for acquiring this Dayton property. This obliges me to call attention to the fact that the report of Justice Hughes did call into question, among others, the conduct of one distinguished citizen of Dayton, one Col. Deeds, and recommended his court-

martial because of his conduct in connection with aircraft production; but, notwithstanding the recommendation of the distinguished Mr. Justice Hughes, there was no court-martial of Col. Deeds and there was no attempt by the Secretary of War to get a court-martial, but, on the contrary, a number of distinguished men in the War Department tendered to Col. Deeds a banquet, at which the Secretary of War spoke in most glowing terms of the distinguished services of this citizen of Dayton.

Mr. LAGUARDIA. Mr. Chairman—

SEVERAL MEMBERS. Vote! Vote!

Mr. LAGUARDIA. Mr. Chairman, I think I have a right to be heard at this time.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLANTON. Mr. Chairman, upon what does the gentleman from New York take the floor?

The CHAIRMAN. Upon his motion to strike out the last word.

Mr. BLANTON. He has not made that motion.

Mr. LAGUARDIA. I make that motion.

Mr. BLANTON. He has already spoken once on the subject.

The CHAIRMAN. The Chair has recognized the gentleman from New York.

Mr. BLANTON. I simply want to know whether we are proceeding according to the rules of the House.

The CHAIRMAN. We are.

Mr. LAGUARDIA. In reply to the statement made by the gentleman from Alabama [Mr. BANKHEAD] I think I ought to give some facts. I will state that in the first place we started out to put the technical division at Langley Field, and at that time the technical division was under the control of Col. Deeds, who has been mentioned by the gentleman from Michigan [Mr. CRAMTON], and he transferred it to McCook Field. McCook Field was then as large as it is now. It has not shrunk any since that time. It was too small then, as it is too small now. We paid a handsome rent for it, but the first thing that the department asked for after the war was the purchase of this Dayton proposition.

Now, gentlemen, it has been stated here that we are to pay \$850 an acre for this property. The assessed value is \$85 an acre, according to the telegram received from Dayton. These people were either stealing their taxes from the State of Ohio or they are now trying to steal from the United States Government.

I defy and I challenge any man in the Aviation Service to say that this purchase is indispensable to the air service of the United States. It is not indispensable, and whatever technical experiment work we are doing at McCook Field we can carry on at Langley Field.

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

Mr. LAGUARDIA. Yes.

Mr. BANKHEAD. The gentleman now reiterates his charge, and I assume from the statement which he has made that it follows logically that any man who votes for this project in view of the information that the gentleman has given to the House, votes for a deliberate steal out of Treasury of the United States.

Mr. LAGUARDIA. That is not a fair question. If the gentleman wants to put himself in that position, I can not help it.

Mr. BANKHEAD. I am seeking information and advice.

Mr. LAGUARDIA. If the gentleman wants information I will tell him that this purchase is not necessary to the air service, and the only thing that the Secretary of War asks for in the hearings for appropriation for 1919-20 was the Dayton-Wright property. That was the only constructive suggestion that he had when he came before us, and if the gentleman will look at the hearings he will find that. This is not necessary, and we are asked to pay \$850 an acre for land that is assessed at \$85. We have other fields to go to, and this land is now controlled by the same people who controlled the McCook Field. They now want us to release that lease, and the gentleman can draw his own conclusion.

Mr. BUTLER. When was the assessment made?

Mr. LAGUARDIA. I suppose that is this year's assessment. I got the telegram on June 22.

Mr. BUTLER. Does the gentleman know whether or not any buildings have been put on the land since it was assessed?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN of Illinois. Mr. Chairman, I do not doubt that the Army—the Aviation Service—could make very good use of this Dayton-Wright plant. I have no doubt that it could make very good use of a great deal of money which might be given to them for various purposes, and it may be that we ought to

pay \$1,000 an acre for 1,500 acres of land, although it does seem to me that for that amount of ground the price is rather high for any sort of industrial purpose. After all, what we are confronted with is the question whether we will make any effort to economize in making the appropriation for the Government for the next fiscal year. We can not keep on making expenditures upon a war basis unless we raise the money by borrowing it through the issuances of bonds or by increasing the taxes. Who is there here who wants to vote for a bill to increase the taxes of the people of the country? Who is there here who has the nerve to say that he is in favor of issuing bonds to pay the running current expenses of the Government? This is one of the current expenses of the Government. Who is there in favor of making all of the appropriations which may be asked for by the various departments of the Government?

I have the greatest respect and feel the highest honor for the officers of the Army. Individually they are honest and capable. Collectively they think it is their business to raid the Treasury and get all of the money they can which they think can be used in the interest of increasing the efficiency of the Army, and they are not limited by any provision except where we limit them by votes. That is their business. I have no criticism of them for making the requests. It is our duty to determine whether we will tax the people more to accede to the requests.

The Government is not going to fail, the Aviation Service is not going to fail, if we do not make the appropriation; but if we keep on making appropriations because the departments ask for them, because the Army wants them here or there, and gives good reasons for them, some day—I do not know how soon it will be, but it will not be along partisan lines—the people will rise up and send a body of men here who will cut regardless of knowledge or care.

I have not much hope of getting help in economy from the Democratic side of the House. I have never known them, except upon rare occasions, to vote against expenditures where the Republicans were in control of the House. I regret very much to oppose the action of one of the great committees of this House, for the members of which I have the highest respect and consideration; but I believe the time has come when the representatives of the people of the United States must determine whether they are going to reduce expenditures or increase them. [Applause.]

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

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. I understand the proposition now is on the committee amendment?

The CHAIRMAN. That is correct.

Mr. LAGUARDIA. Those opposed to it should vote in the negative.

The CHAIRMAN. The gentleman is correct. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 48, noes 50.

Mr. ANTHONY. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. LAGUARDIA and Mr. ANTHONY to act as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 58.

The CHAIRMAN. On this question the ayes are 58 and the noes are 58, and the amendment is rejected.

Mr. ANTHONY. Mr. Chairman, we counted Gen. SHERWOOD's vote wrongly. He voted in the affirmative, and we counted him in the negative.

Mr. WALSH. Mr. Chairman, is it too late to correct that?

The CHAIRMAN. The Chair thinks the Chair could do nothing more or less than to announce the vote as reported by the tellers; and, since the Chair has made the announcement, as far as the Chair is concerned, the result will stand.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. The Chairman of the committee should certainly be permitted to give the correct statement of the vote. The vote in the affirmative was 59 instead of 58.

Mr. WALSH. But he announced 58.

Mr. GARD. He has the right to correct it.

Mr. WALSH. Not after the vote is declared.

The CHAIRMAN. The Chair thinks he ought to say to the gentleman from Ohio that, of course, the Chair is not interested in any way in the matter except from a parliamentary standpoint. The Chair has no personal interest upon either side of the question. There is but one thing for the Chair to do, and that is to announce the result as it is handed to him by the tellers.

After the announcement of the result it is impossible to open the case and the Chair refuses to permit it. [Cries of "Regular order!"]

Mr. GARD. Mr. Chairman, I ask unanimous consent that the Chairman may be permitted to state the correct vote.

Mr. WALSH. Mr. Chairman, I object.

Mr. SNELL. Mr. Chairman, I object.

The CHAIRMAN. Let the Chair state the question. The gentleman from Ohio asks unanimous consent that the Chairman be permitted to state the correct vote. Is there objection?

Mr. SNELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 10, after line 11, insert a new paragraph, as follows:

"Nitrate plants: To complete purchase of real estate contracted for in connection with the erection of nitrate plant at Ancor, Hamilton County, Ohio, \$180,000."

Mr. CALDWELL. I make a point of order against the amendment.

Mr. BLANTON. I make a point of order that the amendment is not germane.

Mr. LONGWORTH. Will the gentleman kindly reserve the point of order.

Mr. CALDWELL. I will reserve the point of order.

The CHAIRMAN. The Chair overrules the point of order. The gentleman from Ohio is in order.

Mr. BLANTON. Will the Chair hear me in regard to the point of order that it is not germane under the rule?

The CHAIRMAN. The Chair has decided.

Mr. SNELL. Regular order!

The CHAIRMAN. The question can not be opened up again and continue to be opened up. If the Chairman opens it up for the gentleman from Texas, he would have to open it up for everybody else on the floor. The point of order is overruled, and the gentleman from Ohio is recognized.

Mr. LONGWORTH. Mr. Chairman, this amendment is offered in connection with the purchase of ground for one of the three ill-fated nitrate plants that this Government has erected or partly erected. Some hundred and odd million dollars, probably more, have already been expended upon these three nitrate plants, which up to date have contributed absolutely not a pound of material of any use to the United States. Gentlemen will recall—and I do not intend, I will say to the gentleman my friend from Alabama to discuss the merits of the Muscle Shoals proposition—I will merely state that after the Muscle Shoals plant had been put under way the Government decided to build two other nitrate plants, two units equal to the Muscle Shoals unit, and a point in my county was decided upon for one of these. Why they chose that particular locality in my county no human being will ever know, but they made arrangements to acquire the land and proceeded with the construction of the plant. Up to date about \$6,000,000 has been expended there, and the plant ceased construction when about 17 per cent completed. What the cost would have been if 100 per cent had been completed the Lord only knows; but the facts are these, that all the money due and payable to the contractors for those buildings has been paid in full, but not one cent has been paid to the people—all poor people—whose land was taken from them for the purpose of the erection of this plant. I shall not go into the details or present absolutely accurate figures, and I am speaking only in round numbers. The Government undertook to condemn an area of about 2,000 acres, all belonging to small farmers. In some cases they entered upon and took the land practically without notice. In other cases they negotiated options with the owners. The option usually read—I think in every case read—that the Government agreed to purchase this land at the end of 60 days at the agreed valuation, provided that it was found necessary for the erection of the plant. Since construction has ceased the Government now desires to occupy only 400 of those 2,000 acres, and forces the owners of those acres outside of the 400 upon which these ruins now stand to take back their farms, in some cases take back half their farm, one-half being left in the area under actual occupation.

Now, the fact is, as I say, all these people were poor people. Their farms were taken away from them. They in some cases bought other farms. Some sold their stock. In some cases they bought farms on mortgages in some other part of the country or engaged in some other business. I know of one young man whose farm was taken from him absolutely without notice—some 30 acres. He has sold his stock, his wagons, his implements, his cattle, and has bought a small grocery store. Now that farm would be of no conceivable use to him. He could not afford to take it back, and he, like everybody else, has not been

paid one cent. Again, let me say that the rich contractors, the men who made the large profits, the Air Nitrate Corporation, which has been heard of in this House before, was paid a very large sum merely for superintending the construction of this plant, but not one of these poor farmers, who parted with their land against their will, has had one cent in 15 months. Now the Government says, "We are not going ever to occupy this plant. We only want 400 acres. We decline to carry out the rest of our contract with you." What is the result? They would have the right to bring a suit in the Court of Claims, and I suppose possibly they can get judgment. But we older Members of this House know if they were paid in 20 years they would be lucky, even if they got such a judgment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. May I have five minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Now, the object of this amendment is simply this—

Mr. SHERWOOD. Has the gentleman taken it up before the Committee on Military Affairs?

Mr. LONGWORTH. No; it was not necessary to bring it before the Committee on Military Affairs, because the department has ruled that they have the right to pay compensation for the 400 acres, but they have not the right to pay for the rest of the 2,000 acres. And the effect of my amendment will be precisely the effect that this bill has in such cases of the acquisition of these large camp areas—that the people owning property within those areas can receive compensation. It does seem a shame, gentlemen, that this great Government in acquiring property of this sort and in erecting these plants, which, unfortunately, in this case, was utterly useless expenditure of money, should fail to pay the little man. If the big fellow, the man that made large profits out of the erection of these buildings, is to be paid in full immediately, is it not fair that the poor men, whose property was taken away from them, should receive compensation for what they have lost? That is the only object and purpose of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT. Mr. Chairman, I shall support the amendment proposed by the gentleman from Ohio. I happen to have had an opportunity of obtaining some first-hand information concerning the situation at Ancor. Subcommittee No. 5 of this Special Committee on Expenditures paid a visit to this plant, and while there the facts were developed, not in the way of testimony before that committee but at a hearing of the Cincinnati Claims Board, at which the members of the subcommittee were present. And the equities presented by the gentleman from Ohio [Mr. LONGWORTH] are truly presented. Now, in supporting the amendment, however, let me say that I do not wish to be a party to the inferential criticism which the gentleman from Ohio has made of the policy adopted toward the Air Nitrates Corporation, or of the Air Nitrates Corporation itself. Much has been said about the Air Nitrates Corporation. That is a matter upon which I propose to reserve judgment until the facts are developed before the committee of which I am a member. I believe, though I can not be sure—I see the gentleman from Illinois present, the chairman of the committee—I believe that company, in a statement recently, denied it had received full payment for that work there. I do not remember the exact statement made, and I do not care to go into that anyway, but the gentleman from Ohio referred to it, and I understand the company has denied that full settlement has been made of it.

Mr. LONGWORTH. If the gentleman will yield—I did not state they had been paid in full. I simply stated that all the contractors, so far as I understood, for the buildings have been paid in full for the amount of work done.

Mr. GARRETT. So far as the purpose of our present discussion is concerned, it is immaterial. The farm owners, those who own the farms in that valley that were taken, were dispossessed of their lands. They were placed in such a situation that they could not utilize them, and it is right and proper that full authority should be given to the War Department, and that the department should exercise that authority to pay these people for the land that has been taken and for which they can not be recompensed in damages. It is one of those just cases similar to many—

Mr. CALDWELL. Is not the reason why the War Department can not settle now because of the provision that was put in the bill, the same as created these other additions?

Mr. GARRETT. The gentleman is right, and it is that point I wish to call attention to, because I wish to say there is no criticism from my standpoint to be attached to the War Department because of the failure to pay these parties, because the

act of Congress placed here on the military bill, ill considered, as I said the other day in opening the discussion on the resolution that made this bill in order, passed without full investigation and without realization of the extent to which it was going, did bring about the situation by which these innocent people there in this splendid valley, near the great city of Cincinnati, have been deprived of their rights.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Ohio [Mr. LONGWORTH].

Mr. FIELDS. Mr. Chairman, I move to strike out the last word. I rise to refer, first, to another matter in the bill.

Mr. DEMPSEY. Before the gentleman starts, I would like to ask him a question, as he is a member of the committee. Can he answer this question: Should not such situations as are presented by the amendment of the gentleman from Ohio [Mr. LONGWORTH] be dealt with in some general way instead of a single, isolated case being considered? If there are a large number of these cases, why should they not be rectified by general legislation?

Mr. FIELDS. I think so; but I hope the gentleman will not take my time.

Mr. Chairman, since the House has just adopted an amendment striking from the bill the Wright-Dayton Field, which is the engineering school for the Aviation Service of the Army, which is the very basis of that service, I am of the opinion that it would not be in the interest of economy to maintain all the fields that are provided for in this bill. First, I want to say that I am for liberal provisions for the Air Service. I think it is an important service, and I have been for the items in the bill, but since this important item has been stricken from it I believe that the maintenance of the entire number of fields provided for in the bill would not be in the interest of economy, because with the engineering school destroyed you could not properly operate the fields.

It is now too late to offer an amendment to strike a part of these items from the bill. The only way to do it, therefore, is through a motion to recommit.

What I want to do is to get some of these items out of the bill since the engineering school has been stricken out. I realize the necessity of fields on the western coast and on the Mexican border. I would not interfere with the fields at Houston and San Antonio, Tex., or at Riverside, Calif.; but it seems to me, in view of the situation with which we are confronted, we could well afford to dispense with the field at Rantoul, Ill., and the one at Park Field, Tenn., and the one at Sacramento, Calif., and the one at Miami, Fla., leaving the fields at Houston and San Antonio, Tex., and at Riverside, Calif. I shall make all the effort at my command to strike from the bill lines 11, 12, 13, and 14. I should not have done so and would not do so if the committee amendment providing for the purchase of the Wright-Dayton field had not been stricken from the bill. But since that has been done, I contend, gentlemen, it is in the interest of both economy and efficiency to reduce the number of these fields, and I hope when the time comes that the committee will support my efforts. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the chairman announced that the ayes appeared to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 63, noes 24.

So the amendment was agreed to.

Mr. MCKENZIE. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. MCKENZIE: Amend by adding at the end of the bill, on page 10, the following:

"Provided, That no contract for the construction covered by the appropriations contained in this bill or the unexpended balances of appropriations heretofore made for the support of the Military Establishment, except repair work the cost of which can not be clearly estimated, shall be let to any contractor under what is known as the cost-plus percentage, or cost plus a fixed fee for compensation system form of contract: Provided, however, That work on construction let under such system now under process of completion may be completed."

Mr. CALDWELL. That does not apply to the past, but only for the future?

Mr. MCKENZIE. Yes. Mr. Chairman, I dislike to take up the time of the House at this late hour, but I want simply to say that the purpose of this amendment is to prevent the letting of any future contract for construction provided by the appropriations contained in this bill or any of the unexpended balances referred to in the bill under the cost-plus system. [Applause.]

The argument during the war was that haste was necessary and we had to have it; but God knows that haste is not necessary now. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MCKENZIE.]

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 10, line 10, insert: "For purchase of Dayton-Wright plant and real estate at Dayton, Ohio, \$2,740,000."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. It has already been passed upon by the committee.

The CHAIRMAN. The point of order is sustained. There can be no question about it.

Mr. GARD. But it is a different amendment, Mr. Chairman. The amendment is different.

Mr. BLANTON. I make the point of order that the subject has been passed upon by the committee and already decided upon adversely to the gentleman offering the amendment. We have passed the paragraph also.

The CHAIRMAN. The Chair will look it up.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Surely.

Mr. WALSH. Is the language of the gentleman's amendment the same as the committee amendment with a different amount?

Mr. GARD. Yes.

Mr. WALSH. The committee amendment might have been amended by changing the amount. Does the gentleman from Ohio contend that he can now offer exactly the same amendment with a different amount?

Mr. CANNON. He could keep us here three months in that way.

Mr. GARD. This is the first opportunity we have had of voting on the proposition with a different amount.

Mr. WALSH. Oh, no; the committee amendment could have been amended.

Mr. GARD. The supposition is that while the House might not desire to purchase at one figure, it might desire to do so at a different figure.

Mr. WALSH. But the proper way to do that would be by offering to amend the committee amendment when it was under consideration.

Mr. CALDWELL. Under the agreement we had in the House this was to be considered as the text of the bill?

The CHAIRMAN. No; the gentleman is wrong about that. This was an amendment to the text of the bill.

Mr. BLANTON. I submit that the gentleman from Ohio had an opportunity when the amendment was under consideration, to have offered an amendment to perfect the committee amendment. The subject matter has already been passed upon.

Mr. WALSH. Mr. Chairman, if I understand the gentleman from Ohio [Mr. GARD] correctly, he states that the only difference between his amendment and the committee amendment which was rejected is in the sum of money.

The CHAIRMAN. That is all.

Mr. WALSH. The gentleman might have offered an amendment changing the amount when the committee amendment was under consideration; and after we have acted on that very item I do not quite see how it can be offered in the same form, with the figures a little different, when we have passed beyond that part of the bill. We are not considering the part of the bill contained in line 10 now. We have adopted two new paragraphs.

The CHAIRMAN. The Chair believes that, having disposed of the subject matter of lines 10 and 11 by rejecting them and later having adopted amendments putting on two other propositions, the amendment of the gentleman from Ohio is not in order. The Chair believes that his amendment is substantially the same as the amendment which was rejected, and therefore the Chair sustains the point of order.

Mr. GARD. I ask unanimous consent to modify my amendment by inserting the word "construction" after the words "real estate" and to reoffer it.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment in the particular he has stated. Is there objection.

Mr. SNELL. I object.

Mr. GARD. Then I reoffer the amendment, to come in after the McKenzie amendment, and in this language:

For purchase of Dayton-Wright plant and real estate and construction at Dayton, Ohio, \$2,740,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 10, line 10, insert, following the McKenzie amendment: "For purchase of Dayton-Wright plant and real estate and construction at Dayton, Ohio, \$2,740,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that the substance of that amendment was offered by the committee and was rejected, and that several other matters have intervened since then, and that we have passed on it; that the subject of this amendment has been disposed of by the Committee of the Whole.

The CHAIRMAN. The Chair sustains the point of order.

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

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

The Clerk read as follows:

Amendment offered by Mr. DARROW: Page 10, at the end of the bill, insert: "For Philadelphia quartermaster terminal, Philadelphia, Pa. For purchase of real estate, \$319,500."

Mr. DARROW. Mr. Chairman, a contract was entered into by the War Department for the purchase of this real estate, on which the department has erected buildings for the quartermaster service. The department was not able to carry out the contract because of the resolution passed by the House, which prevented them from purchasing any more real estate. These people want either their property returned to them or their money, as agreed upon by the War Department.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DARROW].

The amendment was rejected.

Mr. OGDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Speaker, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

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. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANTHONY. I move the previous question on the bill and amendments to final passage.

The SPEAKER. The previous question was ordered by the rule.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair thinks that no quorum is present.

Mr. ANTHONY. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Doughton	Hicks	Kraus
Anderson	Dupré	Holland	Kreider
Aswell	Eagan	Houghton	Langley
Ayres	Eagle	Hudspeth	Layton
Barbour	Echols	Hullings	Lazaro
Blackmon	Ellsworth	Humphreys	Lea, Cal.
Bland, Mo.	Elston	Hutchinson	Lehlbach
Britten	Fairfield	Igou	Little
Burke	Ferris	James	McClintic
Carter	Fess	Johnson, Ky.	McDuffie
Clark, Fla.	Focht	Johnson, Wash.	McFadden
Cleary	Freeman	Johnston, N. Y.	McGlennon
Copley	Fuller, Mass.	Jones, Tex.	McKenzie
Costello	Gandy, S. Dak.	Juul	McKeown
Davey	Goldfogle	Kahn	McKinley
Denison	Goodwin	Kelley, Mich.	McLane
Dewalt	Gould	Kennedy, Iowa	McLaughlin, Mich.
Dickinson, Iowa	Graham, Pa.	Kennedy, R. I.	McLaughlin, Nebr.
Donovan	Hamill	Kettner	MacGregor
Doolling	Hamilton	Kiess	Mason
Doremus	Haugen	King	Michener

Miller	Porter	Siegel	Voigt
Minahan, N. J.	Radcliffe	Sims	Walters
Montague	Ramsey	Slemp	Watson, Va.
Moore, Ohio	Reber	Small	Webster
Moore, Pa.	Robinson, N. C.	Steele	Wheeler
Moores, Ind.	Rowan	Strong, Pa.	Williams
Morin	Rowe	Sullivan	Wise
Newton, Minn.	Sabath	Summers, Tex.	Yates
Nicholls, S. C.	Sanders, Ind.	Swope	Young, Tex.
Nichols, Mich.	Sanders, La.	Taylor, Ark.	Zihlman
Nolan	Saunders, Va.	Thompson	
Osborne	Schall	Upshaw	
Pell	Scully	Vare	
Phelan	Sears	Venable	

The SPEAKER. On this call 289 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The previous question is ordered under the rule. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time.

Mr. CRAMTON. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Michigan demands the reading of the engrossed bill.

Mr. MONDELL. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. CRAMTON. Yes.

Mr. MONDELL. Mr. Speaker, some gentlemen express a desire to be informed in respect to the business to come up tomorrow. The present expectation is that there will be presented a rule providing for a report from the war investigating committee, which will take up the major portion of the day.

Mr. CRAMTON. Mr. Speaker, I renew my demand for the reading of the engrossed bill.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3284. An act to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes; to the Committee on Agriculture.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, December 13, 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 Acting Secretary of War, transmitting reports showing typewriters, adding machines, and other labor-saving devices exchanged during the fiscal year 1919 (H. Doc. No. 508); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Navy, transmitting report showing the number of employees receiving the increased rate of compensation for the first four months of the fiscal year 1920 (H. Doc. No. 509); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PARKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3427) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over Niagara River from some point in the City of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes, reported the same without amendment, accompanied by a report (No. 492), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10883) authorizing the counties of Beaufort, S. C., and Chatham, Ga.,

to construct a bridge across the Savannah River at or near Savannah, Ga., reported the same without amendment, accompanied by a report (No. 493), which said bill and report were referred to the House Calendar.

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10558) granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River, in the Commonwealth of Massachusetts, reported the same without amendment, accompanied by a report (No. 494), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10922) to grant the consent of Congress to the Alford's Bridge Co. to construct a bridge across the Savannah River, reported the same with amendments, accompanied by a report (No. 495), which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 394) requesting the Attorney General to furnish to the House of Representatives certain information regarding the fixing of the price of sugar, reported the same with amendments, accompanied by a report (No. 496), which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, reported the same with an amendment, accompanied by a report (No. 497), 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. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 696) to carry out the findings of the Court of Claims in the case of Frank S. Bowker, reported the same without amendment, accompanied by a report (No. 491), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. O'CONNELL: A bill (H. R. 11113) to prohibit the exportation of sugar from the United States and its possessions; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11114) authorizing the United States Sugar Equalization Board (Inc.) to purchase the entire Cuban sugar crop for the United States and its possessions; to the Committee on Agriculture.

By Mr. BOX: A bill (H. R. 11115) to amend the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918; to the Committee on Immigration and Naturalization.

By Mr. ZIHLMAN: A bill (H. R. 11116) granting additional compensation to the officers and enlisted personnel of the Army, Navy, and Marine Corps, including nurses (female); to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 11117) defining sedition, the promoting thereof, providing punishment therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. GANDY: A bill (H. R. 11118) authorizing the consolidation of lands in the national forests in the State of South Dakota; to the Committee on the Public Lands.

By Mr. DAVILA: A bill (H. R. 11119) to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. SCOTT: A bill (H. R. 11120) fixing the per diem compensation of grand and petit jurors; to the Committee on the Judiciary.

By Mr. RHODES: A bill (H. R. 11121) to establish a national military park to commemorate the Battle of Pilot Knob, Mo.; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 11122) to save daylight; to the Committee on Interstate and Foreign Commerce.

By Mr. BRIGGS: A bill (H. R. 11123) for the erection of a post-office building at Crockett, Tex., with an appropriation of \$100,000 for such purpose; to the Committee on Public Buildings and Grounds.

By Mr. WOODS of Virginia: A bill (H. R. 11124) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such additional land in the city of Roanoke, Va., as may be necessary for the location of a new building, or for the enlargement of the present post office and Federal office and court building in said city, to cause the present building to be enlarged, or a new building erected, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. MONTAGUE: A bill (H. R. 11125) to increase the salary of the United States marshal for the eastern district of Virginia; to the Committee on the Judiciary.

By Mr. DALLINGER: A bill (H. R. 11126) to save daylight in the first zone; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 11127) making appropriation for the improvement of navigation in Sabine River in Louisiana and Texas; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11128) making appropriations for the improvement of navigation of Red River in Louisiana and Arkansas; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11129) to provide a site and public building at Homer, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11130) to provide a site and public building at Mansfield, La.; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 11131) to make the Star Spangled Banner the national anthem; to the Committee on the Library.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ASHBROOK: A bill (H. R. 11132) granting an increase of pension to John N. Clark; to the Committee on Invalid Pensions.

By Mr. BENHAM: A bill (H. R. 11133) granting an increase of pension to Robert Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11134) granting an increase of pension to Luther Bedel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11135) granting an increase of pension to August H. Knippenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11136) granting an increase of pension to Flavius J. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11137) granting an increase of pension to David M. Haskell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11138) granting an increase of pension to John E. Collins; to the Committee on Pensions.

Also, a bill (H. R. 11139) granting an increase of pension to Webster Cotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11140) granting a pension to Flora Heath; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 11141) to retire Maj. R. M. Angus as a second lieutenant; to the Committee on Military Affairs.

By Mr. BROOKS of Illinois: A bill (H. R. 11142) granting an increase of pension to Andrew Reiber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11143) granting a pension to Thomas Skaggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to Sarah N. Bolinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11145) granting an increase of pension to William W. Freshwater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11146) granting an increase of pension to Alice Moore; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 11147) granting an increase of pension to Thompson S. Lozaw; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11148) granting an increase of pension to Joseph J. Dalbey; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 11149) to authorize the President of the United States to appoint Charles A. Ranlett, major of Infantry; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 11150) granting a pension to Louise H. Thornton; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11151) granting a pension to Charley Thomas; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 11152) for the relief of the First National Bank of Belle Fourche, S. Dak.; to the Committee on Irrigation of Arid Lands.

By Mr. GODWIN of North Carolina: A bill (H. R. 11153) for the relief of the widow of Hugh B. Ward; to the Committee on Claims.

By Mr. HARRELD: A bill (H. R. 11154) for the relief of Arthur Frost; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 11155) granting an increase of pension to James C. Smith; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11156) granting a pension to Annie E. Walker; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11157) granting an increase of pension to Marshall F. Truax; to the Committee on Pensions.

By Mr. LEA of California: A bill (H. R. 11158) for the relief of the Liberty loan subscribers of the Santa Rosa National Bank; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 11159) granting an increase of pension to Peter T. McQuain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11160) granting a pension to James B. Bristow; to the Committee on Pensions.

By Mr. MINAHAN of New Jersey: A bill (H. R. 11161) granting a pension to Elizabeth S. Ennis; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11162) for the relief of A. W. Holland; to the Committee on Claims.

By Mr. RADCLIFFE: A bill (H. R. 11163) granting a pension to James Hanna; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11164) granting a pension to Presina W. Plummer; to the Committee on Invalid Pensions.

\*Also, a bill (H. R. 11165) granting a pension to Ferdinand Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11166) granting an increase of pension to Augusta Lambert; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 11167) granting a pension to Charles Grunert; to the Committee on Pensions.

Also, a bill (H. R. 11168) granting a pension to Thomas G. Aldreg; to the Committee on Pensions.

By Mr. SMITHWICK: A bill (H. R. 11169) granting a pension to John J. Boggs; to the Committee on Pensions.

By Mr. STEVENSON: A bill (H. R. 11170) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 11171) granting an increase of pension to Hugh O. Neville; to the Committee on Pensions.

#### PETITIONS, ETC.

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

306. By the SPEAKER (by request): Petition of International Reform Bureau, Washington, D. C., for continuation of prohibition in interval between war prohibition and constitutional prohibition; also for extension of prohibition to Americans abroad so far as treaties do not prevent; to the Committee on the Judiciary.

307. Also (by request), petition of City Council of the City of Boston, favoring six months' embargo on the export of sugar; to the Committee on Agriculture.

308. Also (by request), petition of sundry citizens of Illinois, opposing methods adopted by the Government in obtaining injunction against strike leaders; to the Committee on the Judiciary.

309. Also (by request), petition of sundry citizens of Illinois, protesting against methods of the Government in issuing injunction against strike leaders in recent strike; to the Committee on the Judiciary.

310. Also (by request), petition of sundry citizens of Brockton, Ill., demanding that all political prisoners arrested during the war be released; to the Committee on the Judiciary.

311. By Mr. BACHARACH: Petition of Grand Lodge, Knights of Pythias, of New Jersey, praying for the freedom of Ireland; to the Committee on Foreign Affairs.

312. Also, petition of Grand Lodge, Knights of Pythias, of New Jersey, condemning mob violence in the United States; to the Committee on the Judiciary.

313. By Mr. CAREW: Petition of Industrial Commission of New York, opposing legislation which would place the Bureau of Mines in control of the explosives industry; to the Committee on Mines and Mining.

314. By Mr. CULLEN: Petition of sundry oil companies having oil wells in Mexico, protesting against methods employed by the Mexican Government in seizing oil wells in Mexico; to the Committee on Foreign Affairs.

315. Also, petition of National Advisory Committee for Aeronautics, recommending programs for military, naval, and postal air services; to the Committee on the Post Office and Post Roads.

316. By Mr. DALLINGER: Petition of Melrose Lodge, No. 1031, Benevolent and Protective Order of Elks, condemning activities of I. W. W. and Bolsheviks; to the Committee on the Judiciary.

317. Also, petition of Brookline Lodge, No. 886, Benevolent and Protective Order of Elks, condemning activities of I. W. W. and Bolsheviks; to the Committee on the Judiciary.

318. Also, petition of Paul Revere Branch, Friends of Irish Freedom, favoring House bill 3404; to the Committee on Foreign Affairs.

319. By Mr. EMERSON: Petition of the Federated Churches of Cleveland, Ohio, urging that aid be given to the people of Armenia; to the Committee on Foreign Affairs.

320. By Mr. FULLER of Illinois: Petition of sundry farmers of Illinois, protesting against the importation of corn free of duty from Argentina; to the Committee on Ways and Means.

321. Also, petition of the Ancient Order of Hibernians, of La Salle, Ill., favoring House bill 3404; to the Committee on Foreign Affairs.

322. Also, petition of Hibbard, Spencer, Bartlett & Co., of Chicago, Ill., favoring reduction of postage on drop letters; to the Committee on the Post Office and Post Roads.

323. Also, petition of Local Union No. 7, United Brick and Clay Workers of America, opposing the Cummins bill; to the Committee on Interstate and Foreign Commerce.

324. By Mr. GALLIVAN: Petition of New England governors, regarding railroad legislation; to the Committee on Interstate and Foreign Commerce.

325. Also, petition of sundry citizens of Massachusetts, favoring embargo on the exportation of sugar; to the Committee on Ways and Means.

326. Also, petition of sundry veterans of the recent war and County Galway Men's Benevolent Association, favoring House bill 3404; to the Committee on Foreign Affairs.

327. Also, petition of Brookline Lodge, No. 886, Benevolent and Protective Order of Elks, condemning activities of I. W. W. and Bolsheviks; to the Committee on the Judiciary.

328. By Mr. GREENE of Massachusetts: Petition of General Court of the Commonwealth of Massachusetts, favoring embargo on the exportation of sugar and favoring increased production; to the Committee on Agriculture.

329. By Mr. KELLY of Pennsylvania: Petition of Pittsburgh Chamber of Commerce, supporting the Government in coal situation; to the Committee on the Judiciary.

330. By Mr. KENNEDY of Rhode Island: Resolutions of Division No. 4, Ancient Order of Hibernians, of Providence, R. I., and Division No. 6, Ancient Order of Hibernians, of Woonsocket, R. I., favoring passage of House bill 3404, providing for appropriation for salaries for ministers and consuls to the republic of Ireland; to the Committee on Foreign Affairs.

331. By Mr. KING: Petition of William Schelp and 26 other citizens of Quincy, Ill., condemning the usurpation of power which has not been or can not be constitutionally conferred on the courts; to the Committee on the Judiciary.

332. By Mr. O'CONNELL: Petition of Geraldine Branch, Friends of Irish Freedom, favoring House bill 3404; to the Committee on Foreign Affairs.

333. Also, petition of Missouri and Kansas publishers, regarding solution of paper shortage; to the Committee on the Post Office and Post Roads.

334. Also, petition of C. J. Tagliabue Manufacturing Co., of Brooklyn, N. Y., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

335. By Mr. ROUSE: Petition of Benevolent and Protective Order of Elks, No. 314, Covington, Ky., against the activities of the I. W. W. and Bolsheviks; to the Committee on the Judiciary.

336. By Mr. SINCLAIR: Petition of Williston Local, No. 3798, United Mine Workers of America, condemning the efforts of the Association of American Oil Producers in Mexico, the alleged patriotic Association for the Protection of American Rights in Mexico, and other organizations and individuals toward bringing about a war between the United States and a friendly neighboring country for the despoiling of Mexico; to the Committee on Foreign Affairs.

337. By Mr. TAGUE: Petition of General Court of the Commonwealth of Massachusetts, favoring embargo on the exportation of sugar and favoring increased production; to the Committee on Agriculture.

338. Also, petition of New England governors, presenting resolutions on recognition of Maj. Gen. Clarence R. Edwards; to the Committee on Military Affairs.

339. Also, petition of New England governors, requesting that the United States Shipping Board allocate some of its large ships to New England; to the Committee on the Merchant Marine and Fisheries.

340. Also, petition of New England governors, regarding railroad legislation; to the Committee on Interstate and Foreign Commerce.

341. Also, petition of Brookline Lodge, No. 886, Benevolent and Protective Order of Elks, condemning activities of I. W. W. and Bolsheviks in the United States; to the Committee on the Judiciary.

342. Also, petition of County Galway Men's Benevolent Association, favoring House bill 3404; to the Committee on Foreign Affairs.

343. Also, petition of International Association of Railroad Storekeepers, concerning Cummins bill; to the Committee on Interstate and Foreign Commerce.

344. Also, petition of International Association of Railroad Supervisors of Mechanics, regarding railroad legislation; to the Committee on Interstate and Foreign Commerce.

345. By Mr. TREADWAY: Petition of New England governors, on return of railroads to private ownership; to the Committee on Interstate and Foreign Commerce.

## SENATE.

SATURDAY, December 13, 1919.

(Legislative day of Friday, December 12, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

JOHN B. KENDRICK, a Senator from the State of Wyoming, appeared in his seat to-day.

### RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana [Mr. MYERS].

Mr. JONES of Washington. What is the pending amendment?

The VICE PRESIDENT. The amendment of the Senator from Montana [Mr. MYERS].

Mr. JONES of Washington. There are very few Senators present. There is but one Senator, the junior Senator from Louisiana [Mr. GAY], on the other side of the Chamber. 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:

Ball	Hale	McNary	Smith, Ga.
Brandeges	Johnson, S. Dak.	Moses	Smith, S. C.
Calder	Jones, Wash.	Nelson	Smoot
Capper	Kellogg	New	Spencer
Cummins	Keyes	Newberry	Sterling
Curtis	Kirby	Nugent	Thomas
Dial	Knox	Overman	Trammell
Dillingham	La Follette	Page	Watson
Frelinghuysen	Lodge	Phipps	
Gay	McCormick	Poinlexter	
Gronna	McLean	Sheppard	

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. BANKHEAD, Mr. HARRISON, and Mr. NORRIS answered to their names when called.

Mr. KING, Mr. HARRIS, Mr. JONES of New Mexico, Mr. LENROOF, Mr. STANLEY, Mr. POMERENE, Mr. SUTHERLAND, Mr. CULBERSON, and Mr. COLT entered the Chamber and answered to their names.

Mr. BANKHEAD. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on official business.

Mr. SHEPPARD. I have been requested to announce that the Senator from Nevada [Mr. PITTMAN] and the Senator from Virginia [Mr. SWANSON] are detained by illness in their families.

I have also been requested to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Kentucky [Mr. BECKHAM], the Senator from Florida [Mr. FLETCHER],

the Senator from Tennessee [Mr. MCKELLAR], the Senator from Montana [Mr. MYERS], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business.

Mr. GAY. The Senator from Massachusetts [Mr. WALSH], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Montana [Mr. WALSH] are detained from the Senate on public business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Montana [Mr. MYERS].

### AMENDMENT OF FEDERAL RESERVE ACT—CONFERENCE REPORT.

Mr. McLEAN. Mr. President, I wish to give notice that on Monday next I shall ask the Senate to take up the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act. Senators will remember that action on the report was postponed several times to accommodate Senators who are interested in the bill, but who were absent. It is my information that they are now here, and that there is no objection to the disposition of the report on Monday next. I think it will take but a short time to dispose of it.

Mr. CUMMINS. In response to the suggestion of the Senator from Connecticut, I feel bound to say that unless the Senate orders otherwise, so far as the committee are concerned we shall feel obliged to keep the railroad-control bill before the Senate.

Mr. McLEAN. I think we will have a morning hour next Monday. I certainly hope that we shall have. This is a very important measure, and I trust the Senator from Iowa will not insist upon a recess, but let us have an adjournment to-day so that we can have a morning hour on Monday.

Mr. CUMMINS. While I recognize the importance of the bill, in charge of the Senator from Connecticut, it can not be any more important than the bill now before the Senate.

### AMENDMENT OF THE RULES.

Mr. KNOX. Mr. President, I desire to make a parliamentary inquiry. The other day I gave notice of an intention to present a resolution, and did present a resolution, changing one of the rules of the Senate in a manner to make it conform to the action the Senate took some years ago in relation to the Senate Office Building. I find that under Rule 40 a day's notice must be given, and I beg to inquire whether that means a calendar day or a legislative day? In other words, may I offer that resolution now?

The VICE PRESIDENT. While it is contrary to the opinion of the Chair, yet, in accordance with the precedents of the House of Representatives, the Chair has ruled that where the word "day" is used in the rules, unless it is specified as a calendar day, it is a legislative day. However, the Senator from Pennsylvania is within the time, as there has been a legislative day intervening since the Senator gave his notice.

Mr. KNOX. Then, Mr. President, I ask unanimous consent that the resolution I now offer be read and considered, stating, however, that, of course, if it provokes any discussion—and I have no idea that it will—I shall withdraw the request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none. The Senator from Pennsylvania, as chairman of the Committee on Rules, has heretofore submitted the resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 260), as follows:

*Resolved*, That the standing rules of the Senate be amended by inserting in Rule XXXIV, paragraph 2, line 3, after the word "restaurant," the following: "and the Senate Office Building," so that the rules, as amended, will comply with the provisions of S. Res. 291, adopted by the Senate on February 17, 1909.

The resolution was considered by unanimous consent and agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 260) authorizing the payment of salaries of officers and employees of Congress for December, 1919, and it was thereupon signed by the Vice President.

### PETITIONS AND MEMORIALS.

Mr. LODGE. I present a memorial from John C. Fremont Post, No. 729, Grand Army of the Republic, Department of Ohio, of Alliance, Ohio, indorsing the action of the Senate in refusing to ratify the treaty of peace with Germany without reservations