

60. Also (by request), petition of the Labor Party of America, of Chicago, Ill., urging impeachment of Judge Anderson; to the Committee on the Judiciary.

61. By Mr. ASHBROOK: Petition of United Brotherhood of Carpenters and Joiners, of Ashland, Ohio, protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

62. By Mr. BACHARACH: Petition of sundry citizens of Woodbine, N. J., protesting against the massacre of Jews in Ukraine; to the Committee on Foreign Affairs.

63. By Mr. BURDICK (by request): Petition of Austin F. Reddington and 800 other veterans and citizens of the State of Rhode Island, in favor of the soldier bonus bill introduced in the House of Representatives by Representative ROYAL C. JOHNSON, of South Dakota, characterizing the bill as "the fairest and most just bill yet presented in appreciation of the gallant service, sacrifice, and suffering endured by our boys in the late World War"; to the Committee on Ways and Means.

64. By Mr. BURROUGHS: Resolution of Portsmouth (N. H.) Lodge, No. 97, Benevolent and Protective Order of Elks, T. K. Hildebrand, secretary, advocating the immediate deportation of every alien in the United States who is a member of the I. W. W. or any other organization of like teachings and tendencies, etc.; to the Committee on Immigration and Naturalization.

65. By Mr. CAREW: Petition of American Electrochemical Society, favoring continuance of Chemical Warfare Service; to the Committee on Military Affairs.

66. By Mr. FESS: Petition of George Cultice Post, No. 6, American Legion, Springfield, Ohio, extending sympathy to bereaved families of Centralia for soldiers killed on armistice day, and to Grant Hodge Post, No. 17; to the Committee on Military Affairs.

67. Mr. FULLER of Illinois: Petition of Morton Post, No. 1, Department of Indiana, Grand Army of the Republic, for enactment of the Fuller pension bill; to the Committee on Invalid Pensions.

68. By Mr. GOULD: Petition of Geneva Chamber of Commerce, opposing House bill 8815; to the Committee on Interstate and Foreign Commerce.

69. By Mr. JOHNSTON of New York: Petition of New York State Association of Supervisory Post Office Employees, regarding Sterling-Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

70. Also, petition of Union of Technical Men, opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

71. Also, petition of Brooklyn Coal Exchange, protesting against settlements against damages sustained in transportation of coal; to the Committee on Interstate and Foreign Commerce.

72. Also, petition of Real Estate Board of New York, favoring House bill 8080; to the Committee on Ways and Means.

73. Also, petition of sundry citizens of New York, favoring six months' pay for soldiers and sailors who served in the Great War; to the Committee on Military Affairs.

74. By Mr. LONERGAN: Petition of State Chamber of Commerce of Connecticut, for daylight saving; for an appropriation for \$200,000 to investigate power production; for Government guaranty to railroads; against the continuation in business enterprises of the Government, etc.; to the Committee on Interstate and Foreign Commerce.

75. By Mr. McGLENNON: Petition of Works Conference of E. I. du Pont de Nemours & Co., at the dye works at Salem County, N. J., favoring passage of House bill 8078; to the Committee on Ways and Means.

76. Also, petition of the Hebrew Veterans of the Wars of the Republic, protesting against pogroms against Jewish population in Ukraine; to the Committee on Foreign Affairs.

77. Also, petition of Bring Home the Soldier Dead League of Pittsburgh, Pa., favoring bringing home the soldier dead from France; to the Committee on Military Affairs.

78. By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, urging legislation to prevent lawlessness; to the Committee on the Judiciary.

79. By Mr. MORIN: Petition of the members of the Second Methodist Protestant Church of Pittsburgh, Pa., Rev. A. W. Kauffman, pastor, urging the Government to assume immediate mandatory powers over the people of Armenia; to the Committee on Foreign Affairs.

80. By Mr. O'CONNELL: Petition of American Electrochemical Society, favoring continuance of Chemical Warfare Service; to the Committee on Military Affairs.

81. By Mr. ROWAN: Petition of New York Post Office Clerks' Association, of New York, supporting Lehlbach-Sterling

retirement bill; to the Committee on Reform in the Civil Service.

82. Also, petition of Department of Child Helping, Russell Sage Foundation of New York favoring House bill 9570; to the Committee on Military Affairs.

83. Also, petition of American Electrochemical Society favoring continuance of Chemical Warfare Service; to the Committee on Military Affairs.

84. Also, petition of New York Post Office Supervisory Employees' Association favoring Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

85. Also, petition of sundry citizens of New York favoring six months' pay to soldiers and sailors who served in the Great War; to the Committee on Military Affairs.

86. Also, petition of District No. 17, United Mine Workers of America, Charleston, W. Va., regarding conditions in Guyan coal fields, southern West Virginia; to the Committee on the Judiciary.

87. Also, petition of Brotherhood of Railroad Trainmen, Lodge No. 598, regarding railroad legislation; to the Committee on Interstate and Foreign Commerce.

88. Also, petition of Harlem Post No. 133, American Legion, inclosing resolutions regarding radical elements and aliens in the United States; to the Committee on the Judiciary.

89. By Mr. SANDERS of New York: Petition of Robertshaw Post, American Legion, Rochester, N. Y., urging that Congress enact without delay drastic legislation which will rid this country of I. W. W.'s and all kindred organizations that have for their object the destruction of American institutions; to the Committee on Immigration and Naturalization.

90. By Mr. THOMPSON: Petition of Ney Grange, No. 2080, favoring Townsend bill or any other bill establishing a national highway system; to the Committee on Roads.

91. Also, petition of Law Committee, International Association of Machinists, Van Wert Lodge No. 667, opposing Cummins and Esch bills and supporting House bill 10367; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, December 4, 1919.

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

Almighty God, day by day we come before the great spiritual realities of life, not only the questions that pertain to order and to material prosperity but to those great spiritual forces that build character, make happiness, and settle questions of destiny. As we face for the moment these spiritual realities we ask Thee to lift up the light of Thy countenance upon us and send us forth in the discharge of the duties of this day with Thy favor and by Thy grace. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

GEORGE P. McLEAN, a Senator from the State of Connecticut, and WILLIAM S. KENYON, a Senator from the State of Iowa, appeared in their seats to-day.

Mr. CURTIS. I suggest the absence of a quorum, Mr. President.

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

Ball	Fletcher	McLean	Smith, Ga.
Capper	France	New	Smith, Md.
Chamberlain	Gay	Newberry	Smoot
Cuberson	Hale	Norris	Spencer
Cummins	Johnson, S. Dak.	Nugent	Sterling
Curtis	Jones, Wash.	Page	Sutherland
Dial	Kellogg	Phelps	Thomas
Edge	Keyes	Sheppard	Warren
Elkins	La Follette	Simmons	Watson

Mr. GAY. I wish to announce that the senior Senator from Louisiana [Mr. RANSDELL] is necessarily absent. I will let this announcement stand for the day.

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

The Secretary called the names of the absent Senators; and Mr. HARRIS, Mr. KING, Mr. McKELLAR, Mr. OVERMAN, Mr. UNDERWOOD, Mr. WADSWORTH, Mr. WALSH of Montana, and Mr. WILLIAMS answered to their names when called.

Mr. ASHURST, Mr. BECKHAM, Mr. SWANSON, Mr. MOSES, Mr. SHIELDS, Mr. HUTCHCOCK, Mr. PITTMAN, Mr. JOHNSON of Cali-

foenia, Mr. BORAH, Mr. POMERENE, Mr. FALL, and Mr. LODGE entered the Chamber and answered to their names.

Mr. UNDERWOOD. I desire to announce that my colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained on official business.

Mr. SHEPPARD. I wish to announce that the Senator from Delaware [Mr. WOLCOTT] is detained on public business.

Mr. MCKELLAR. The Senator from Massachusetts [Mr. WALSH], the Senator from Missouri [Mr. REED], the Senator from Ohio [Mr. POMERENE], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

Mr. CURTIS. I wish to announce the absence on account of illness of the Senator from Illinois [Mr. SHERMAN], and the Senator from Pennsylvania [Mr. PENROSE.]

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

REPORTS OF SERGEANT AT ARMS.

The VICE PRESIDENT laid before the Senate a communication from the Sergeant at Arms of the United States Senate, transmitting, pursuant to law, a full and complete account of all property in his possession and in the Senate Office Building belonging to the United States Senate, which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant at Arms of the United States Senate, transmitting, pursuant to law, a statement showing the sale of property and the proceeds thereof, which was ordered to lie on the table and be printed.

REPORTS OF SECRETARY OF THE TREASURY.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year 1919 (H. Doc. No. 330), which was referred to the Committee on Finance and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a detailed statement of operations, as required by section 15 of the act approved September 24, 1917, as amended by the acts approved April 4, 1918, and March 3, 1919, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, statements of expenditures under the first and second Liberty bond acts, which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

REPORTS OF SECRETARY OF WAR.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing in detail what officers or employees have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1919 (H. Doc. No. 315), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing by bureaus and offices the number and designation of the persons employed under the appropriations for the temporary employment of the additional force in the War Department, and the annual rate of compensation paid to each (H. Doc. No. 454), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF THE ATTORNEY GENERAL.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenditures of the appropriations for the United States Court of Customs Appeals for the fiscal year 1919 (H. Doc. No. 395), which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

He also laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a report 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 (H. Doc. No. 344), which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed.

REPORTS OF POSTMASTER GENERAL.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a statement of special contract entered into with the Alaskan Engineering Commission for carrying the mails from Seward to

Anchorage, Alaska (H. Doc. No. 467), which, with accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a statement of special contract entered into with the Copper River & Northwestern Railway Co. for carrying the mails from Cordova, by Chitina and other points, to Kennecott, Alaska (H. Doc. No. 468), which, with accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

REPORT OF AIRCRAFT AND AVIATION FACILITIES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a report with regard to aircraft on hand and aviation facilities (H. Doc. No. 452), which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF THE SECRETARY OF THE INTERIOR.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year 1919 (H. Doc. No. 377), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures made for the purchase of cattle for the benefit of Indians on the Standing Rock Reservation in North Dakota and South Dakota for the fiscal year 1919 (H. Doc. No. 373), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of all moneys collected and deposited during the fiscal year 1919 under the appropriation "Determining heirs of deceased Indian allottees, 1919" (H. Doc. No. 375), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the diversion of appropriations for the pay of specified employees of the Indian Service for the fiscal year 1919 (H. Doc. No. 378), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, stating, pursuant to law, that no diversion of expenditures for purchase of subsistence for the several Indian tribes were made during the fiscal year 1919 under the act approved March 1, 1907 (H. Doc. No. 368), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditures for the fiscal year 1919 of money carried on the books of the department under the caption "Indian moneys, proceeds of labor" (H. Doc. No. 369), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of expenditures from the tribal fund of the Blackfeet Indians of Montana for the fiscal year 1919 (H. Doc. No. 370), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made in per capita payments to the Apache, Kiowa, and Comanche Indians during the fiscal year 1919 (H. Doc. No. 372), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures made for the purpose of encouraging industry and support among the Indians on the Tongue River Reservation, Mont., during the fiscal year 1919 (H. Doc. No. 374), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, stating, pursuant to law, that no expenditures were made during the fiscal year 1919 for the con-

struction of hospitals from the appropriation "Relieving distress and prevention, etc., of disease among Indians, 1919" (H. Doc. No. 376), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, stating, pursuant to law, that no act of hostility by any Indian tribe with which the United States has treaty stipulations was committed during the fiscal year 1919 (H. Doc. No. 379), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year 1919 (H. Doc. No. 380), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made from tribal funds of the Confederate Bands of Utes during the fiscal year 1919 (H. Doc. No. 371), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year 1919 (H. Doc. No. 381), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year 1919 (H. Doc. No. 384), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year 1919 from the appropriation "Industry among Indians, 1918-19" (H. Doc. No. 386), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year 1919, showing the amounts expended at each school and agency from the appropriation for construction, lease, purchase, repair, and improvement of school and agency buildings (H. Doc. No. 382), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year 1919 relating to the appropriation, "Indian schools, support, 1919" (H. Doc. No. 383), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year 1919 (H. Doc. No. 387), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year 1919 from the appropriation of \$130,000 made in the acts of March 3, 1911, and June 30, 1913 (H. Doc. No. 388), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of expenditures on account of the Indian Service for the fiscal year 1919 from the appropriation commonly known as "Industrial work and care of timber" (H. Doc. No. 385), which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the proceeds of the sale of supplies and obsolete material and equipment during the fiscal year 1919 (H. Doc.

No. 453), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing in detail what officers or employees have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1919 (H. Doc. No. 442), which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, a report of the surgeon in chief of the Freedmen's Hospital, submitting statements of receipts and expenditures on account of pay patients during the fiscal year 1919 (H. Doc. No. 396), which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, a report of the surgeon in chief of the Freedmen's Hospital, submitting a detailed statement of expenditures for professional and other services for the fiscal year 1919 (H. Doc. No. 397), which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, an itemized statement of expenditures made by the department and charged to the appropriation "Contingent expenses, Department of the Interior, 1918," during the fiscal year 1919 (H. Doc. No. 443), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, an itemized statement of expenditures made by the department and charged to the appropriation "Repairs of buildings, Department of the Interior, 1919," for the fiscal year 1919 (H. Doc. No. 444), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, a letter from the superintendent of the St. Elizabeth's Hospital for the Insane submitting the financial report of that institution for the fiscal year 1919 (H. Doc. No. 367), which, together with accompanying papers, was referred to the Committee on the District of Columbia and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, a report 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 (H. Doc. No. 464), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF SECRETARY OF AGRICULTURE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, the annual report of expenditures for the fiscal year 1919 out of the funds appropriated for the survey, construction, and maintenance of roads and trails within or only partly within the national forests (H. Doc. No. 359), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement showing the places, quantity, and price of seeds purchased and the dates of purchase (H. Doc. No. 358), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement of the activities of the department pertaining to the public health (H. Doc. No. 357), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report showing the names of all persons employed, their designations, and rates of pay in the Bureau of Animal Industry for the suppression of diseases of domestic animals during the fiscal year 1919 (H. Doc. No. 356), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of contributions on account of cooperative work with the Forest Service and the amount refunded to depositors on account of excess deposits, national forests fund, for the fiscal year 1919 (H. Doc. No. 353), which, with accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report showing the publications received and distributed by the department during the fiscal year 1919 (H. Doc. No. 363), which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing sums paid from appropriations of the Bureau of Chemistry during the fiscal year 1919 for the compensation of officers or other persons employed by State, county, or municipal governments (H. Doc. No. 355), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report 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 (H. Doc. No. 354), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the receipts from the sale of useless papers during the fiscal year 1919 (H. Doc. No. 451), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing for the fiscal year 1919 the motor-propelled and horse-drawn passenger-carrying vehicles and motor boats purchased by the department for use outside of the District of Columbia (H. Doc. No. 456), which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORTS OF LIBRARIAN OF CONGRESS.

The VICE PRESIDENT laid before the Senate the annual report of the Librarian of Congress and the annual report of the Superintendent of the Library Building and Grounds for the fiscal year ended June 30, 1919 (H. Doc. No. 407), which was referred to the Committee on the Library.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a report 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 (H. Doc. No. 391), which, with accompanying paper, was referred to the Committee on the Library and ordered to be printed.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement showing in detail what officers or employees have traveled on official business from Washington to points outside the District of Columbia during the fiscal year 1919 (H. Doc. No. 441), which, with the accompanying paper, was referred to the Committee on the Library and ordered to be printed.

REPORTS OF SUPERINTENDENT OF LIBRARY BUILDING AND GROUNDS.

The VICE PRESIDENT laid before the Senate a communication from the Superintendent of Library Building and Grounds, transmitting, pursuant to law, a statement of the number of typewriters and other labor-saving devices purchased and exchanged during the fiscal year 1919 (H. Doc. No. 440), which, with the accompanying paper, was referred to the Committee on the Library and ordered to be printed.

He also laid before the Senate a communication from the Superintendent Library Building and Grounds, transmitting, pursuant to law, a statement showing in detail what officers or employees have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1919 (H. Doc. No. 398), which was referred to the Committee on the Library and ordered to be printed.

He also laid before the Senate a communication from the Superintendent Library Building and Grounds, transmitting, pursuant to law, a report 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

(H. Doc. No. 439), which was referred to the Committee on the Library and ordered to be printed.

REPORTS OF INTERSTATE COMMERCE COMMISSION.

The VICE PRESIDENT laid before the Senate the thirty-third annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce and ordered to be printed.

He also laid before the Senate a communication of the chairman of the Interstate Commerce Commission, transmitting results of the investigation made by the Interstate Commerce Commission pursuant to Senate resolution of October 30, 1919, which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the employment under appropriation for the valuation of carriers for the fiscal year 1919 (H. Doc. No. 329), which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing in detail what officers or employees have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1919 (H. Doc. No. 327), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a report 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 (H. Doc. No. 328), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement of the number of typewriters and other labor-saving devices purchased and exchanged during the fiscal year 1919 (H. Doc. No. 326), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PURCHASE OF TYPEWRITERS.

The VICE PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, a statement of the number of typewriters and other labor-saving devices purchased and exchanged during the fiscal year 1919 (H. Doc. No. 314), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a statement of the number of typewriters and other labor-saving devices purchased and exchanged during the fiscal year 1919 (H. Doc. No. 390), which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

EMPLOYEES OF UNITED STATES BOTANIC GARDEN.

The VICE PRESIDENT laid before the Senate a communication from the Superintendent United States Botanic Garden, transmitting, pursuant to law, a report 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 (H. Doc. No. 320), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS (H. DOC. NO. 361).

The VICE PRESIDENT laid before the Senate a communication from the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered to the Court of Claims for the year ended November 29, 1919, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims, which, with accompanying papers, was referred to the Committee on Claims and ordered to be printed.

REPORT OF UNITED STATES TARIFF COMMISSION (H. DOC. NO. 319).

The VICE PRESIDENT laid before the Senate the Third Annual Report of the United States Tariff Commission, which was referred to the Committee on Finance and ordered to be printed.

ANNUAL REPORT OF PUBLIC PRINTER.

The VICE PRESIDENT laid before the Senate the annual report of the Public Printer for the fiscal year 1919, which was referred to the Committee on Printing and ordered to be printed.

ANNUAL REPORT OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the annual report of the Commissioners of the District of Columbia for the fiscal year 1919, which was referred to the Committee on the District of Columbia and ordered to be printed.

EUROPEAN OBLIGATIONS.

Mr. JOHNSON of California. Mr. President, I ask permission to have printed in the CONGRESSIONAL RECORD an article by Frank H. Simonds, published in last evening's Star, containing the speech of the President, which I think has not yet been published, delivered at the peace conference, and which is illuminating, concerning the obligations that our country assumes in the future regarding the territorial settlements in Europe. I do not desire to comment on it at the present time, but at some time hereafter. I ask that it may be printed in the RECORD, so that all Senators may see it.

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

SCOPE AND SPIRIT OF LEAGUE TOLD IN PRESIDENT'S SPEECH—ROUMANIA ASSURED AMERICAN ARMY AND FLEET MIGHT BE SENT OVERSEAS IF WORLD IS TROUBLED AGAIN.

[By Frank H. Simonds.]

"Many times during the discussion of the treaty of Versailles in the United States references have been made to the extent and character of the guaranties the United States would give by virtue of that document to various European nations.

"Of all the addresses of the President the most complete and impressive was that made on May 31 in a plenary session, when he laid down a doctrine which was declared by the members of the American delegation at the time to be one of the most important utterances of the whole conference, so far as American policy was concerned.

"The circumstances of the President's speech are of relatively minor importance. M. Bratiano and M. Trumbitch, representing Roumania and Serbia, had protested against the section in the treaty with Austria which compelled their countries to recognize the right of the four great powers to intervene on behalf of minorities in Roumania and Serbia. In point of fact, both countries refused to sign the treaty and have not yet signed it on this account; but what is interesting to the American public is the statement by the President of his conception of the extent to which American guaranties would go, once the treaty had been accepted. For my own part I have never seen anywhere so admirable and complete a definition of the President's views as to the scope and spirit of the league of nations.

PRESIDENT'S SPEECH IN FULL.

"Mr. Wilson's words were as follows:

"I should be very sorry indeed if this session adjourned leaving in the mind of anyone the conviction that we have here expressed the idea that the great powers wish to impose their will upon the smaller nations, out of any feeling of pride or arrogance. I want to call attention to one aspect of this arrangement which we are working on together. We want to insure the peace of the world and to banish all elements of trouble and danger for the future. One of the essential conditions is an equitable distribution of territory in accordance with the desires and affinities of the populations.

"This distribution made, the allied and associated powers will guarantee the maintenance of the conditions which we shall decide upon, having made those conditions as just as possible. These powers are the nations which will undertake the contract and the burdens; on them will rest the chief responsibility, just as, by force of circumstances, they have made the greatest effort during the war. And it is necessary always to remember that it is force which is the ultimate guaranty of the public peace.

ADVISERS, NOT DICTATORS.

"Under such conditions is it unreasonable that we should say to you, speaking in the language not of dictators, but of advisers and of friends: 'We can not guarantee your frontiers here if we do not believe that they conform to certain principles of right and wrong?'

"Exactly the same line of reasoning applies to the question of minorities. It is with the same concern that condition as to minorities has been discussed. If you want the principal allied and associated powers to guarantee the existence of your States, is it unreasonable that they should be satisfied as to conditions which they regard as indispensable, if we are to avoid future causes of war?

"We ask our Roumanian and Serbian friends to believe that we have no desire this evening to invade ancient and recognized sovereignties. But the present treaty will add much, and it is impossible, for example, to treat the kingdom of the Serbs, the Croats, and the Slovenians as a unit created by the events which

we have witnessed and at the same time, in certain contingencies, to treat the Serbian kingdom as a separate State.

"If these States are solidly established, thanks to the treaty which we are making together, the right belongs to the powers which will guarantee the execution of this treaty, in the last analysis, to see to it that the conditions on which these States will be established are of a sort to insure the public peace. Our desire in this is not to interfere in any fashion which might injure these States in any particular, but to aid them and to help the common cause. We hope that you will not hesitate to accept our point of view, because we can not see another means of settling the question.

"How could the Government of the United States go before the Congress and people of the United States and pretend that it had assisted in insuring the peace of the world, if it believed that the settlement agreed upon here contained unstable or dangerous elements?

AMERICA WOULD SEND ARMY AND FLEET.

"If the world should be troubled again, if the conditions which we all regard as fundamental are challenged, the guaranties which will be given to you will pledge that the United States will send its Army and fleet across the ocean. Is it surprising, under such conditions, that it should desire to reach a solution of the various problems which seems to it satisfactory?

"I would say to Mr. Bratiano, in particular, that we have not the smallest desire to impair the sovereignty of his country. We do not want to do anything that could displease him. Roumania will come out of this war increased in power and in territory. We have the right, accordingly, to insist on certain conditions which, in our opinion, will make this success permanent.

"May I not ask my friend Mr. Kramar, my friend Mr. Trumbitch, and my friend Mr. Bratiano to believe that if we have only mentioned the great powers in the article which we have just been discussing, it is not because these powers desire to impose conditions of their own, but simply because they desire to satisfy themselves that they can guarantee the sum total of advantages which this treaty gives you as well as us with all the strength which they possess?

"It is a question of working in common, and this collaboration can only be founded on a definite agreement. To leave the solution of these questions to later negotiations, as somebody has suggested, would amount to saying that when the conference had completed its labors some separate groups would decide among themselves what would in reality become a part of the general foundation of the peace of the world. This seems impossible.

FORCE ULTIMATE PEACE GUARANTY.

"I hope that we shall reach—that is, our goal—a cordial and voluntary agreement to cooperate on the only basis possible. That basis, one must express it in this fashion, will have to be supplied by those who will furnish the force which will insure the maintenance of peace—by those in whom will dwell that force which will be the supreme guaranty of peace.

"It is essential not to misunderstand the sense we attribute to the word 'force.' The United States has never had any aggressive purpose, and you all know the reasons for our intervention in the affairs of the Old World.

"We pursue a common goal. All that we desire is to aid you in attaining that goal in accord with us. We only want to associate ourselves with you and we do not want to do anything which could run contrary to your interests."

"Prime Minister Bratiano's reply, too long for quotation here, has not a little interest for Americans in view of the debate on the treaty in the United States Senate. In substance, he declared that Roumania was willing to agree to any arrangement vesting the league of nations with the right to intervene in all countries, big and little, on behalf of minorities, but unwilling to permit four great powers to arrogate to themselves the right to intervene in the case of small countries.

WHY IDEA WAS REJECTED.

"The effect of such a provision, however, would have been to authorize the league of nations to intervene on behalf of the negro in the case of the United States, on behalf of the Irish in the case of Great Britain, and in the interests of the German and Slav minorities in the case of Italy. Therefore it was promptly rejected. Roumania and Serbia thereupon refused to sign the treaty with Austria, and Roumania withdrew from the peace conference and later invaded Hungary and annexed Bessarabia.

"But it will be noted that the basis of Roumanian and Serbian action was apprehension of interference in their own domestic affairs and the loss of national independence, together with a protest against the discrimination against small States. As I

have said before, however, for Americans the chief interest is the incident in the speech of the President, which clearly discloses his idea of the scope of guaranties to be given by the United States as well as the three other great powers to all the countries of eastern and southern Europe." (Copyright, 1919, McClure Newspaper Syndicate.)

ESTIMATES AND APPROPRIATIONS.

Mr. WARREN. Mr. President, I present for printing in the Record a condensed report of the estimates from the various departments of the Government for the coming fiscal year of 1921. These estimates are more than surprising; they seem to me to be absolutely startling.

The estimates for the regular annual supply bills and the permanent annual appropriations exceed the appropriations of last year, when we were at the finish of the war, by nearly a half billion dollars. The estimate for every one of the 13 appropriation bills, excepting the Post Office and Naval bills, is in excess of the appropriations for 1920. The estimate for the Post Office appropriation bill is less by something over \$200,000,000, and the estimate for the naval appropriation bill is less than that of a year ago by \$43,000,000, but as to the other bills the estimates are appreciably increased all the way through.

Mr. President, we, of course, know that we have a growing country and that we have had a war; but looking back of the Fifty-second Congress—in fact, to the Fifty-first Congress—our appropriations before that time had been running from a half billion to three-quarters of a billion dollars in each of two years, or in an entire Congress. We all remember the saying of Speaker Reed—in fact, it became a household phrase—that though we had a billion-dollar Congress—in the Fifty-first Congress—we also had a billion-dollar country, because the expenditures for the two fiscal years 1891 and 1892 amounted to a trifle over a billion dollars, but each of the following Congresses expended less than did the Fifty-first.

The permanent appropriations, those that we must provide for each year without going through the formality of appropriating through our annual appropriation bills, a policy which I earnestly condemn, amount to about a billion and a half dollars. They amounted last year to nearly \$2,000,000,000. Mr. President, such appropriations are constantly being added to by incorporating in the various bills clauses to the effect that the money is to be paid annually for so many years, or every year hereafter, as, for instance, in the case of the appropriations made for vocational education and those old appropriations heretofore made for agricultural universities and colleges, and so forth; and now comes the interest upon our bonds and certificates, which must be paid in the way of permanent annual appropriations, the amount of which rises and falls with the fluctuation of our indebtedness.

Going back to the time of which I speak, the first billion-dollar Congress, we were able to reduce appropriations after the Fifty-first Congress in the following Congresses continuing up to the Spanish-American War, when the appropriations rose to a billion and a half dollars in the two years. Finally, in the Sixtieth Congress the appropriations reached an amount somewhat in excess of \$2,000,000,000. Then after the Sixtieth Congress each Congress cost us approximately \$2,000,000,000, or \$1,000,000,000 annually up to the World War.

Mr. President, with the burden of taxes we are carrying and with the World War now behind us, it seems to me—

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. WARREN. I yield.

Mr. SIMMONS. Will the Senator from Wyoming give us the estimates for the year immediately preceding the war?

Mr. WARREN. I do not happen to have them here, but for a Congress they amounted to something like a billion dollars a year—sometimes a trifle over and sometimes a trifle under that figure. Now, we have expenditures at the rate of a billion and one-half dollars a year for permanent appropriations, and we are asked to appropriate this year, in addition to that, almost \$4,000,000,000, and added to this come deficiency and miscellaneous amounts, which may amount to billions. In fact, those in 1920 amounted to over \$2,250,000,000. So we are now asked to appropriate nearly fourteen times as much as we were appropriating when this country became so startled on the announcement that there had been a billion-dollar Congress.

It seems to me that the time has come when we should shut the gate entirely to new requisitions and pause and consider whether we want to continue building up departments and commissions and the like of that. Of course, I do not need to say that the duties of the Appropriations Committees of the Houses of Congress are to appropriate the money called for by the laws

which Congress passes; so it is out of the power of those committees to regulate entirely the expenses of the country; in fact, they have very little to do with that; but the laws enacted from day to day, I may say, various thoughtless measures, resolutions, and so forth, calling for investigations and for similar objects, call for great amounts.

Mr. President, I ask that this statement may go into the Record in the shape in which it is prepared.

Mr. WADSWORTH. Mr. President, I desire to ask the Senator from Wyoming if he will read the estimates for the Army.

Mr. WARREN. I have here the estimates for the Army.

Mr. SIMMONS. I ask that the Senator also read the estimates for the Navy.

Mr. WARREN. I also have the estimates for the Navy.

The estimates for the Army are \$982,800,020; those for fortifications are \$117,793,330. The Navy asks for \$573,131,254.80, which is less than the expenditure last year. That is one of the two departments the estimates for which are less than the expenditures of last year, but only to the amount of a little less than \$43,000,000.

Mr. WADSWORTH. Mr. President, I desire to call the attention of the Senate to the estimates for the Army. As the Senator from Wyoming has just said, the estimate for the Army for 1921 is \$982,000,000 in round figures, while the appropriations for the current fiscal year of 1920 were \$772,000,000, showing an increase, in round figures, of \$200,000,000. I took occasion day before yesterday to examine the estimates for the Military Establishment in some detail, and I saw in the estimate that the item "Pay of the Army" is increased about \$112,000,000 over the appropriations for the current fiscal year, from which I gather that the estimate of \$982,000,000 is for an Army of 500,000. May I assure the Senator from Wyoming that not with my consent will we have a Regular Army of 500,000 men.

Mr. WARREN. I will say, Mr. President, doubtless that is true. However, there is nothing in this estimate calculated on its face to provide for an increase in salaries or wages. While we have a commission or committees that are supposed to report very soon upon the question of raising the wages, salaries, and so forth, of something like 110,000 employees, there is nothing in this estimate that covers that expectation.

Mr. THOMAS. Mr. President—

Mr. WARREN. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, through the courtesy of the Senator from Wyoming I received in the morning mail a copy of the statement which he has just put in the Record, and it occurred to me that the increases demanded by the Agricultural and other departments were largely due to the increased cost of the civil service. The Senator, of course, knows we have very materially advanced the salaries of employees by giving them bonuses, and in all probability we will again increase that item of annual expenditure. Can the Senator inform the Senate in round figures what the approximate amount of increase is due to that legislation?

Mr. WARREN. Does the Senator mean for last year?

Mr. THOMAS. Yes. The document is a comparison of appropriations for 1920 and estimates for 1921. Now, can the Senator say what proportion of the increase is due to the increased wage of the civil-service employees?

Mr. WARREN. I will say to the Senator that I have not at this moment here at hand the figures the Senator asks for.

Mr. THOMAS. It is a very considerable part of it, I assume.

Mr. WARREN. It is quite a considerable, although not very large, proportion of the total sum. Of course, as the Senator knows, we granted to the employees of the Government a bonus of \$240 a year for 1920; for 1919 a bonus of \$120 a year.

Mr. THOMAS. We have a very large army of employees, and of course any increase, however small per capita, aggregates a very large sum of money.

Mr. WARREN. Two hundred and forty dollars a year multiplied by 100,000 would aggregate a considerable sum.

Mr. THOMAS. Should it not be multiplied by considerably more than 100,000?

Mr. WARREN. Yes; the increase would be considerable so far as the bonus is concerned; but we have not in the last appropriation bills raised many regular salaries.

Mr. THOMAS. We have raised some of them.

Mr. WARREN. Very few of them have been raised.

Mr. THOMAS. Some of them, I think a good many, were raised in 1918. Of course, the appropriation bills which were enacted by the present Congress because of the failure of the last Congress to enact them would only reflect the increases that were granted at that time and which are covered in the legislation of this Congress; they would not reflect the increases included in legislation of former Congresses.

Mr. WARREN. The increase in regular salaries was not great either in 1918 or 1919 so far as appropriations are concerned that were within the province of the Appropriations Committees. As the Senator knows, there were a great many lump-sum appropriations for this commission and that commission or bureau, and included in the legislation relating to such commissions or bureaus was the authority given to them to employ assistants, and of course they arranged the salaries of the assistants employed by them.

Mr. THOMAS. But if Congress complies with the requirements of the estimates now submitted and appropriates practically \$5,000,000,000, then the legislation appropriating money for other purposes will be in excess of the \$5,000,000,000, will it not?

Mr. WARREN. Oh, yes; and the expectations of employees relative to advance of salaries and wages are very great. The 1921 estimates do not provide for increases.

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

Mr. THOMAS. I yield.

Mr. SMOOT. Mr. President, I will say that two years ago when the bonus was \$120 to each employee of the Government outside of the Post Office Department the amount required was approximately \$28,000,000.

Mr. THOMAS. And that bonus was doubled.

Mr. SMOOT. The bonus was doubled, so that approximately \$56,000,000 would be required to meet the \$240 bonus paid for the fiscal year ending June 30, 1920.

Mr. WARREN. Mr. President—

Mr. SMOOT. Just a moment. In answer to the Senator about our appropriating approximately \$5,000,000,000 for the fiscal year 1921 I will assure the Senate—and I want the country to know—that we are not going to appropriate that amount of money. If there is strength enough in some of the Senators here to talk to death such tremendous proposed appropriations, we are going to do it; we are not going to appropriate any such amount of money.

Mr. THOMAS. I venture the prediction that before we get through appropriating money in this Congress we will greatly exceed \$5,000,000,000 a year.

Mr. WARREN. Will the Senator allow me to interrupt him right there?

Mr. THOMAS. In a moment. I am very confident, although I am not a prophet nor the son of a prophet, that my prediction will be verified.

Mr. SMOOT. The Senator will remember that when I made the prediction here nearly a year ago that the expenditures of the Government for the fiscal year 1921 would be \$4,000,000,000 the Secretary of the Treasury "went up in the air," and he and many others throughout the country thought I was crazy.

Mr. THOMAS. The Senator was not crazy—not as much so as he is now, when he assumes that he is going to hold our appropriations down to \$5,000,000,000.

Mr. WARREN. May I say a word right there?

Mr. THOMAS. Just a moment. For example, this Congress will give a bonus of \$240 to the soldiers forming our last Army. That will be due to the fact that they will demand it, on the one hand, and to the fact that both parties are equally anxious to secure their good will, on the other, and that item alone will amount to somewhere in the neighborhood of three-quarters of a billion dollars. When to that are added the other demands that will inevitably be made upon us, and particularly if serious trouble eventuates with Mexico—which seems to me, from what I know about it, to be unavoidable unless the Mexican administration shall assume a different tone toward this Government—we shall be very lucky, indeed, if we do not exceed the estimates to which the Senator has called attention.

Mr. SMOOT. If we get into a war, that is another question.

Mr. WARREN. Mr. President, I want to say, if the Senator will excuse me for a moment—

Mr. THOMAS. I thank the Senator for permitting this interruption. I shall not detain him longer.

Mr. WARREN. During the last year we have had deficiency appropriations amounting to over \$1,141,000,000. We had miscellaneous expenses amounting to \$1,126,000,000. In other words, two and a half billion dollars were added to the regular and permanent estimates.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. WARREN. Let me finish, please. Now, undoubtedly there will have to be added, as there always have been added, more or less items that fall short during the year and come in in the way of deficiencies.

I want to finish this statement, if the Senator will allow me a moment.

As nearly as we can estimate the revenues of the coming year, they will amount to five billion six hundred and twenty millions

plus. The revenues from the Postal Service are estimated to be something over \$415,000,000, or a total of over \$6,000,000,000 in revenue, while the regular estimated appropriations amount to some \$1,170,000,000 less than that sum; but miscellaneous items, deficiencies, increase of wages and salaries, and so forth, will far more than absorb this estimated excess.

One word more, and that is in relation to the promise of my colleague, which I hope we shall be able to fulfill, that these estimates will be greatly cut down. I want to say, however, that it is very largely in the hands of the Senate and not in the hands of the committee as to what we have to appropriate. It is idle to stand here and threaten what we will do when we know we can not do it. What we have got to do, if we do our duty, is to appropriate the money which Congress provides that we shall appropriate by law; and I think the necessity of taking this matter up and promising ourselves what we will do toward economy, toward cutting down these estimates, should be taken to heart by every Member of the Senate and it should be kept in mind in all bills that he introduces and supports here.

Mr. OVERMAN. Mr. President, I was going to say to the Senator, who is the very able chairman of the Committee on Appropriations, that these estimates sent down here are sent down in obedience to law, and the estimates are made upon the laws that Congress itself has passed; and, therefore, who is responsible for this great total of estimates except Congress itself?

I do not exactly understand why the Senator has injected this matter in here now. I have never known it to be done before. The estimates are sent down here regularly, and sent to the Senator's committee; and his committee, of which I am a member and of which he is the able chairman, will consider all these matters, and it is for the committee to determine whether we shall report out from our committee these appropriations. We will have to appropriate that which Congress has provided for, and the matter of new appropriations must be considered by our committee; and when we report them out the responsibility is on the Senate or the House, on Congress, and not upon the heads of the departments who send these estimates here. They are compelled to send them. Sometimes they exceed what we give them, and we frequently refuse the estimate, as the Senator knows; but the heads of these departments are sending these estimates in obedience to the laws of Congress.

Now, here is the Senator from New York [Mr. WADSWORTH]. I agree with him that we are not appropriating the money that is estimated for; but that is based upon a recommendation made to Congress, I suppose, from the General Staff. I will ask the Senator if that is not the case. Have they not recommended an increase in the Army which would carry this appropriation?

Mr. WADSWORTH. The War Department made the recommendation. I would not say it was the General Staff that made it.

Mr. OVERMAN. Well, the War Department. Of course we do not have to appropriate this sum of money, and probably we will not appropriate this sum of money; and I will join with the Senator from Utah in cutting down these appropriations where Congress has not made provision for the appropriations; but where it has what can we do except carry out the law?

After all, the responsibility is on Congress, on the House and on the Senate; and I think it wise that the Senator from Wyoming should warn the Senate as to future appropriations. The great appropriations asked for here are asked in obedience to the laws that we have passed, and we go helter-skelter sometimes and appropriate money here without considering the total amount. "What is \$1,000,000 or what is \$500,000"—and we all vote for it, knowing that when the sum total comes it will mount up into the billions of dollars. Therefore I think the Senator from Wyoming is doing right in warning the Senate in regard to future bills making appropriations. I do not know what the appropriation bills are going to amount to. It may be that we will have war, and then the Senator from Utah will have to take back what he says about reducing the appropriations below \$5,000,000,000.

Mr. SMOOT. I will not take it back unless there is war.

Mr. OVERMAN. Unless there is war; I will stand with him on it, and, as he says, if necessary, filibuster on it.

Mr. BORAH. We can not have a filibuster. We are going to adopt cloture.

Mr. OVERMAN. Oh, no; I will never cast my vote to adopt cloture.

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

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

Mr. McKELLAR. I have been very much interested in what the Senator from Wyoming has stated about these appropriations, and especially in his statements about the appropriations for the Army. I happen to be a member of that committee. I am delighted to hear the statements made by the Senator from New York [Mr. WADSWORTH] on that subject. The idea of this country appropriating \$985,000,000 for the Army two years after the war has closed during a time of peace, with millions of trained soldiers in our country easily available, is, to my mind, the height of unrighteousness. I do not see how we can afford even to think of such a Military Establishment as that in times of peace, and I will join the Senators from New York and Wyoming in fighting any such Military Establishment. I was glad to hear the Senator from New York say that he would not support an Army of 500,000 men in time of peace. I would like to cut that figure at least in two, and perhaps then reduce it still further. I think some of our people are going military mad, and going military mad at the wrong time. Of course, if we have war, that is another subject; we will deal with that subject when we get to it; but the appropriations asked for by the department at this time are on a peace basis, as I understand.

They are asking for \$985,000,000, and then more than \$117,000,000 extra for fortifications, which fortification bill does not come before our committee, making more than \$1,000,000,000 for the Army. That can not be defended by anyone, and I certainly join the Senator from New York in opposing it. I notice that the estimate asks for \$6,778,000 for the Military Academy next year. We appropriated \$2,277,000 for the academy this year. Here is an increase of over four and a half million. There is

no possible excuse for such a recommendation. Unless we have war with Mexico or some other power, we should cut down the appropriations asked for by our Military Establishment from one billion one hundred and six million to a sum not exceeding four hundred million, thus saving to the American taxpayers more than \$700,000,000 over the sum asked for by the department. The appropriation of the sums asked for by the Military Establishment would be largely a useless waste of the people's money. If other recommendations of the departments are like those of the Military Establishment it is indeed well that the distinguished chairman of the Appropriations Committee has called the Senate's attention to the matter.

Mr. WARREN. Mr. President, it is true that such comparative tables have not always been introduced for printing in the Record at the commencement of Congress—perhaps never before—but I want them introduced now in this condensed form, and I want the Record to show plainly, and in large, plain type, this statement exactly as it has been compiled.

While the Senator from North Carolina [Mr. OVERMAN] says that these estimates are sent in as it becomes the duty of the Secretaries, and that is true, nevertheless in these estimates come a great many things that are not specially asked for, and we do expect, as the Senator has said, to trim those, and to trim them without mercy; but, on the other hand, as he has so justly said, we are in the hands of Congress in passing the bills that it does pass.

Mr. President, I send this statement to the desk and ask to have it printed in the Record.

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

Table comparing by bills estimates of regular annual appropriations for the fiscal year 1921 with the appropriations made for the fiscal year 1920, during the third session of the Sixty-fifth Congress and the first session of the Sixty-sixth Congress.

(Prepared by the clerks to the Committees on Appropriations of the Senate and House December 3, 1919.)

The column of 1920 appropriations does not include the sums carried for that fiscal year in deficiency and miscellaneous appropriation acts for similar purposes.

The estimated appropriations for 1921 will be found in detail in the annual Book of Estimates, House Document No. 411, transmitted to Congress on December 1, 1919, and the estimated revenues for 1921 in the Annual Report of the Secretary of the Treasury for the fiscal year 1919.

	Estimates, 1921.	Appropriations, 1920.	Increase, estimates 1921 over appropriations for 1920.	Decrease, estimates 1921 under appropriations 1920.
Agriculture.....	\$37,528,102.00	\$33,899,761.00	\$3,628,341.00	.....
Army.....	982,800,020.00	772,324,877.50	210,475,142.50	.....
Diplomatic and Consular.....	11,243,250.91	9,843,661.67	1,399,589.24	.....
District of Columbia.....	19,179,716.03	15,364,421.00	3,815,295.03	.....
Fortification.....	117,793,330.00	11,214,291.00	106,579,039.00	.....
Indian.....	12,994,494.27	11,131,397.03	1,863,097.24	.....
Legislative, etc.....	122,242,849.02	97,963,831.77	24,279,017.25	.....
Military Academy.....	6,778,637.20	2,277,932.20	4,500,705.00	.....
Navy.....	573,131,254.80	616,096,838.88	.....	\$42,965,584.08
Pensions.....	215,030,000.00	215,030,000.00	.....	.....
Post Office.....	391,713,673.00	609,466,149.00	.....	217,752,476.00
River and harbor.....	42,841,565.00	33,378,364.00	9,463,201.00	.....
Sundry civil.....	906,725,387.10	607,160,207.95	299,565,179.15	.....
Total, regular appropriations.....	3,440,002,279.33	3,035,151,733.00	665,568,606.41	280,718,060.08
Permanent annual appropriations.....	1,425,407,752.29	1,968,997,780.00	.....	543,590,027.71
Total, regular and permanent annual appropriations.....	¹ 4,865,410,031.62	5,004,149,513.00	665,568,606.41	804,308,037.79
Deficiencies.....	.....	1,141,931,269.96	.....	.....
Miscellaneous.....	.....	1,126,478,632.41	.....	.....
Grand total.....	.....	7,272,559,415.37	.....	.....

¹ This sum does not include any amount for increased compensation to Government employees.

Net increase, estimates for 1921 over appropriations for 1920, regular annual bills.....	\$404,850,546.33
Decrease, estimates for 1921 under appropriations for 1920, permanent annual appropriations.....	543,590,027.71
Net decrease of estimates for 1921 under appropriations for 1920, regular and permanent annual appropriations.....	138,739,481.38
Decrease, grand total of estimates for 1921 under grand total of appropriations for 1920.....	2,407,149,383.75
Amount of estimated revenues for 1921.....	5,620,350,000.00
Amount of estimated postal revenues for 1921.....	415,500,000.00
Total estimated revenues for 1921.....	6,035,850,000.00
Excess of estimated revenues (exclusive of deficiencies and miscellaneous) over estimated appropriations for 1921.....	1,170,439,968.33

Mr. SMOOT. Mr. President, just a word on this subject. I can not agree with the Senator from North Carolina [Mr. OVERMAN] that all of these estimates made are based upon the laws passed by Congress. It is true that the permanent appropriations that are made must be reported as Congress has provided.

Mr. OVERMAN. Mr. President, I just want to correct the Senator there. I said the estimates were made upon the provisions of the laws, or laws anticipated, that were recommended by the departments, which we could pass or not, and it is up to Congress.

Mr. SMOOT. Then I misunderstood the Senator's statement, if he made that qualification. We know that the estimates are made under the law to-day, but I doubt whether there is one departmental head who ever takes the time to study in detail the estimates that he asks the Secretary of the Treasury to send to Congress. These estimates are made by the heads of divisions, by the heads of bureaus, and they are figured in such a way that they will cover not only all the expenses at the time that the estimate is made but every contingency that can possibly be thought of, and then a percentage is added for the increased activities and the number of employees that they would like to have in the bureau or division. That is where the trouble comes; and I have said time and time again that as long as Congress will appropriate the money we will have an everlastingly increasing number of employees in the Government.

Take the employees in the District of Columbia for the month of October. The armistice has been signed for over a year. Was there any decrease in the employees in October last? No. Instead there was an increase of 370; and every month, with the exception of two, since I have asked to be furnished with a statement on the first of the month as to the number of employees of the Government in the District of Columbia, it has shown an increase; and when will it stop? Never, as long as we appropriate the money.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. I think there is another reason which prevents the reduction of the civil-service force, and that is Congress, or, rather, the individual Members of the two Houses. The Senator will correct me if I am wrong, because he knows, but I was informed that a reduction was made, or proposed to be made, in one of the departments some time ago.

Mr. SMOOT. In the War Department.

Mr. THOMAS. A reduction of 500 employees, and within 24 hours 169 protests, personal and by letter, were lodged by Members of both Houses of Congress against the reduction, as affecting certain of their constituents, with the result that the movement was aborted and paralyzed, and then abandoned. Is that correct?

Mr. SMOOT. The Senator is correct. There were 169 protests within 24 hours.

Mr. THOMAS. One can imagine the number of protests that would have been made if the reduction had been 5,000 instead of 500.

Mr. KING. Will my colleague yield?

The VICE PRESIDENT. Does the Senator from Utah yield to his colleague?

Mr. SMOOT. I do.

Mr. KING. The Senator from Colorado must be mistaken, because the salaries that are paid to Government employees are so small no one wants to serve the Government, and they are all resigning.

Mr. SMOOT. They are all loyal, we know, to the Government.

Mr. President, there is no doubt that we can abolish the War Risk Bureau and save the employment of 8,000 to 9,000 persons in the District of Columbia, and serve every interest better than it is being served to-day.

Mr. THOMAS. Mr. President, does not the Senator mean that we ought to do it? He says we can do it. I doubt very much whether we can do it, for the reasons embodied in my last interruption.

Mr. SMOOT. Perhaps the Senator from Colorado is right; but I do not want to believe it, Mr. President, until I see Congress refuse to do it after the information is presented to Congress, and that information is going to be presented to it.

Mr. OVERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield.

Mr. OVERMAN. I ask the Senator if it is not true that one of the great evils in the appropriation bills is that which he and I both for 15 years have been fighting against, and that is the lump-sum appropriations. When you make a lump-sum appropriation there is no restriction on it, and they can employ as many clerks as they want. Congress should go to work and investigate this matter, and say how many clerks they could have and what salary they should receive instead of making a lump-sum appropriation and giving the discretion to the head of the department to employ whom he pleases and pay whatever he wants to pay. That is where the evil lies, I think.

Mr. SMOOT. There is not any doubt, Mr. President, that from that source comes the greatest evil. Before the war we were cutting such appropriations out just as fast as we could, but when the war came lump-sum appropriations became the universal practice, and what has been the result? I can point to-day, Mr. President, to young men being paid \$10,000 a year, and if an investigation is made I say now that it will be found that they never earned more than \$2,000 in any preceding year.

I had a delegation of ladies from the War Risk Bureau the other day come into my office, after it was announced that I had a program to abolish the War Risk Bureau, and the question arose as to whether it was right to do it. They had sacrificed—oh, how much they had sacrificed—to come here and work for the Government. They could go anywhere and get more money than the Government was paying them. I asked the lady who was the spokesman, "What are you paid?" She replied that she was receiving \$1,800 and the \$240 bonus. I asked her where she was from, and I am not going to name the State; but I say now, Mr. President, that neither she nor any other girl can get that amount of salary in the town from which she came. I asked her if that was not the case, and she said, "Well, I could go to New York and get it." I said, "For God's sake, go."

Mr. President, I want to say that the whole financial situation is in such a chaotic condition that unless Congress takes hold of it and grapples with it serious trouble is ahead. It seems no one is thinking of the Treasury of the United States and how the bills are to be paid. Let Senators join and call a halt.

Mr. ASHURST. Mr. President, I do not wish to appear presumptuous, but I must ask for the regular order. There is some morning business that we want to transact. I call for the regular order.

The VICE PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a resolution adopted by the American Legion post, of Hoquiam, Wash., praying for the enactment of legislation providing for the deportation of certain aliens, which was referred to the Committee on Immigration.

He also presented a telegram in the nature of a petition from the State and county chairmen of the Loyal League of the State of Washington, praying for a reprint and general distribution of that part of Senate Document No. 61 relating to Bolshevism, etc., which was referred to the Committee on Printing.

Mr. McLEAN presented petitions from the United Textile Workers of America, Local Union No. 671, of Willimantic; of the United Brotherhood of Carpenters and Joiners, Local Union No. 79 of New Haven; of the International Association of Machinists, Lodge No. 313, of Waterbury; of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 43, of Hartford; and of the Cigarmakers' International Union of America, Local Union No. 282, of Bridgeport, all in the State of Connecticut, remonstrating against the passage of the anti-strike clause in the so-called Cummins railroad bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Windsor Locks, Conn., praying for the adoption of the treaty of peace and the league of nations covenant, which was ordered to lie on the table.

He also presented a petition of Elias Howe, jr., Post, No. 3, Grand Army of the Republic, Department of Connecticut, of Bridgeport, Conn., praying for the passage of the so-called Fuller bill, providing for increase in pensions to the veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Common Council of New Britain, Conn., praying for the continuation of the daylight-saving law, which was ordered to lie on the table.

He also presented a petition of the International Association of Machinists, Lodge No. 1399, of Stonington, Conn., praying for the enactment of legislation providing for an extension of Government control of railroads for a period of two years, which was referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

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

By Mr. SMOOT:

A bill (S. 3486) to provide compensation in lieu of taxes to the several States with respect to certain public lands within their borders; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 3487) for the relief of Clarence L. Reames; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 3488) to provide for a site and public building at Fort Myers, Fla.; to the Committee on Public Buildings and Grounds.

SEDITIONOUS ACTS AND UTTERANCES.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill S. 3317, a bill 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, which was ordered to lie on the table and be printed.

MILITARY POLICY.

Mr. JONES of Washington. Mr. President, I have here the report of the committee on military policy of the American Legion which was submitted at the national convention of that organization at Minneapolis a short time ago with reference to the military policy that should be followed by this country. I understand it was adopted, and it states very clearly and very concisely the ideas of that body of men, fresh from the battle fields of Europe, as to the policy this country should adopt. I think it ought to be printed in the RECORD, and I ask that that may be done, and that it may be referred to the Committee on Military Affairs.

There being no objection, the report was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

REPORT OF COMMITTEE ON MILITARY POLICY.

"Your committee on military policy met at the Minneapolis Club at 3.30 p. m. Monday, November 10, 1919, and chose as its chairman Mr. L. V. Patch, of Idaho, and as its secretary Mr. B. W. Eddy, of Louisiana.

"It was agreed to confine the committee's thought and action to statements of policy rather than statements of detail. The following resolutions were adopted:

"1. That a large standing army is uneconomic and un-American. National safety with freedom from militarism is best assured by a national citizen army based on the democratic and American principles of the quality of obligation and opportunity for all.

"2. We favor a policy of universal military training, and that the administration of such policy shall be removed from the complete control of any exclusively military organization or caste.

"3. We are strongly opposed to compulsory military service in time of peace.

"4. We have had a bitter experience in the cost of unpreparedness for national defense and the lack of proper training on the part of officers and men, and we realize the necessity of an immediate revision of our military system and a thorough housecleaning of the inefficient officers and methods of our entire Military Establishment.

"We favor a national military system based on universal military obligation, to include a relatively small Regular Army and a citizen army capable of rapid expansion sufficient to meet any national emergency, on a plan which will provide competitive and progressive training for all officers, both of the Regular Army and of the citizen forces.

"We believe that such military system should be subject to civil authority.

"Any legislation tending toward an enlarged and stronger military caste we unqualifiedly condemn.

"5. The national citizen army which should and must be the chief reliance of this country in time of war should be officered by men from its own ranks and administered by a general staff on which citizen-soldier officers and Regular Army officers shall serve in equal number.

"We recommend that Congress pass such legislation as will make the United States Air Service a separate and distinct department of our system of national defenses under control of a member of the President's Cabinet appointed for that purpose alone.

"6. We favor the continuance of training camps for the training and education of officers to serve in case of national requirement.

"We recommend that military training in high schools and colleges be encouraged.

"7. The national citizen army should be organized into corps, divisions, and smaller units, composed in each case of officers and men who come from the same State or locality, and preserving local designations as far as practicable.

"8. The national citizen army should be trained, equipped, officered, and assigned to definite units before, rather than after, the commencement of hostilities.

"9. The selection and training of men for the national citizen army should be under the local control and administration of its own officers, subject to general national regulations.

"10. That a committee of seven be appointed by the examining committee of the American Legion to consult with and advise the Military Committees of both Houses of Congress as to the working out of the details of organization and training of the future Army and Navy of the United States, using as its basis the resolutions accepted and adopted by this convention."

THE OIL FLOTATION SITUATION.

Mr. THOMAS. Mr. President, I have received the resolution introduced and passed by the American Mining Congress, which recently met in St. Louis, together with an address in support of it before the Federal Trade Commission by Hon. George L. Nye, of the Kansas bar. I ask leave to have it referred to the Committee on Printing, with a view to having it printed as a Senate public document.

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

REPORT OF CIVIL SERVICE COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Thirty-sixth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1919.

WOODROW WILSON.

THE WHITE HOUSE, 2 December, 1919.

NOTE.—Report accompanied similar message to the House of Representatives.

RELIEF OF NEEDY PEOPLES IN EUROPE (H. DOC. NO. 449).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

As required by the act of Congress, approved February 25, 1919, I transmit herewith a preliminary report on the receipts and expenditures made under appropriation of that act.

WOODROW WILSON.

THE WHITE HOUSE, 2 December, 1919.

NOTE.—Report accompanied similar message to the House of Representatives.

AMENDMENT OF FEDERAL RESERVE ACT—CONFERENCE REPORT (S. DOC. NO. 161).

Mr. McLEAN. Mr. President, I present the report of the committee of conference on the disagreeing votes of the two Houses upon Senate bill 2472, to amend the act approved December 23, 1913, known as the Federal reserve act. If there is no objection, I would like to have the report acted upon as soon as possible.

Mr. BORAH. I do not know that I have any objection, but I do not know what the report is.

Mr. McLEAN. It is a report of the conference committee on Senate bill 2472.

Mr. BORAH. I know; but we do not know what the report is. I know what it is about.

Mr. McLEAN. The House report is printed, and the Senate report is a duplicate of the House report.

Mr. SMOOT. I just want to ask the Senator one question, and I base it upon the interest that the Senator from North Dakota [Mr. GRONNA] has in the bill. In the conference report do you eliminate the double liability of stockholders?

Mr. McLEAN. I will say to the Senator that the report seems to be rather formidable in the number of amendments, but nearly all of them are House amendments, and their purpose is to throw added restrictions around the bill and on the whole improve it and safeguard it. There were four amendments about which there was some controversy—Nos. 1, 4, 17, and 29.

The first amendment eliminates the word "principally" in the first section, which was stricken out at the suggestion of the Senator from Iowa [Mr. CUMMINS]. That was put back by the House, but in conference the House receded, so that the bill stands in that regard as it passed the Senate.

The next amendment, numbered 4, relates to the use of the word "Federal," which the Senate committee did not think advisable, and the House receded therefrom.

The next amendment was No. 17, which provided that these banking corporations might establish agencies in the United States. The Senate committee objected to that, and the House receded.

The amendment from which the Senate receded was No. 29, which applies to the double liability of stockholders, and on that amendment the Senate receded for good reasons, as it seems to me.

The House changed the language so as to clearly define and limit the deposits. The business of these institutions, as the Senator knows, is restricted to foreign and international transactions, and it seemed to the committee that if we imposed a double liability under the circumstances the law would be inoperative, because the 9 or 10 State institutions which are organized for this purpose have no double liability. The New York State law, as the Senator knows, does impose a double liability upon all the trust companies and banks in that State, but not upon these finance corporations.

The Senator knows that the national banks are permitted to invest 10 per cent of their capital and surplus in these institutions. That creates a contingent liability upon the part of the national banks which is utterly impossible to estimate unless you put it in at par; consequently, you add a liability to the national banks which might impair their capital.

Mr. KING. I understand the conference report has just been submitted.

Mr. McLEAN. Yes; but the reports of the two Houses are duplicates. The House report is printed and at the service of the Senate.

Mr. KING. But we have had no opportunity to examine it. Would the Senator object to having it go over until to-morrow morning?

Mr. McLEAN. I think the only question in controversy is the question of double liability.

Mr. SMOOT. Mr. President, the Senator from North Dakota [Mr. GRONNA] is a member of the Banking and Currency Committee, and he is unavoidably detained from the Senate. I do know he is interested in this question and desired to be heard upon it when the report came in. Therefore I am going to ask that it go over this morning.

Mr. McLEAN. I will say to the Senator from Utah that I understand the Senator from North Dakota may not return to the Senate for a month, and I think he would have made a request of me if he had desired to have consideration of the report postponed. I know that in his opinion the bill has been greatly improved, and while I would like to accommodate the Senator from North Dakota, and if he had made the request of the Senator from Utah I would be willing that it should go over for a day or two, I think he would have made a request of me if he had wanted it to go over.

Mr. SMOOT. I do not want the Senator from Connecticut to get the idea that the Senator from North Dakota asked me that the report should go over. He did tell me, however, that the conferees on the part of the Senate had yielded, that the double liability went out of the bill, and that he desired to be heard upon that question when the conference report came before the Senate. I do not know how long the Senator is going to remain away, and all I will ask to-day is that the report may go over until to-morrow morning, and I will find out in the meantime just when the Senator from North Dakota will return, and also whether he desires anything said about it.

Mr. McLEAN. I ask that the report may be printed in the Record, and I give notice now that I will call the matter up to-morrow.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 4, and 17.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18,

20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with amendments as follows: After the word "such" in said amendment insert the words "general conditions as to security and such"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: After the word "herein" insert a new sentence as follows: "Nothing contained in this section shall be construed to prohibit the Federal Reserve Board, under its power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: After the words "United States" insert the words "authorized by this section"; also strike out the figure "5" and insert "10"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows: Strike out all of the amendment except the word "but" and insert the following: "not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States, and not"; also after the word "transacting" insert the word "any" and strike out the comma after the words "United States" and before the word "except"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 21, and agree to the same with an amendment as follows: The words "except in a corporation engaged in the business of banking, when 15 per cent of its capital and surplus may be invested," stricken out by the House, to be retained in the bill; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 22, and agree to the same with an amendment as follows: Strike out the word "they" and insert in lieu thereof the words "it either directly or indirectly"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 36, and agree to the same with amendments as follows: Strike out the proviso at the end of the first paragraph, and insert a period after the word "corporations"; in the first line of the third paragraph insert after the word "institution" the words "principally engaged in foreign business"; and the House agree to the same.

GEORGE P. McLEAN,
CARROLL S. PAGE,
ROBERT L. OWEN,

Managers on the part of the Senate.

EDMUND PLATT,
L. T. McFADDEN,
PORTER H. DALE,
MICHAEL F. PHELAN,
OTIS WINGO,

Managers on the part of the House.

LOSSES SUFFERED BY AMERICANS IN MEXICO.

Mr. KING. I introduce a joint resolution and ask that it be printed in the Record and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 130) proposing a plan for the adjustment of claims made by citizens of the United States for indemnification for losses suffered in Mexico, not otherwise redressed, was read twice by its title and referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Joint resolution (S. J. Res. 130) proposing a plan for the adjustment of claims made by citizens of the United States for indemnification for losses suffered in Mexico, not otherwise redressed.

Whereas citizens of the United States residing in and having property in Mexico have been caused by the delinquency of the Mexican Government to suffer great and untold damages on account of murders, personal outrages, larcenies, arsons, trespasses to property, and dispossession of lands, as well as arbitrary confiscations under the guise of law through a long period of years without cessation or redress; and

Whereas claims against the Government of Mexico on account of such wrongs have from time to time been filed with the Department of State for presentation to the Government of Mexico; and

Whereas no progress is being made toward the liquidation, settlement, and satisfaction of such claims: Now, therefore, be it

Resolved, etc., That the President is requested to open negotiations with the Government of Mexico proposing the appointment of a joint high commission on the part of Mexico and on the part of the United States, which shall be authorized to receive, consider, liquidate, settle, and adjust outstanding claims made by citizens of the United States for indemnification for losses suffered in Mexico which have not otherwise been redressed.

SEC. 2. That in the event the Government of Mexico is unwilling to proceed with the appointment of such joint high commission, the President is hereby authorized to appoint a commission consisting of 11 persons, which shall include officers of the Army and persons from civil life, who are hereby empowered, upon the part of the United States, to receive, consider, liquidate, settle, ascertain, and find the damages suffered severally by citizens of the United States on account of wrongs and trespasses committed against the persons and property of such citizens in Mexico and which have not been otherwise redressed.

SEC. 3. That upon the ascertainment and determination of such damages as aforesaid the President is hereby authorized to employ the naval and military forces of the United States and to take such measures as may be necessary to accomplish the payment and satisfaction of such claims.

Mr. KING. In this connection I ask unanimous consent to have printed in the RECORD a number of extracts from annual messages and a special message delivered to Congress by President Andrew Jackson, calling attention to the wrongs to which American citizens were subjected in his time and anterior thereto. I do this for the purpose of indicating that the situation in Mexico is not an acute one now, that it is chronic, and that for nearly a century American citizens have been subjected to the same wrongs and indignities by the Government of Mexico that they have been subjected to during the past few years. I ask that the excerpts may be printed in the RECORD.

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

[From the seventh annual message of President Jackson, Dec. 7, 1835.]

"Unfortunately many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits; much time elapses before a government sufficiently stable is erected to justify expectation of redress; ministers are sent and received, and before the discussions of past injuries are fairly begun fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government after it has proved its ability to sustain the assaults made upon it, or with its successor if overthrown. *If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and to make satisfaction for them.*"

[From the eighth annual message of President Jackson, Dec. 5, 1836.]

"* * * You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated on the sole ground that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our Army to advance into territory claimed as part of Texas if necessary to protect our own or the neighboring frontier from Indian depredation. *In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to reestablish its dominion.* * * *

"*In the meantime the ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance and ample and immediate redress.* I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress."

SPECIAL MESSAGE.

"WASHINGTON, February 6, 1837.

"To the Senate and House of Representatives of the United States:

"At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that notwithstanding the irritating effect upon her councils of the movements in Texas I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims and my indispensable obligation to insist that there shall be 'no further delay

in the acknowledgment, if not in the redress, of the injuries complained of,' my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico."

AMENDMENT OF THE RULES.

Mr. CURTIS. In pursuance of the notice which I gave on the 2d instant, I submit the following resolution and ask that it be printed and referred to the Committee on Rules.

The resolution (S. Res. 245) was referred to the Committee on Rules, as follows:

Resolved, That Rule XIX of the Standing Rules for conducting business in the Senate of the United States be amended by adding the following proviso at the end of the first paragraph of said rule, to wit:

Provided, That after any question has been considered upon 5 separate calendar days, or when any question has been debated for 10 consecutive hours, it shall be in order for any Senator to rise to a question of privilege and move to close all debate and vote at a fixed time upon the pending question before the Senate after 3 hours' additional consideration. Said motion shall be submitted to the Senate and shall be determined by a yea-and-nay vote. If a majority of the Senators present vote in favor of the motion, it shall be declared carried, debate shall close, and a vote taken upon the question as provided in the motion. If less than a majority vote for the motion, the same shall be declared lost.

Mr. CURTIS. At the request of the Senator from Minnesota [Mr. KELLOGG] I offer the following resolution in pursuance of notice which he gave and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 246) was referred to the Committee on Rules, as follows:

Resolved, That Rule XIX of the Standing Rules for conducting business in the Senate of the United States be amended by adding the following proviso at the end of the first paragraph of said rule, to wit: *Provided,* That after any measure has been considered upon three separate calendar days, or has been debated for six consecutive hours, no Senator shall speak more than one hour in the aggregate upon any such measure, and any amendment thereto, and any motion affecting the same.

The VICE PRESIDENT. The morning business is closed.

SEDITIONOUS ACTS AND UTTERANCES.

Mr. STERLING. Mr. President, I ask unanimous consent that the Senate proceed with the further consideration of Calendar No. 236, being Senate bill 3317.

Mr. BORAH. If unanimous consent is given, is not the debate limited to five minutes?

The VICE PRESIDENT. It is.

Mr. FLETCHER. I suggest to the Senator from South Dakota that it is not necessary to have unanimous consent. He can move to take up the bill.

Mr. SMOOT. The morning business is closed, and the Senator can move to take up the bill.

Mr. STERLING. Then, instead of asking unanimous consent, in order to settle the question, I move that the Senate proceed to the further consideration of the bill to which I have referred.

Mr. BORAH. That removes any possibility of limitation by the five-minute rule?

The VICE PRESIDENT. It does.

Mr. BORAH. All I want is an opportunity to present the matter a little more fully than I could do in five minutes.

The motion was agreed to; and the Senate 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.

Mr. BORAH. Mr. President, I was absent from the Senate when the bill came up on last Tuesday until after it had passed out of the Committee of the Whole into the Senate, or I should have submitted my objections to the bill while it was in Committee of the Whole. I understand, however, that amendments may be offered at this time.

The VICE PRESIDENT. Oh, yes.

Mr. BORAH. My particular objection to this bill is based upon the terms of section 3, which I read the other day and which I will read again. It reads as follows:

SEC. 3. That every document, book, circular, paper, journal, or other written or printed communication in or by which there is advocated or advised the overthrow by force or violence or by physical injury to person or property of the Government of the United States or of all government, or in or by which there is advocated or advised the use of force or violence or physical injury to or the seizure or destruction of persons or property as a means toward the accomplishment of economic, industrial, or political changes is hereby declared to be nonmailable and the same shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office duly authorized thereto or other person upon a search warrant authorized by law to open any letter not addressed to himself.

It will be observed that this proposed law makes no provision for a hearing for those who may have their publications challenged and excluded from the mails. Admitting for the purpose of these remarks that the rule announced in section 3 is a wise and just rule, the manner of its enforcement is arbitrary and unjust. The method of the enforcement of a just law may be as objectionable as an unjust law. I earnestly urge, therefore, that there should be some impartial tribunal, one which could act promptly, but an impartial tribunal, where the question of objectionable material could be passed upon, if the power of exclusion, which is the power to destroy, is to be granted at all.

As my colleagues know, this embodies a principle to which I have offered objection many times in the last several years. My principal objection to the proposition lies in the fact that it precludes the possibility of any fair hearing upon the part of those who may be charged with violating the law.

I wish to repeat, for fear that I might be supposed to be discussing it from the standpoint of personal objection to the present incumbent of the office of Postmaster General, that it has nothing to do, of course, with any particular individual who may be occupying that position at any particular time.

The principle has long inhered in our laws and has been subject to abuse for a good many years, but of course it has been more accentuated during the last several years, especially since the war began, than ever before. More conditions have arisen which seem to invoke the necessity of applying laws which are now upon the statute books.

I know of a great many instances in which men have been prohibited from sending matter through the mails which, to my mind, seemed absolutely without any justice or reason at all. I recall particularly an instance where a party was brought here from near the Pacific coast to show cause why he should not have his publication excluded from the mails. I went through copies of the publication, one after another, and was wholly unable to find anything which to me seemed objectionable.

A party looking at it from a different angle might come, of course, to a different conclusion with perfect honesty and sincerity, but it comes to the question of erecting a tribunal which may pass upon the matter after the submission of facts and after the hearing of witnesses and after due publicity is had, as all hearings should be had in public, and rendering judgment upon a state of facts which are not *ex parte* or secured in an *ex parte* way.

Mr. KING. Will the Senator yield?

Mr. BORAH. Certainly.

Mr. KING. I do not desire to interrupt the Senator, but he does not contend, as I understood his observations, that the bill differs in principle from many statutes which have been enacted heretofore, notably the statute with reference to obscene and lascivious literature, the statute excluding from the mails any matter in regard to fraudulent misrepresentations, and so forth? The Senator does not claim that any greater powers are conferred by this bill upon the Postmaster General or the Post Office officials than have been conferred repeatedly with respect to legislation of the character to which I have just referred?

Mr. BORAH. I think the principle which is involved in this bill is the same as that involved in the statutes to which the Senator refers, although, of course, a law takes on a different color as it is extended to different subject matters.

In other words, we have now extended the power of the Postmaster General until a Postmaster General can erect a complete

editorship over the press, the expressed opinion of this country. He can call before him a man who has published an article which seems to him objectionable, and by reason of the power which he has he can place the party publishing the paper or the pamphlet or the periodical under complete surveillance as to his future publications, and thereby control it, as in England they once invoked the license system. It enables the Postmaster General to say what shall be published and what shall not be published.

If this law stood alone, of course the range of activities would be circumscribed to some extent, but when you take it in connection with all the other laws which are now upon the statute books with reference to papers published in foreign languages and with reference to those things which are covered by the espionage acts now upon the statute books and other statutes which have been referred to by the Senator from Utah [Mr. KING], it is within the power of the Postmaster General to cover practically the whole field of intellectual activities so far as publications are concerned.

If he desired to do so, if it were his wish to do so, the Postmaster General could take advantage of the situation not only to control a publication as to the specific matter in view, but he could control the trend and thought of the publication upon all matters, not by specific instructions—it is not necessary to give specific instructions—but only to advise the party who is publishing the paper that in his view such things ought not to be published at this time, and give his intimation along what lines it would be safe to proceed.

Coming back to the matter to which I had referred, I went through the publication and was unable to find anything which seemed to me objectionable under the law, but the solicitor general of the department thought otherwise. It precluded an impartial tribunal passing upon the proposition. The parties in interest, to a certain extent, must always be the department upon the one hand and the publisher upon the other. The department secures its facts in its own way and relies upon them. It may or may not have a hearing from the party who is interested as the publisher, but in any event the publisher knows that in all future publications he may again be called to a hearing and therefore he will make every effort to constrain to the views of the department.

It is the worst form of bureaucracy. It is the most vicious form of censorship. We ought not to extend it further than actually necessary, and we ought always to provide an impartial tribunal before which the publisher may go, introduce his facts, and submit his evidence, and have a decision as to his publication from a tribunal which is absolutely impartial.

Mr. WALSH of Montana. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. WALSH of Montana. I am very sure that anybody who has given any thought or any consideration to this subject must recognize that the opportunity for the abuse of the power conveyed by an act of this character, as detailed by the Senator from Idaho, exists; undoubtedly it does, but let me ask the Senator to look at the other side of the picture. Here is matter advocating private murder and the assassination of public officials going through the mails, carried by the Government of the United States at a very great expense over and above the actual price charged to the person mailing the stuff. Of course, the man who mails it does not do it publicly; the man who publishes it conceals the fact that he is the publisher; it is oftentimes difficult, and not infrequently impossible, to determine who is either the publisher or the mailer of that kind of matter. What would the Senator from Idaho do in a case of that kind?

Mr. BORAH. Well, Mr. President, if this material is circulated under a *nom de plume* or by some irresponsible party or some party who is unknown, I would not have any disturbance of mind over the effect it would have upon any human being. But I have in mind those whose identity is known. They should be given a hearing before an impartial tribunal.

Mr. WALSH of Montana. Let me put another case to the Senator.

Mr. BORAH. Just a moment, if the Senator will pardon me. I am perfectly willing to be interrupted, but I want to finish my sentence.

On the other hand, if such matter is being sent out by a party who is detected, who is found to be the party responsible, there is a way to deal with him under proper rules of procedure; to try him and put him either into the insane asylum or into the penitentiary. That is my idea of dealing with the situation.

Mr. WALSH of Montana. Mr. President, that solves the situation easily enough as to a man whom we can find.

Mr. BORAH. As to the man we can not find, I am not disturbed at all. I have a vast amount of confidence in the com-

mon sense and patriotism of the American people. They are not going to be disturbed nearly so much by an unknown and unidentified and unsigned leaflet reaching them through the mails as we here in the Senate sometimes think.

Mr. WALSH of Montana. Just let me present another case to the Senator from Idaho that those who have been concerned with this legislation have been obliged to consider. Here is a regular publication; the publisher is perfectly well known; ordinarily the issues are unexceptionable, or there may be more or less doubt about them, but not enough to exclude the publication from the mails. However, an issue comes out in which the assassination of public officials is urged as a proper method of securing governmental or economic changes. That goes into the mails, and of course you can punish the publisher for sending it; but upon what theory would the Senator advocate allowing such a publication to be carried and distributed throughout the country?

Mr. BORAH. Well, Mr. President, if you intercept the individual and try him and punish him, of course the publication altogether ceases, because he can not issue it if he is incarcerated in the penitentiary. But, in any event, he is entitled to a hearing before an impartial tribunal. A murderer is entitled to that.

Mr. WALSH of Montana. The publication can not be issued in future, but in the meantime the matter has gone out and has done its work.

Mr. BORAH. The Senator says it "has done its work." I think we exaggerate that. I do not think that kind of literature has any appreciable effect upon men's action. But all this is beside the question I am presenting. Let me suppose a case. Suppose a publication is excluded from the mails; the man is ruined, his business destroyed; and yet it was such a publication as an impartial tribunal would not have excluded. Have we reached the point where arbitrary rule is the only means of government which we dare rely upon?

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. BORAH. I yield.

Mr. OVERMAN. I do not know whether the Senator has read the late report of the Attorney General, submitted in response to a resolution of the Senate in regard to this matter.

Mr. BORAH. I have looked over it. I only received it yesterday morning.

Mr. OVERMAN. I call the attention of the Senator to Exhibit X in that report and to the fact that it is set forth that circulars and documents have been sent out through the mails by irresponsible parties, nobody knowing who they are, to the poor colored man in the South advising him to rise up, to use torch and fire, and overthrow the white man of the South. The fact is that some of those people have risen up, and the result has been that the poor darkies have suffered, as they did in Arkansas and in other places where they had their meetings and did rise up, acting on the advice of such literature.

Those poor people had been behaving splendidly; they were making money; acquiring their own homes; they were satisfied and contented; in fact, they never were so contented as they are to-day, and they never were so happy as they are to-day; but here come along circulars and papers of an incendiary character sent through the mails, nobody knowing who sends them, inciting these people, many of whom are unable to read, to rise up and use the torch and sword and destroy the people with whom they live and who treat them kindly. Now, ought not that to be stopped? Ought not the circulation in the mails of such matter be stopped?

Mr. BORAH. Oh, yes; I would stop that; but I would not do so by giving to some Postmaster General autocratic power to pass upon all kinds of literature in the United States. I would give even the poor idiotic devil who sent out the literature the benefit of just methods of hearing.

Mr. FLETCHER. Mr. President—
Mr. BORAH. Just a moment, if the Senator please. The difficulty is that you are putting in the hands of a head of a bureau power to determine a vital question having relation to the public thought of the country, without giving opportunity for the man who may be charged with dereliction of having any hearing whatever. I say that infinitely worse than that is to have some irresponsible piece of literature sent through the mails. When you build up autocratic institutions which wrong all your people, you do an injury to the innocent more than the guilty. Why, assassins, murderers lying in wait, porch climbers are given a fair trial. The greatest liberty man can enjoy is the liberty of opinion, and I want it to remain free.

Mr. FLETCHER. Mr. President, I was going to suggest to the Senator the importance of keeping this literature out of the hands of irresponsible people. It is not so much the intelligent

man or woman as to whom there would be any danger of being improperly influenced by such literature or such publications; but it is the crank, the degenerate, the abnormal creature.

In the document to which the Senator from North Carolina [Mr. OVERMAN] has referred the Senator will find the testimony in reference to the man Czolgosz, who assassinated President McKinley. The evidence shows clearly that he was influenced by the publication of just the sort of material described in the pending bill. In his own statement—page 74—he says: "I was reading various papers"; and he names four socialistic papers evidently favoring anarchy, the destruction of all government and authority, and that sort of thing. If we can keep out of the mails literature of that character, we will prevent its reaching such people, who are dangerous people—there is no guess about that; our experience shows it—and who are influenced in that way. It seems to me the only way we can attain the object is to prevent this matter being distributed through the mails.

Mr. BORAH. Mr. President, if you want to exclude it, what is the necessity of overturning all our theories of free government by depriving a man of a fair tribunal where he may be heard and submit his facts, thereby detecting the guilty and excluding the innocent?

Mr. President, the bureaucratic system of government is spreading day by day until it is taking hold of all the activities of both the economic and intellectual world. I, of course, may be in error, but in my observation and in my association with the people of this country I find it one of the great sources of discontent among the people right now. They feel that their Government is organized and organizing against giving them what they supposed they were always entitled to—a fair hearing whenever they were charged with misconduct under the law. You do not get that under the departments; it is not in the nature of things that you should have it. It is not because the departments are headed by men any different from other men; it is not because they are any different in their attributes than Members of the Senate; but give any man the power autocratically to pass upon these questions and he will autocratically use it, as has been done in all times and as always will be done.

Mr. OVERMAN. Has not the right of appeal been given in many cases?

Mr. BORAH. It has not been given in this case.
Mr. OVERMAN. I know a great many cases have been settled on appeal.

Mr. STERLING. Mr. President, irrespective now of the question as to whether in terms any such right is given in this bill, does not the party have the right to appeal to the courts, to bring his action to enjoin or restrain the act of the Postmaster General in interfering with his mail or stopping his mail? I have had within the last day or two, but I have it not here today, I find, a copy of a report from the Postmaster General himself in which he refers to actions brought in the court against his action in excluding from the mails certain literature. He says the action of the Postmaster General was sustained in every single case. The party is not deprived of his rights.

Mr. BORAH. It would not have been sustained in a good many cases if I had been on the bench.

Mr. STERLING. I presume the Senator is interested particularly in knowing that the person against whom action is taken has his right to be heard in court and to bring an action.

Mr. BORAH. I say that it is an assumption to say that the man who is, for instance, in California or in the State of Washington will get his rights if he is compelled to travel from California or from the State of Washington to bring an action in the District of Columbia against the Postmaster General.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Idaho?

Mr. BORAH. Yes.
Mr. NORRIS. I wish to suggest that, while I have not examined the report of the Postmaster General, the injunction cases were very likely decided by the court on the proposition that the Congress had passed a law allowing the Postmaster General the discretion and the court would not interfere with it, although the court itself in passing on the same question might have disagreed with the Postmaster General.

Mr. BORAH. Mr. President, to say to a man whose publication has been excluded from the mails, if he lives in some remote part of the country, a man of limited means, that he shall have the blessed privilege of coming to Washington and bringing a suit in the District of Columbia against the Postmaster General and try it out within the next two years as to whether or not he shall continue his publication, is, of course, to deny him any right at all. In the meantime his publication has ceased, his subscribers have gone, the men who were

patronizing it in a business way have quit, he is ruined, and he has upon his hands a lawsuit 2,000 miles from home and an attorney whom he has not the means to pay.

Mr. President, this is one of the conditions which always accompany war and always follow as a result of the conditions through which we are passing. After the Napoleonic wars England went through the same process and tried out all of these experiments. She passed laws excluding material from the mails, prohibiting the assemblage of the people except upon the consent of a magistrate, taxed publications, and in every possible way sought to prevent the issuance of publications without their being censored or in some way reviewed by those in authority. The attempt was a complete failure. It did not accomplish the thing that the Government desired to accomplish. As Mr. May says in his Constitutional History of England, it resulted in the people doing secretly and clandestinely and by secret gatherings what otherwise they would have done in a more public and less dangerous way.

I wish to call attention, Mr. President, to some of the experiences through which they passed at that time. I read from May's Constitutional History of England, Volume II, page 81. He says:

Papers were laid before Parliament containing evidence of the state of the country, which were immediately followed by the introduction of further measures of repression—then designated and since familiarly known as the "Six acts." The first deprived defendants in cases of misdemeanor of the right of traversing—

That is precisely what we do here. In this departmental procedure there is no issue framed, there is no opportunity to deny, unless in the discretion of the department it is given. There is no opportunity for a hearing—

to which Lord Holland induced the chancellor to add a clause obliging the attorney general to bring defendants to trial within 12 months. By a second it was proposed to enable the court, on the conviction of a publisher of a seditious libel, to order the seizure of all copies of the libel in his possession and to punish him on a second conviction with fine, imprisonment, banishment, or transportation. By a third, the newspaper-stamp duty was imposed upon pamphlets and other papers containing news or observations on public affairs, and recognizances were required from the publishers of newspapers and pamphlets for the payment of any penalty. By a fourth, no meeting of more than 50 persons was permitted to be held without six days' notice being given by seven householders to a resident justice of the peace, and all but freeholders or inhabitants of the county, parish, or township were prohibited from attending under penalty of fine and imprisonment—

That is the way they did business at that time, and it is the same tendency which characterizes our present legislation—

The justice could change the proposed time and place of meeting, but no meeting was permitted to adjourn itself. Every meeting tending to incite people to hatred and contempt of the King's person, or the government and constitution of the realm, was declared an unlawful assembly, and extraordinary powers were given to justices for the dispersion of such meetings and the capture of persons addressing them. If any persons should be killed or injured in the dispersion of an unlawful meeting the justice was indemnified. Attending a meeting with arms or with flags, banners, or other ensigns or emblems—

Such as are prohibited in this bill—

was an offense punishable with two years' imprisonment. Lecture and debating rooms were to be licensed and open to inspection. By a fifth, the training of persons in the use of arms was prohibited; and by a sixth, the magistrates in the disturbed counties were empowered to search for and seize arms.

All these measures, except that for prohibiting military training, were strenuously opposed in both houses. They were justified by the Government on the ground of the dangers which threatened society. It was argued by Lord Castlereagh "that unless we could reconcile the exercise of our liberties with the preservation of the public peace our liberties would inevitably perish." It was said that blasphemous and seditious libels were undermining the very foundations of society, while public meetings, under pretense of discussing grievances, were assembled for purposes of intimidation and the display of physical force. Even the example of the French Revolution was not yet considered out of date, but was still relied on in justification of these measures.

Mr. OVERMAN. What is the Senator reading from?

Mr. BORAH. I am reading from May's Constitutional History of England.

As a result of all these laws of repression and oppression, as a result of the studied attempt of the Parliament to control public opinion and to suppress all statements which indicated disrespect for or violence toward the Government, the author has this to say:

Let us now examine the general results of the long contest which had been maintained between ill-regulated, mischievous, and often criminal struggles of the people for freedom on the one hand and the harsh policy of repression maintained by the Government on the other. The last 28 years of the reign of George III formed a period of perilous transition for liberty of opinion. While the right of free discussion had been discredited by factious license, by wild and dangerous theories, by turbulence and sedition, the Government and legislature, in guarding against these excesses, had discountenanced and repressed legitimate agitation.

There, Mr. President, is where the menace lies in laws of this kind. It is the impossibility, under autocratic and bureaucratic and arbitrary power, to suppress that which ought to be sup-

pressed without going far beyond and stifling agitation; and agitation, after all, Mr. President, is the lifeblood of a republic.

Mr. STERLING. Mr. President, I should like to ask the Senator now if he sees anything at all in the terms of this bill that will tend to stifle or invite the stifling of legitimate agitation?

Mr. BORAH. Yes; I do. I have just explained what it was. Under this clause the Postmaster General may supervise the publication of any article or any publication and control its publication if he sees fit to do so.

Mr. STERLING. Under the terms of the bill it prevents only the circulation of that material that advocates the overthrow of the Government by force and violence. That is all that he is given a right to exclude from the mails under the terms of the bill.

Mr. BORAH. It all depends upon what the Postmaster General considers the overthrow of the Government by force and violence. As was said by the dissenting opinion of Mr. Justice Holmes the other day, these general authorities covering force and violence for all future times and all things are so indefinite that they give too much power. Besides, that is precisely what they were doing at that time.

They were confining it to the proposition of sedition, of violence, of force, of disloyalty, and of treason, and so forth, as they construed it. Now, I am not objecting to a curtailment of these activities along certain lines, if you will erect a tribunal which is a fair tribunal where the men may be heard, and where evidence may be considered and witnesses heard, and where the power of publicity may beat in upon it to see that no injustice is done.

Mr. STERLING. I should like to ask the Senator if Great Britain was not led by positive legislation to restrict what the Senator is pleased to call legitimate activities, instead of confining it to sedition, treason, and so forth?

Mr. BORAH. No, Mr. President. Parliament was seeking to do precisely what the Senator is seeking to do, confining it to those things which have the characteristics of sedition, of violence, of force, of the preaching of opposition to the Government and the person of the King.

Mr. STERLING. That is very general and indefinite.

Mr. BORAH. So is your bill very general and indefinite.

Mr. STERLING. No; it is not very general. There is just where the Senator and I disagree. The bill is specific in its terms, and defines exactly what things are to be excluded from the mails. I think the Senator will not find in the history of English law upon this subject quite the parallel case, or the things to justify the statement that he has made.

Mr. BORAH. Oh, of course, we are not living in that age, but the principle involved is precisely the same. They simply denied these men a hearing upon those things which the Government characterized as seditious or the preaching of violence and force. Now, then, if you will erect a tribunal where men may be heard, where the facts may be submitted, where witnesses may be heard, that is a different proposition entirely, although it is the most futile thing that men ever engaged in to undertake to control public thought or opinion. If we can not by our own teachings and by our own preachments inculcate into the hearts of the American people the belief, as against any preachments that may be made to the contrary, that this is the best form of government for them, you may pass all the laws that you will and engage in all the oppression that you may, and in the end it will result in naught. Rulers and despots and frightened legislators have tried for 3,000 years to control opinions by law, by force, by arbitrary measures, and the attempt has been a failure. It is a very limited way in which the laws can operate successfully in regard to these things. Free press, free speech, free assembly have their evils, but the experience of mankind has convinced the wisest that these evils are infinitely less than the evils of a controlled press, of denial of free speech and free assemblage.

Mr. WALSH of Montana. Mr. President—

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

Mr. BORAH. I yield.

Mr. WALSH of Montana. The Senator will recall that some years ago one Johann Most was charged before the court with the public advocacy, by speech and writing, of anarchy and the assassination of public officers. Would not the argument of the Senator reach the conclusion that it was an unwise thing to prosecute Mr. Most for that conduct?

Mr. BORAH. No, Mr. President. If I remember correctly, Herr Most had a hearing and a trial.

Mr. WALSH of Montana. Undoubtedly.

Mr. BORAH. Well, give these people an opportunity to be heard.

Mr. WALSH of Montana. That is another point. I was not asking the Senator's attention to that. I was addressing myself to the remark just now made by the Senator, that the way to deal with these things is to allow them to go unmolested, trusting to the judgment of the good people of the country that these pernicious doctrines will not be accepted. I thought that the argument the Senator is now making led to that conclusion.

Mr. BORAH. I repeat, Mr. President, that you must get back to the proposition of pitting your teachings and your views as to the wisdom, as to the justice of our Government and our institutions against the views of those who are arrayed against it for ultimate decision in this country. I have no doubt at all about that; and there is not a page of history, from the democracies of Greece to this hour, that does not teach that fact.

Mr. WALSH of Montana. That presents squarely the question as to the wisdom of prosecuting Johann Most.

Mr. BORAH. No; when it comes to acts, men are responsible for their acts. I am speaking now of expression of opinions. I want to say, however distasteful it may be to Senators here, that I am one of those who stand against the attempt to repress and to suppress the expression of opinion. I believe in the wisdom, in the patriotism, in the sanity, and in the poise of the American people. Woodrow Wilson once said, and it was one of the wisest things he ever said, that when a man has a pernicious doctrine the best thing to do is to rent him a public hall and let him express himself; the American people will take care of him.

Mr. STERLING. Mr. President—

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

Mr. BORAH. I yield.

Mr. STERLING. The bill does not forbid the expression of opinion as to the form of government, as to whether it is the best kind of a government or not. It does not prevent an expression of the opinion that the soviet or Bolshevik government is the best government; but it does prohibit a man from advocating or advising the overthrow of this Government or of all Governments by force or violence.

Mr. BORAH. There is not one man in fifty who has sat at the head of the Postmaster General's department, or ever will, who would not exclude any publication as violating this law which advocated a soviet government.

Mr. STERLING. I think the Senator from Idaho is hardly warranted by the terms of the bill in making a statement like that.

Mr. WALSH of Montana. If the Senator will pardon me, I hold in my hand a pamphlet which came to me through the mails advocating just such a government.

Mr. BORAH. You had better not let the Postmaster General get hold of it.

Mr. WALSH of Montana. The Postmaster General's attention has been called to it time and time again. Not only that, Mr. President, but the attention of the Judiciary Committee of the Senate has been called to it—the Judiciary Committee that reported this bill about which the Senator is speaking—and the Judiciary Committee has declared that the Government is powerless to interfere with it.

Mr. BORAH. Yes; I was reading Mr. Gompers's speech the other day in which he recounted about 50 instances in which Members of the Senate and other public officials declared how a certain law would be construed and how it would be administered, but when it got before Judge Anderson out in Indiana it was construed in a different way and administered in a different way.

Mr. WALSH of Montana. That is quite aside from this question.

Mr. BORAH. No; it is not beside it at all.

Mr. WALSH of Montana. I am calling the attention of the Senator to the fact that this particular document, advocating a soviet government, has been circulated through the mails, and I am calling the attention of the Senator to the fact that the attention of the Postmaster General has been called to it, and that the attention of the Judiciary Committee of the Senate has been called to it, and that none of them ever felt that there was any power in the Government to prevent the circulation of it.

Mr. BORAH. Mr. President, I know of instances in which a publication was excluded from the mails because it contained a very earnest, and perhaps some would say violent, defense of the first amendment of the Constitution of the United States, which guarantees the right of free speech and a free press, and denouncing those who were attempting to suppress free speech.

I quote further from May's Constitutional History of England:

Men who boldly impeached the conduct of their rulers had been punished for sedition. The discussion of grievances—the highest privilege of freemen—had been checked and menaced. The assertion of popular rights had been denounced by ministers and frowned upon by society, until low demagogues were able to supplant the natural leaders of the people in the confidence of those classes who most needed safe guidance. Authority was placed in constant antagonism to large masses of people, who had no voice in the government of their country. Mutual distrust and alienation grew up between them. The people lost confidence in rulers whom they knew only by oppressive taxes and harsh laws severely administered. The Government, harassed by suspicions of disaffection, detected conspiracy and treason in every murmur of popular discontent.

The Senator from South Dakota [Mr. STERLING] will observe that "the Government, harassed by suspicions of disaffection, detected conspiracy and treason in every murmur of popular discontent." That is the way it always results.

I recognize the very great difficulty, Mr. President, of drawing a clear line of demarcation between that which constitutes a punishable act, or an act which should be punishable under the law, and that which should be permitted to pass as the mere expression of opinion, however critical or however severe that expression may be. But I have come to the conclusion that one thing is true—that in order to do justice to those who claim the right to express their views upon public questions, to criticize the Government, to insist upon changes and upon reforms, it is necessary at least to have an impartial tribunal before which hearings shall always be had in regard to these matters; that it is wrong, that it is unwise, as a governmental policy to ask men to submit to the mere autocratic decision, without an opportunity of their being heard, not only of some head of department but of some subordinate in the department, because it is absolutely impossible for the head of the department to take charge of all these matters.

At least, Mr. President, if you shall go no further, create a tribunal which corresponds to the Anglo-Saxon idea of a hearing and a determination of an important question.

I want to call attention, Mr. President, to a decision of the Supreme Court of the United States, handed down a few days ago, involving a principle akin to this proposition. I will read from the dissenting opinion, and of course I do not read it as the opinion of the court, but as expressing the view which I think ought to finally obtain in regard to this matter, and which I think will finally obtain. With all due respect, therefore, to the majority of the court, I read the minority opinion as expressing the view which I think the Congress ought to follow in legislation. This is the dissenting opinion of Mr. Justice Holmes, concurred in by Mr. Justice Brandeis. It reads:

This indictment is founded wholly upon the publication of two leaflets, which I shall describe in a moment. The first count charges a conspiracy pending the war with Germany to publish abusive language about the form of government of the United States, laying the preparation and publishing of the first leaflet as overt acts. The second count charges a conspiracy pending the war to publish language intended to bring the form of government into contempt, laying the preparation and publishing of the two leaflets as overt acts. The third count alleges a conspiracy to encourage resistance to the United States in the same war and to attempt to effectuate the purpose by publishing the same leaflets. The fourth count lays a conspiracy to incite curtailment of production of things necessary to the prosecution of the war and to attempt to accomplish it by publishing the second leaflet to which I have referred.

The first of these leaflets says that the President's cowardly silence about the intervention in Russia reveals the hypocrisy of the plutocratic gang in Washington. It intimates that "German militarism combined with allied capitalism to crush the Russian revolution"—goes on that the tyrants of the world fight each other until they see a common enemy, working-class enlightenment, when they combine to crush it; and that now militarism and capitalism combined, though not openly, to crush the Russian revolution. It says that there is only one enemy of the workers of the world, and that is capitalism; that it is a crime for workers of America, etc., to fight the workers' republic of Russia, and ends "Awake! Awake, you workers of the world! Revolutionists." A note adds, "It is absurd to call us pro-German. We hate and despise German militarism more than do you hypocritical tyrants. We have more reason for denouncing German militarism than has the coward of the White House."

The other leaflet, headed "Workers—Wake Up," with abusive language says that America, together with the Allies, will march for Russia to help the Czecho-Slovaks in their struggle against the Bolsheviks, and that this time the hypocrites shall not fool the Russian emigrants and friends of Russia in America.

No argument seems to me necessary to show that these pronouncements in no way attack the form of government of the United States, or that they do not support either of the first two counts. What little I have to say about the third count may be postponed until I have considered the fourth.

I am aware, of course, that the word intent, as vaguely used in ordinary legal discussion, means no more than knowledge at the time of the act that the consequences said to be intended will ensue.

But as against dangers peculiar to war, as against others, the principle of the right to free speech is always the same. It is only the present danger of immediate evil or an intent to bring it about that warrants Congress in setting a limit to the expression of opinion where private rights are not concerned. Congress certainly can not forbid all effort to change the mind of the country. Now, nobody can suppose that the surreptitious publishing of a silly leaflet by an unknown man, without more, would present any immediate danger that its opinions

would hinder the success of the Government arms or have any appreciable tendency to do so. Publishing those opinions for the very purpose of obstructing, however, might indicate a greater danger, and at any rate would have the quality of an attempt. * * *

In this case sentences of 20 years imprisonment have been imposed for the publishing of two leaflets that I believe the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them. Even if I am technically wrong and enough can be squeezed from these poor and puny anonymities to turn the color of legal litmus paper—I will add, even if I think the necessary intent were shown—the most nominal punishment seems to me all that possibly could be inflicted unless the defendants are to be made to suffer not for what the indictment alleges but for the creed that they avow, a creed that I believe to be the creed of ignorance and immaturity when honestly held, as I see no reason to doubt that it was held here, but which, although made the subject of examination at the trial, no one has a right even to consider in dealing with the charges before the court.

Persecution for the expression of opinion seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart, you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That, at any rate, is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year, if not every day, we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system, I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country. I wholly disagree with the argument of the Government that the first amendment left the common law as to seditious libel in force. History seems to me against the notion. I had conceived that the United States through many years had shown its repentance for the sedition act of 1798 by repaying fines that it imposed. * * *

The PRESIDING OFFICER. Will the Senator from Idaho kindly suspend at this point while 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. BORAH (continuing the reading)—

Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command, "Congress shall make no law abridging the freedom of speech." Of course, I am speaking only of expressions of opinion and exhortations, which were all that were uttered here, but I regret that I can not put into more impressive words my belief that in their conviction upon this indictment the defendants were deprived of their rights under the Constitution of the United States.

And of that I have no doubt whatever.

Just a word further, because I do not care to take up the time of the Senate, and I will say to the Senator in charge of the bill that I am not going to occupy very much more time in regard to it. I realize, of course, that ultimately it will pass, but I was not willing that it should go without a full statement of my views in regard to it. When it comes up again it will take me but a short time to conclude what I have to say. This I want to leave as my final suggestion for to-day's consideration of it, that my primary objection to this particular measure is that it affords the parties who may be charged with dereliction under the law no opportunity to be heard, such as is contemplated by Anglo-Saxon jurisprudence and our theory of adjusting and determining the rights of people when charged with wrongdoing.

Mr. FLETCHER. May I ask the Senator from Idaho whether he has proposed any amendment?

Mr. BORAH. I am going to propose to strike out section 3.

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. CUMMINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will call the roll.

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

Ashurst	Chamberlain	Fall	Hitchcock
Ball	Culberson	Fletcher	Johnson, Calif.
Bankhead	Cummins	France	Johnson, S. Dak.
Beckham	Curtis	Gay	Jones, Wash.
Borah	Dial	Hale	Kellogg
Capper	Edge	Harris	Keys

King	Nugent	Smith, Md.	Walsh, Mass.
La Follette	Overman	Spencer	Walsh, Mont.
Lodge	Phipps	Sterling	Warren
McKellar	Pomerene	Sutherland	Watson
Moses	Sheppard	Swanson	Williams
New	Simmons	Thomas	
Newberry	Smith, Ga.	Underwood	

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

Mr. CUMMINS resumed and concluded the speech begun by him on Tuesday. The speech entire is as follows:

Mr. CUMMINS. Mr. President, in beginning consideration of the bill which has been reported by the Committee on Interstate Commerce for the further regulation of the railways and other common carriers of the country it may be well to suggest the procedure which the committee—or at least the chairman of the committee—has in view with respect to it.

The House has passed a bill upon this subject which has come to the Senate, has been referred to the Committee on Interstate Commerce, and upon which no action has been taken. While there are some common points or common provisions as between the House bill and the bill which is now under consideration in the Senate, fundamentally speaking they are dissimilar; they are strikingly unlike.

I have thought that it would tend to simplicity and clearness and ease of consideration if the Senate shall proceed with the consideration of the Senate bill, and after making it such a bill as approves itself to the judgment of the Senate, that then the Senate bill shall be substituted for the House bill, and in that way present a foundation for a conference between the two Houses and thus reach an agreement upon this very important subject. That will be the course pursued so far as the committee is concerned.

Mr. President, I think no one realizes more completely or fully than I do the magnitude and the difficulties of the task I am about to assume. There are in this country something like 260,000 miles of main-track railway. These systems of railways serve 100,000,000 people and furnish them with their chief means of transportation and communication. It is obvious that any system of transportation in a commercial, civilized country is the basic fundamental industry of that country, for without adequate facilities for communication and transportation and without a service rendered for reasonable compensation the growth and development of the country is impossible.

The problem that we have before us is vastly more complicated and intricate than is presented in the transportation problem of any other country in the world. This is due to the extent of our country, the variety of its productions, and the dissimilarity of the conditions under which business is carried on, as well as the dissimilarity of conditions under which transportation is furnished.

Recognizing these difficulties as well as the importance of these questions, I beg to say that as I go forward in explanation of the bill which has been reported by the committee I solicit rather than repel interrogation. I am not here for the purpose of delivering an oration, but simply for the purpose of giving to the Senate the views of a majority of the committee which has presented the bill. The only thing that I will ask—and I do ask it earnestly of Senators—is that as I go forward in analyzing the bill the questions which may be propounded to me shall relate to the subject which I am for the moment discussing.

[At this point Mr. CUMMINS yielded to Mr. KELLOGG, who made the point that there was no quorum present, and the Secretary called the roll.]

Mr. CUMMINS. Mr. President, with respect to the pending subject, I hope that, however kind the intent may be, there will be few occasions upon which it will be found necessary to call for a quorum. I do not desire to be interrupted for that purpose, for it is quite evident either that Senators know all about this subject, and therefore do not find it necessary to listen to a discussion of the bill, or that they are indifferent about the subject, and therefore a discussion of the bill in their presence would accomplish little. I say this with perfect good feeling, for I know how difficult it is for Senators to arrange their affairs to be present upon the occasion of a dissertation upon a very important but, to some persons, a very uninteresting subject.

Mr. President, in order that I may be entirely understood as I pass through this bill, it is quite proper for me to say at this time that I am one of the Senators who believe that transportation is a governmental function. A single reflection upon the conditions throughout the world as well as in our own country will demonstrate that the furnishing of transportation to a commercial people is a governmental function. Aside from those in the United States, substantially all of the railways of the world are owned and operated by the governments of the

various countries. I might qualify that by saying that Great Britain has not yet become the owner of her railways, but her policy at this time is one that is the equivalent of government ownership and operation. In so far as I am concerned, I desire that basic statement to be carried all the way through the argument I shall make upon this bill.

The only reason that I am in favor of private ownership and private operation is because I believe that better and cheaper transportation can be furnished to the people of this country through the instrumentality of private ownership and private operation than can be furnished to the people of the country through direct Government operation; but there is nothing inconsistent with the best forms of government in Government ownership and operation of our systems of transportation. The Government has the right to select the agencies or instrumentalities which will most certainly render to the people the service they require, and, if the Government believes as I believe, that the services can be rendered and will be rendered more adequately and more cheaply through private corporations under strict public supervision, it has the right, of course, and it is its duty, of course, to select such agencies for the purpose of rendering the service which all the people require.

It is, I think, elemental in a business of this character, if it be a Government function, as I think it is, that the transportation shall first be adequate to meet existing and future needs of the country, and, second, that it shall be furnished at the lowest possible cost consistent with fairness to the men who render the service and to the capital which is invested in the facilities of transportation.

There is another general underlying suggestion that I desire to make. If we are to employ the instrumentalities of private capital, private ownership, in rendering the service of transportation, we must then answer the inquiry whether there shall be one system of transportation—that is to say, whether all of the railways of the country shall be unified or consolidated into one system under one control—or whether the railways shall be divided into several systems. I answer that, so far as I am individually concerned, by saying that, while I readily admit that there are some advantages which could be secured through one system rather than through several, I believe—and that is the judgment of the committee as well—that the service will be better and cheaper if rendered through several systems, amongst which there may be that honorable rivalry which heretofore at least has been regarded as the most effective motive for human effort. Therefore the committee has adopted the plan of several corporations rather than of a single one. I shall discuss more in detail that general proposition a little later on.

Naturally the first thing that occurs to the minds of Senators is a desire to know something with respect to the operation of our railways by the Government during the last two years; and inasmuch as this bill provides for a system of accounting or settlement between the railway companies and the Government, it is material, and I think essential, that I should spend a few minutes in discussing what has been accomplished and what is yet to be done through the Government operation of 1918 and 1919.

The Federal control bill, which became a law on the 21st of March, 1918, provided, as you all know, for the possession on the part of the Government of all the railway systems of the United States of which the President chose to take possession, under a paragraph of the act of 1916, of which I think the distinguished Senator from Colorado [Mr. THOMAS] was the author. The dominating features of the act of 1918 were, first, a provision authorizing the President to enter into agreements with the railway systems of which he took possession relating to the compensation to be paid to these several companies while under Federal control. This compensation in the aggregate, and as related to class 1 railroads, amounted, in round numbers, to \$900,000,000 annually; and here I may be permitted to say that on the 1st of January, 1918, the President, in fact, took possession of all of the railways of the United States. I say "all." There may have been very slight and negligible exceptions, but it is practically true that when the notices were sent out by the President on the 1st of January, 1918, they comprised all the railway systems of the country. The act of March 21, 1918, provided, however, that at any time prior to the 1st of July, 1918, the President could dismiss from Federal control any system or systems of railway which in his judgment it was not necessary to retain in order to carry out the purposes of the act. I may remark again that there were some of us who believed that justice required that all the railways of the United States be retained in the possession of the Government, because we felt that it was utterly impossible for the President to disassociate the railways and do justice to those which were dis-

missed from operation, inasmuch as the relation between the railways held by the Government and the railways not held by the Government was so intimate and intricate that to abandon that relation would probably result in great hardship.

It has resulted in great hardship. That law was passed, and the President vetoed it. That is my recollection. But, at any rate, just before the 1st of July, 1918, the President formally discharged a very large number of the railways of the country from Federal control. I think that he discharged at that time, or had before that time discharged, something more than 800 of the railways. These were, generally speaking, short-line railways, which depended for their maintenance largely upon their traffic relations with the trunk lines. The \$900,000,000 of which I have spoken as the maximum of the compensation provided for in the act of March 21, 1918, is the compensation for what is known as the class 1 roads; and the class 1 roads, as you all remember, are those railways whose gross revenues from operation amount to \$1,000,000 or more per year.

I want to fasten your minds upon the compensation of \$900,000,000 per year, which the act provides for. It authorized the President to enter into contracts with these railway companies which were retained in Federal control, and to an extent that has been done. There are about 162 class 1 railroads. They vary from year to year. In the test period, as I remember, there were about 162 railroads falling within that classification. The last time the committee had any information from the Railroad Administration upon the subject, the administration had entered into contracts with something like 50 of these railroads. The administration prepared what it called and what was in fact a standard form of contract, and for a year and a half negotiations have been in progress between the several railways and the administration looking to the execution of these contracts; but a good many of the lesser railroads in class 1 have not entered into contract with the Government, and are probably depending upon the provisions of the act of March 21, 1918, for their compensation. Nevertheless, what I have said is true, that so far as the standard compensation is concerned, computed according to the terms of the bill, the annual outlay for the class 1 roads would be substantially \$900,000,000.

One other outstanding fact must not be forgotten. In the law and in the contracts, in so far as they have been executed, there is the provision that the railroads must be returned to their owners, whenever they are returned, in as good condition as when taken by the Government. The railroads are already making vast and, I hope, unfounded claims in that regard; and when I come to speak of the state of the account between the Government and the railroads, it must be understood that I am not including the unliquidated claims which the railways have made and are making against the Government on account of an alleged depreciation in the value of their properties as compared with the value when the Government exercised its right to take them over on the 1st of January, 1918.

One other fact will be borne in mind. Aside from all the railway revenues of the two years which have now practically passed, Congress has appropriated, to enable the Government to carry on these railways, \$1,250,000,000. This money, I may say, roundly speaking, and more, has been expended for the purposes for which it was appropriated; and you will remark as I go on that I am not here for the purpose of any criticism upon the Railroad Administration. That is not pertinent to the objects I have in view. We are dealing here with proposed legislation, and it makes no difference whether the Railroad Administration has been wasteful or whether it has been economical; the legislation must be the same.

Mr. CURTIS. Mr. President—

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

Mr. CUMMINS. Certainly.

Mr. CURTIS. Does the Senator recall the fact that the Railroad Administration during the pendency of the last deficiency bill asked for \$500,000,000 more than was given them? They got \$750,000,000, and they asked for \$1,250,000,000.

Mr. CUMMINS. What I said, I think, is true.

Mr. CURTIS. Yes; what the Senator said is true, too.

Mr. CUMMINS. The Railroad Administration asked for more than the Congress gave it.

Mr. CURTIS. That is true.

Mr. CUMMINS. The Congress appropriated \$500,000,000 in the act of March 1, 1918, and it appropriated \$750,000,000 a year ago; but however that may be, the money has been appropriated and it has been expended.

Mr. WARREN. Mr. President—

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

Mr. CUMMINS. Certainly.

Mr. WARREN. Does the Senator comprehend the amount or amounts that may have been advanced to the railroads by the Finance Corporation out of the \$500,000,000 which we authorized for the purpose of establishing and assisting corporations, with authority to issue its bonds, and so forth, in order to expend money for or make loans to railroad and other corporations? A direct appropriation which we made in a special deficiency act approved last June carried to the use of the railroads \$750,000,000, and enough had already been provided in the organic act to make a total of a billion and a quarter—this, of course, entirely outside of the five hundred millions authorized for the Finance Corporation.

Mr. CUMMINS. As I understand it, so far as the Railroad Administration was concerned, there have been appropriated altogether \$1,250,000,000.

Mr. WARREN. That is correct.

Mr. CUMMINS. And it is with that sum and its effect upon the accounting that I now proceed to deal.

The great, prominent fact that all of us must understand and that the people of this country must appreciate is that, according to the last statement—and I emphasize the words "last statement"—of the Railroad Administration, the situation on the 1st of January will be about as follows: If the Government were to pay to the railroads all that it owes them and if the railroads were to pay to the Government all that they owe the Government, which is impossible, there would still be a deficit or a loss, occasioned by the two years of governmental operation, of something like \$650,000,000. My judgment is and I predict now that when the final accounts are rendered the loss will be considerably more than \$650,000,000; but I am using that sum because it is found in a statement recently furnished to the committee by the Railroad Administration. That is to say, not including the claims which I mentioned a few moments ago arising out of alleged depreciation or injury to property, after everything is paid there will be returned to the Treasury \$600,000,000 of the \$1,250,000,000 appropriated.

Mr. POMERENE. Mr. President—

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

Mr. CUMMINS. I yield to the Senator.

Mr. POMERENE. The Senator from Iowa has just referred to the deficit. It will be valuable information, I think, for the Senate to remember that after the increase in freight rates, which was alleged to be 25 per cent, it was stated or predicted that the railroads would net a profit to the Government of \$100,000,000. In spite of that, we have the deficit which the Senator has referred to.

Mr. CUMMINS. I intend to refer to that particular situation a little later on.

Mr. HITCHCOCK. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. In figuring out the difference of \$600,000,000 which the Government will have incurred as a loss after the railroads have paid to the Government what they owe and after the Government has paid to the railroads what it owes, I ask the Senator if there is any question about there being paid to the Government any of the indebtedness which some of the railroads will owe?

Mr. CUMMINS. I have no reason to believe that there is any serious question with regard to that.

Mr. McKELLAR. Mr. President, in figuring the sum of \$600,000,000 does the Senator mean to say that when the accounts are settled or adjusted there will be \$650,000,000 restored to the Government of the \$1,250,000,000 that has already been appropriated?

Mr. CUMMINS. The Government's loss as now estimated is \$646,000,000. I ought to say, in fairness to the Railroad Administration, that it is quite impossible to be exactly accurate with regard to that, because the reports for the last month and a half have not been fully analyzed. But the loss in round numbers is \$650,000,000; the appropriation was \$1,250,000,000; so that there will be returned some time to the Treasury, whenever the railroads are able to pay what they owe, about \$600,000,000, and the people from taxation must bear the loss of \$650,000,000.

Mr. HITCHCOCK. Mr. President, the Senator touches there the question I was raising. The Senator said he did not think there would be any serious doubt as to the ability of the railroads to pay to the Government what they owe. What is the reason that that can not be paid at the present time?

Mr. CUMMINS. I am going to explain that fully. When I say that there is no serious doubt about it, I am, of course, premising that answer by the assumption that Congress will

deal fairly enough with the railroad companies to enable them to go on successfully. It is not difficult to conjecture a situation in which the railroad companies would not be able to pay the debt which has been accumulated against them by the Government.

Mr. KING. Mr. President—

Mr. CUMMINS. This debt is not altogether a voluntary debt. The Railroad Administration has added facilities and property to the railroads of the country which have resulted in this indebtedness very largely. I yield to the Senator from Utah.

Mr. KING. I was about to ask the Senator with respect to the obligations due the Government. The Senator stated that \$1,250,000,000 had been loaned by the Government to the railroads.

Mr. CUMMINS. More than that.

Mr. KING. One billion two hundred and fifty million?

Mr. CUMMINS. More than that. I was about to say that we have loaned to the railroads, for additions and betterments alone, more than a billion and a half dollars. That is, the Government has incurred obligations, which in turn the railroad companies must discharge, for considerably more than a billion and a half dollars, and that for additions and betterments which are chargeable to capital account alone, without reckoning the other expenditures which have been made, and which ordinarily are paid from current income.

Mr. KING. The question I was about to propound was, knowing that the advances had been made in excess of that—that is, by credits if not by actual appropriations—will not Congress be called upon to make a further appropriation?

Mr. CUMMINS. I will come to that gradually. I do not want to anticipate my explanation. I do not want to startle the country too quickly, because that is one of the most distressing things that we have to consider.

Mr. McKELLAR. Mr. President—

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

Mr. CUMMINS. I yield.

Mr. McKELLAR. What provision has been made by law for the advancement of this very large sum to the railroads? Under what act was it made?

Mr. CUMMINS. We made provision for the advancement of \$1,250,000,000.

Mr. McKELLAR. I understand that; but the Senator said that a very much larger sum had been advanced.

Mr. CUMMINS. The Government, by withholding from the railway companies the compensation which was to be paid under the act of 1918, has been enabled to advance to them some of their own money. At least that is the sum and substance of it. I will try to make that perfectly clear, that the Government has paid, or will pay between now and the 1st of January, for additions, betterments, and so forth, about a billion and a half dollars. The Government will owe the railroads on January 1, less payments in the meantime, whatever may be paid, for compensation and depreciation, a billion two hundred millions of dollars.

The point of all of this explanation is that under this bill about \$225,000,000 can be taken from the compensation which the Government will owe the railroads and applied upon the indebtedness which the railways owe the Government; and if so, the account will stand in practically this way: This bill provides that indebtedness of that character shall be carried by the Government for a period of 10 years. It will be funded at 6 per cent interest for 10 years. That is the maximum time.

You will all remember that the other day we passed a bill which provided for the formation of what is known as an equipment trust. That is, the Government bought for the various railways equipment—engines, cars, and the like—to the amount of \$372,000,000. The railways struggled against the insistence of the Government in the matter, did not want to pay for this equipment, at least did not want to pay the prices which the Government had agreed to pay, and had paid, possibly, for it. But finally that matter was adjusted and the equipment was allocated or distributed all over the country to the various railroads, each taking the part of it which was agreed upon.

The Railroad Administration, in connection with the bankers of New York and the railways, prepared a plan for taking care of that particular investment in additions and betterments, and we do not know as yet whether the plan will be successful or not; but if it is, it will provide for \$372,000,000 of the billion and a half to which I referred.

The administration has loaned to the New York, New Haven & Hartford Railroad and to the Boston & Maine Railroad \$68,000,000. The loan to the Boston & Maine may not be entirely complete as yet—I am not sure about that—but if not, it will be completed, I assume. This was not for expending in

additions and betterments, but was for the purpose of taking up what is known as capital obligations of these two companies in a process of reorganization which has been going on in New England for some time.

If what is known as the equipment-trust venture does not materialize then the United States will have to fund for the railways, under this bill, for 10 years, \$920,000,000, or in that neighborhood. And there still remains due from the railroads \$212,000,000, or thereabouts, for which under this bill the railways are to execute their demand notes to the Government at 6 per cent interest.

I wish all Senators would examine the statements of account found in the report upon this bill. There are two statements which upon their faces at any rate are not entirely consistent. I do not profess to be an accurate interpreter of intricate book-keeping, and therefore I do not fully understand them; but I understand these points to which I have referred. But upon the basis that I have given you—and here I answer the question of the junior Senator from Utah [Mr. KING]—Congress must appropriate at least \$625,000,000.

Mr. KING. More than that.

Mr. CUMMINS. I think more will be required, probably, in this contingency. What I have said heretofore does not deal with what is known as the working capital. When the railroads were taken over by the Government I think the thought of all who were familiar with the bill at that time was that simply the physical property was to be taken over. But, in fact, the Government took over the physical property and all of the money as well—that is, the balances in the hands of banks and agents and the balances in the hands of conductors and all who collected money on behalf of the railways.

If we have to restore that money, if we can not turn back the railways to their owners, the railways accepting these current accounts as the equivalent of the accounts taken over originally on the 1st of January, 1918, then we will have to appropriate about \$330,000,000 more.

Mr. McKELLAR. Mr. President—

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

Mr. CUMMINS. I yield.

Mr. McKELLAR. The Senator says that the railroads would owe us in the neighborhood of \$600,000,000, and that we have to appropriate \$600,000,000 more in round numbers to carry out the present plan.

Mr. CUMMINS. I beg pardon. I did not say the railroads would owe us that much. They will not owe us anything. There will be a loss of \$650,000,000 that the railroads are not obliged to pay.

Mr. McKELLAR. Take what they owe us now, what security has the Government for the amounts owed? Take especially the \$88,000,000 that have been advanced to the Boston & Maine and the New York, New Haven & Hartford. What kind of security has the Government for those amounts, and what kind of security will we get for the \$600,000,000 that we are to advance them in the future?

Mr. CUMMINS. I am not able to answer that question accurately. I only know that in advancing these sums to the New York, New Haven & Hartford Railroad and to the Boston & Maine Railroad, if that transaction has been completed, the Government took from those companies what it regarded as fair security for the advances, but just what kind of evidences the Government has of that indebtedness I do not know.

With regard to the security which the Government shall take under the funding operations of the bill, I think I can more accurately answer the Senator from Tennessee by reading section 2, as follows:

The indebtedness of any carrier corporation to the United States, existing at the time Federal control is relinquished, incurred for additions or betterments made during Federal control, or for advances made by the United States or incurred to pay off any carrier's indebtedness properly chargeable to capital account, shall, at the request of the carrier, be extended for a period of 10 years, or a shorter period, at the option of the carrier, with interest at the rate of 6 per cent per annum payable semiannually on the 1st days of January and July of each year. Said indebtedness shall be evidenced, if practicable, by the first-mortgage bonds of the carrier; but if this is impracticable, then in such form as shall be prescribed by the President.

It is wholly beyond our power to prescribe just what security shall be taken by the President, because the conditions and the financial situation of the several carriers differ so widely. Some of the carriers may issue first-mortgage bonds to secure this indebtedness, some of them may have no first-mortgage bonds to issue, and therefore it is the thought of the committee that we must give to the President the widest discretion in that respect, believing that he will do all that can be done to protect the interests of the United States.

I now come to answer a question propounded by a Senator upon the other side of the Chamber with regard to the payment of this indebtedness so far as possible by the railroads. Senators will remember that I have said that one and one-half billion dollars of these advances at least have been made for additions and betterments—that is, for property account, for expenditures that are ordinarily charged to capital account. There is no railway in the world and no other enterprise in the world which can pay its capital debt from current income.

These companies have been absolutely unable, of course, to borrow money within the last two years. The Government probably would not have permitted the companies to borrow money, even had they had any credit; but with the Government in possession of all their property and receiving all their revenues, of course all the additions and betterments that have been made to the properties must either have been made out of some surplus which the companies had before or must have been made from advances by the Government. If the Government had not been in possession, it is quite likely that the railroad companies could have issued securities on 20 or 25 or 50 years' time, and thus made the very improvements which were constructed out of the advances made by the Government.

It is, of course, obvious that when the roads are returned to their owners there can not be retained by the Government the sums which are necessary to pay interest upon their bonds and other fixed charges. To do so would be to violate the standard contract to which I have already referred. Aside from that, if it were attempted and these roads were returned to their owners after deducting all that the Government owes to them for compensation, they could not operate their properties for a single month. Therefore it becomes necessary, as I view it, for the Government to do for them what they might have done for themselves if the Government had not been in possession and in operation of the railroads.

The provisions of the bill with regard to refunding are, I believe, perfectly definite and easily understood, but I think it is only fair to say that the bill before the Senate provides for a larger refunding operation than the bill which passed the House.

In other words, the bill which passed the House requires a larger application of the sums due to the railway companies by the Government than does the bill reported by your committee. All that I can say on that point is that after very careful consideration it was the belief of the members of the committee that if successful private operation is to be expected, the Government must carry some large part of these advances for capital until the railway companies are able, if they are ever able, to refund them at a lower rate of interest and in that way discharge or liquidate the Government debt.

I shall be glad at any time to answer any question which may occur to any Senator with respect to this accounting.

Mr. CURTIS. Mr. President, the Senator said he did not want to be interrupted except on the subject under discussion. I merely wish to ask him if later on he will discuss the relation of the short lines to the Government?

Mr. CUMMINS. Oh, yes.

Mr. CURTIS. I shall want to ask some questions about that when the Senator reaches that subject.

Mr. CUMMINS. I shall be very glad to consider that, because it has been a matter of deep concern in the minds of the members of the committee throughout the entire consideration of the bill.

In closing this part of the review I may say that the bill repeals the act of March 21, 1918, and reserves to the President full right to adjust and settle all accounts according to the terms of that bill or the existing law. I think it does this in so comprehensive a way that there will be no one who will doubt the power of the President to carry on the settlement under the terms of the bill.

The difference between the House bill and this bill in that respect is that the House bill does not repeal the act of March 21, 1918, but attempts to limit its operation in the future to the work of adjustment and settlement, whereas our bill repeals that act and preserves those rights and remedies which, in the opinion of the members of the committee, were necessary in order to come to a full and complete settlement.

Mr. HITCHCOCK. Before the Senator leaves that branch of the subject will he state whether I have the correct idea that under the experience of the Government in operating the railroads during this period of time, the net result will be that it will have cost us between \$600,000,000 and \$700,000,000 in losses, and in addition to that the Government will have become a creditor of these railroads to a large extent. I do not recall the amount.

Mr. CUMMINS. That is true.

Mr. HITCHCOCK. What is the amount of the credit?

Mr. CUMMINS. The total amount in all forms is \$1,206,000,000, in round numbers.

Mr. HITCHCOCK. The Government will be a creditor of the railroads to the extent of \$1,200,000,000—

Mr. CUMMINS. A little more than that.

Mr. HITCHCOCK. And a loss in operating them of between \$600,000,000 and \$700,000,000?

Mr. CUMMINS. That is about the figure. I may say, however, in further explanation of that, that if this funding operation carried under the equipment trust is successful, the Government will get \$225,000,000 of money in that operation, which would tend to reduce this credit by that amount.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. Certainly.

Mr. EDGE. In this connection that does not contemplate, as I have followed the Senator's explanation, the possible additional indebtedness on the part of the Government for replacement?

Mr. CUMMINS. No; it does not.

Mr. EDGE. In other words, placing the railroads back in the same condition they were in when taken over by the Government.

Mr. CUMMINS. It includes an item of depreciation which, of course, is capable of computation, but it does not include the claims that a particular railroad company may make against the Government growing out of a return of property in an alleged poorer condition than when taken over.

Mr. EDGE. That is the point I was making.

Mr. CUMMINS. Those claims are not included in this bill at all.

Mr. EDGE. May I ask the Senator if those claims have in any way been filed?

Mr. CUMMINS. No; I think not.

Mr. EDGE. Is there any way now to estimate the possible amount of such claims?

Mr. CUMMINS. I think not. It is assumed that when we are ready to return the railroads to their owners, there will be an inspection or an examination which will have some bearing upon that question. From all that I can learn, and that is simply from casual and unofficial conversations with those who are interested in the matter, there are some railroads which will be returned in better condition than when the Government took them, and there will be other railroads which will be in worse condition than when the Government took them. I anticipate 25 years of litigation before those disputed questions are fully determined, and I would not conjecture the outcome of the controversy.

Mr. OVERMAN. Mr. President—

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. OVERMAN. Can the Senator give us some reason for this great loss of money in the short time the Government has been operating the railroads? Were the railroads running behind to this extent before we took them over?

Mr. CUMMINS. I will give the Senator the reason from my standpoint in a moment. That is rather a broad and very pertinent question. Any Senator has a right to ask it, but, after all, the answer depends upon individual opinion.

The policy adopted by the committee—and I am passing now to the permanent legislation which the committee is proposing for the regulation of our common carriers for the future—

Mr. KING. Before the Senator passes to that may I ask him a question?

Mr. CUMMINS. Certainly.

Mr. KING. I am not sure that I understood the answer of the Senator to the question propounded by the Senator from Nebraska [Mr. HITCHCOCK], but as I hurriedly figure the matter in my head, it is this: That the Government of the United States will be required to appropriate, first and last, to the railroads approximately \$1,800,000,000 or \$1,900,000,000; they will get in return \$1,250,000,000 of railroad securities, if the railroads may give securities; and that we will be out then approximately \$650,000,000. Then, of course, if those securities are valueless we will be out the amount of the securities.

Mr. CUMMINS. I think the Senator from Utah has stated the account with fair accuracy. I do not want, however, to be understood as confirming the exact number of dollars which he has named.

Mr. KING. I have not attempted to state that myself.

Mr. CUMMINS. But if everything the railroad companies owe to the Government shall be paid, and if there are no claims for returning the property in poorer condition than when re-

ceived, the people of this country will have lost in the operation of two years something like \$650,000,000.

Mr. KING. Just one other question, if the Senator will pardon me.

Mr. CUMMINS. I yield.

Mr. KING. I was interested when the Senator stated that there were unliquidated claims by the railroad companies for damages resulting from the depreciation in value of the railroads. I know of a number of railroads that unquestionably will be left in a very deplorable condition; that is to say, they will have run down; there is no doubt that the Government has neglected those roads and has failed to expend upon them what it should have expended in order to keep them up to an average standard that had been maintained theretofore.

The question I was going to ask was this: Did not the committee consider some plan—and I am not sure how it could be worked out—by which, instead of having 25 years of litigation and controversy over the depreciation the question could be settled immediately?

Did the committee consider the plan of providing some tribunal before which the claims should immediately be presented? The Senator will see that if years go by before a lawsuit shall be tried, the witnesses available for defense by the Government will be dead or scattered, so that it will be impossible for the Government to resist many claims which may be extortionate. It seems to me that Congress ought to provide some instrumentality that may immediately take up the consideration of these claims and the roads be required to file within a certain time itemized statements, bills of particulars, of the damages which they claim, and have the matter remitted to the Court of Claims or to some tribunal that has power to pass upon such claims.

Mr. CUMMINS. Mr. President, the act of 1918 provides for such tribunals. There is not any difficulty about the tribunals. The railroads, of course, will make their claims against the Government, and if they are unable to settle with the President or with the railroad administration, then they will resort to the courts; it is their only remedy; and we do not lack courts to settle the matter. But I only say, being guided or informed by long experience, and as the Senator himself will know, that it is quite likely that a good part of a quarter of a century will pass before these claims are entirely determined.

Mr. NELSON. Mr. President—

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

Mr. CUMMINS. I yield.

Mr. NELSON. In the Senator's bill is there any plan by which the railroads may be compelled to reimburse the United States for the money the Government has advanced to them?

Mr. CUMMINS. Undoubtedly; the act of 1918 provides for that in the most direct terms. There is no question that the railroad companies are liable to the Government for those advances.

Mr. NELSON. But is the obligation not in the nature of a personal liability? Is the Government of the United States given in this legislation, or in any other legislation, any lien on the railroad properties for its advances?

Mr. CUMMINS. Does the Senator mean in the act of 1918 or in this act?

Mr. NELSON. Has the Government any lien on the property which it could enforce, supposing the carrier refused to comply with the demand of the Government?

Mr. CUMMINS. I do not think it has, except in so far as the equipment is concerned. The Government owns the equipment, and it has all the rights of an owner in that respect.

Mr. STANLEY. Mr. President, I understand the bill provides that the long-term notes shall be secured by first-mortgage bonds on the property of the carrier.

Mr. CUMMINS. I think the Senator from Minnesota, however, was inquiring about what lien, if any, the Government now has.

Mr. STANLEY. I thought the Senator spoke of securities to be issued.

Mr. CUMMINS. This bill provides that so far as the advances for betterments and additions are concerned they shall be evidenced by first-mortgage bonds, if practicable; and, if not practicable, then by such securities as the President may prescribe.

Mr. NELSON. But suppose the railroads decline to give such bonds, what then? How can the obligations be enforced?

Mr. CUMMINS. There is but one way, and that is to sue the railroad companies to recover the money. The Government will be compelled to resort to the same remedies for the enforcement of a debt that an individual must avail himself of.

Mr. NELSON. One other suggestion: Would it not be a good plan in this legislation to declare that the Government shall have an enforceable lien on these properties for its reimbursement?

Mr. CUMMINS. That may be. I doubt, however, whether we could at this time provide that this indebtedness shall be a lien upon the property of the railroad companies prior to the liens already established. I think not.

Mr. NELSON. Mr. President, if the Senator will allow me further, that may be true, but, nevertheless, ought we not to provide that the Government shall have a lien at least subsequent to the existing liens on the roads?

Mr. CUMMINS. It might be very well to consider that question. The committee has assumed that the Government would get from the railroad companies before the properties were returned to them all the security which they are capable of giving, and I think that is the manner in which the settlement will take place.

I ought to say that there is another phase of this matter which I believe Senators should bear in mind. I remarked that on the 1st of January, 1918, the President took possession of all the railroads in the United States. On the 1st of July, without physically interfering with many of them, he returned 700 or 800 of the roads to their owners. The claims which I have mentioned do not include the claims of those companies. The short-line railroads of the country are all claiming that the Government shall stand responsible for the losses which occurred during the six months in which the Government had nominal possession of their properties on account of the diversion of traffic, the destruction of their business, and the disintegration and disorganization of their entire operating and managing force. I do not know what those claims may aggregate. It makes me shudder a little when I look forward to what may be insisted upon against the Government in the next few years.

Mr. NORRIS. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Will those claims include alleged losses for the taking away from those roads of business and diverting it to other lines under Government control?

Mr. CUMMINS. I have heard of some such claims being made.

Mr. NORRIS. Does the Senator think they would be valid claims?

Mr. CUMMINS. No; I do not believe that the diversion of traffic would constitute a good claim against the United States.

Mr. NORRIS. I assume that the Government when it operated the roads used those roads that it could most effectively coordinate, and excluded those which in managing the entire system were less useful, some of which perhaps were entirely useless.

Mr. CUMMINS. I was never able to ascertain from my survey of the situation just what actuated the Railroad Administration in dealing as it did with some of the short-line railroads. I think that in all the history of our relations to the railways there never was injustice that was comparable with the injustice which the Government has inflicted upon some of the weak short lines of railroad, barely able to sustain themselves in normal times and utterly unable to maintain themselves during the last two years. We have done precisely what I stood here and said we would do—we have paid to the big railroads a compensation so excessive as to shock the moral sense of mankind and we have permitted the weaker railroads, which are just as necessary for the transportation of the United States as are the stronger ones, although not in the same degree, to struggle through these two years in a way that creates the only sympathy I have ever felt toward railway management. There are so many instances in which the superior force of the Railroad Administration, with its monopoly of all the influences of the land, has exerted against the shorter, weaker lines that I could not enumerate them if I were to stand here all the remainder of the afternoon. As I replied to the Senator from Kansas, one of the prominent motives in the minds of all the members of the committee in the construction of this bill has been to do tardy and, I fear, incomplete justice to these roads that have been so severely discriminated against in the last two years. But we will come to that with more detail later on.

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

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

Mr. CUMMINS. I yield to the Senator.

Mr. NELSON. In connection with the statement which the Senator has just made, another suggestion occurred to me: The Senator has intimated that some of the strong roads, as he calls them, and properly so, earned more than was necessary to enable them to pay their fixed charges and dividends. What becomes of that surplus in the case of the powerful roads which really, during the Government administration, earned more than they should have earned? What becomes of that fund?

Mr. CUMMINS. Possibly the Senator from Minnesota did not hear me clearly. What I said was that we agreed to pay some of these strong roads a great deal more than we should have agreed to pay them.

Mr. NELSON. Oh!

Mr. CUMMINS. I did not say that they earned, during the two years that the Government has been in possession of them, more than they should have earned; but that is also true.

Mr. NELSON. But I mean, did they not, as a matter of fact, earn more than their dividends and fixed charges?

Mr. CUMMINS. Yes; but there are only a few of them that earned more than we had agreed to pay them for compensation. There are a few roads in the country that have during the two years earned more than the compensation which we agreed to pay them.

Mr. NELSON. What becomes of that surplus?

Mr. CUMMINS. That becomes the property of the Government.

Mr. NELSON. It belongs to the Federal Government?

Mr. CUMMINS. Under the act of March 21, 1918.

Mr. President, I do not intend to discuss at any length the merits of private operation as compared with public operation. I have already said that the operation of a system of railways or a system of transportation is a proper governmental function, and that it is only a question of how the people of the country can be best and most efficiently served. I would adopt in a moment public ownership and public operation as entirely within the legitimate sphere of organized society if I believed that the people would thereby secure better, more adequate, and cheaper transportation. I do not intend to enter into the discussion of the various considerations which ought to weigh with every thinking man upon that subject, because the committee was so nearly unanimous upon that proposal that it is unnecessary for me to defend its position in that regard. I only pause to say that I believe that the great majority of the people of the United States, in view of the experience of the last two years, do not desire that public operation shall be continued, and do desire that these properties shall be returned to their owners under such strict supervision and regulation as will insure justice at once to the owners of the properties and to the public as well.

I have it in my mind, however, to say one or two things with regard to a claim that is made and that you hear everywhere, namely, that Government ownership and operation has not had a fair trial during the last two years, and that the results which I have already given you of the operation for these two years can not be assumed to be the fair or necessary results of Government operation.

Whatever may be the merits of Government operation, I feel no hesitation in saying that the trial of the last two years in the United States has been the fairest trial to which that form of regulation could be submitted. The Government has had every possible advantage in demonstrating efficiency in operation. First, the volume of the traffic of 1918 was substantially the same as the volume of the traffic in 1917, and in 1919 that volume had been not greatly diminished. The Government has had the advantage of absolute authority. It has had no interfering or embarrassing conflicts with any department of the Government. The Director General, together with those officers who have been appointed to assist him in the administration, has been supreme; and I say again that it is not in my heart to criticize the action of the Director General, save in one or two respects that may become material a little later on; but I now want to impress upon those who believe in Government operation that the Director General has been master of the whole situation. It was for him, and him only, to say what unification should take place. It was for him, and for him only, to declare upon what routes traffic should be moved. There was no one to dispute his authority, no one to question his decisions, and if Government operation could have a fairer opportunity to demonstrate its efficiency I can not imagine it. The Director General had complete authority over rates. We dispossessed the Interstate Commerce Commission of all authority over the subject when we transferred these properties to the President of the United States.

Mr. NORRIS. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator desire us to understand that if the Government had not taken over the railroads, but had permitted them to remain in private ownership and private operation, they would have gotten through the war without any trouble and we would have had none of the difficulties that we now have?

Mr. CUMMINS. In my opinion they would have had very much less trouble than we have had, so far as losses are concerned. I am now speaking of the cheapness of transportation. Of course, if the people of the country desire to pay the price, Government operation is entirely feasible. There is nothing that stands in its way if the people are willing to pay the cost.

Mr. NORRIS. Mr. President, I am not seeking now to get into an argument with the Senator as to either one of these systems, but I want to get all the light I can as to what each system would have to contend with under the conditions of the last two years. Does the Senator think that if we had the experience to go through again and we had the question up as to whether we ought to authorize the taking over of the railroads we ought to refuse to do it and force them to operate under private ownership?

Mr. CUMMINS. There was one thing gained in public operation, and but one, in my opinion, and that was the right to move traffic on any line that it was desired to move it on.

Mr. NORRIS. Would we have been able to get through the war and do the work that was done without increasing rates, for instance?

Mr. CUMMINS. I do not think so.

Mr. NORRIS. So the Senator does not mean to say that the Government's taking over the railroads has been the cause of the increase of railroad rates?

Mr. CUMMINS. I have not said a word about that. I am simply endeavoring to show from my standpoint that we have had a fair trial; that there has been nothing in the condition of the business of the United States during the last two years that rendered it more difficult to give transportation at a fair cost than in normal times.

Mr. NORRIS. May I ask the Senator if this is not true: The operation of the last two years under Government control and operation is being compared with the operation under private control under normal conditions?

Mr. CUMMINS. I have not compared it.

Mr. NORRIS. I understand that that is what the Senator is doing.

Mr. CUMMINS. No; I am simply saying that Government operation has had a fair trial in the last two years.

Mr. NORRIS. Exactly.

Mr. CUMMINS. Now, I am not saying that either private operation or Government operation could have gone on doing business at the same rates that were prevailing before the war.

Mr. NORRIS. But if the Senator is going to compare the two systems—and I understood that was what he was doing—he is comparing Government operation under war conditions with private operation under normal conditions.

Mr. CUMMINS. The Government had a great deal better chance under war conditions than the railroad companies had under peace conditions, in my opinion.

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

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

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I simply wish to suggest to the Senator from Nebraska that there were nine months of private operation during the war.

Mr. NORRIS. Yes; and, as I understand, Mr. President, the reason why we passed the law authorizing the President to take over the railroads was that in those nine months of private operation it was demonstrated that the railroads were breaking down, and that it was an absolute necessity that the Government take them over in order to carry on the war.

Mr. KELLOGG. I should like to suggest to the Senator that no such thing was demonstrated.

Mr. CUMMINS. I did not resist taking over the railroads. No one at that time could resist anything that was proposed in the name of the war. I think we all experienced that. There was not any proposition made in the name of the prosecution of the war so flagrant or so unreasonable but that it received the assent of most of the Members of Congress and a great proportion of the people. But when you ask me and want my real, honest opinion with regard to the matter, it is my judgment that the railroads, at the time the President took them over,

were doing better in the movement of traffic than they ever did afterwards. But I do not say—and I do not want anyone to understand that I assert—that the railroads could have continued to do business upon the rates which were then in effect any more than the Government could continue to do business under those rates.

Mr. POMERENE. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. If I may refer, just in a sentence or two, to the issue raised by the Senator from Nebraska, Mr. Kruttschnitt, in his testimony before the Committee on Interstate Commerce in January, said that during the first nine months of Government control and operation the per ton-miles of traffic were very substantially less than they were during the corresponding nine months of the last year of private control; and Mr. Daniel Willard's position, when he appeared before the committee, was that it was not so much the railroads that had broken down in transportation as it was our ocean transportation, and that the glutting of the lines in the East was often due in part to the fact that orders would come to have grain sent to the ports for the purpose of being put in the ships, and when the ships were partially loaded a new order would come requiring the grain to be unloaded for the purpose of shipping munitions, and that at that time there were no proper warehouses and no proper places of storage in the East to accommodate this traffic.

Again, under the priority rule which was adopted by Congress, when it was expected that priorities would only be given to such merchandise as was necessary for war purposes, a number of these departments were giving cards which would indicate priority of shipment by the dozens, if not by the hundreds, to different manufacturing plants, so that this condition was brought about—that on the Pennsylvania system 85 per cent of the traffic was being shipped under priority orders. That was, in part, what caused the glutting of the railroads in the eastern territory.

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

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Of course, that all indicates incompetency in the management, whether it is under Government control or private control. I think in a general way the country became aware of these priority shipments, as they were called. I am only interested in having a comparison, if it is made, on an absolutely fair basis. I am not defending or trying to defend a great many things that were done by the Railroad Administration when they first took the roads over. It seemed to me that a great many things showed a great deal of incompetency. But is it not true that after the continued control by the Government a great many of the things that interfered with the proper management of the roads were remedied? Is it not true that they are now being operated upon a much more efficient basis than they were for the first six or nine months or year when they were taken over?

Mr. CUMMINS. I am not certain about that. Nor am I very much concerned about it, so far as the present point is concerned. I started out by saying that I did not intend to discuss the merits of Government operation as compared with private operation. I do not intend to institute any comparison. All that I am contending for at this moment is that the history of the last two years furnishes a fair test of Government operation, and whoever desires to compare hereafter the results of the last two years with those of former years will have at least, if it is of any benefit, the benefit of my observations with regard to the fairness of the test.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield further to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. It seems to me the Senator's test, his yardstick, is not fair. I presume nearly every person who believes in Government ownership would be opposed fundamentally to the kind of Government control that we have had in the last two years. At least as I understand those who favor Government ownership, they would be the last persons to propose the system that was put into effect as a war measure, which put the railroads under the control of an executive Cabinet officer, making it possible for them at once to be put into politics as a football. It is always offered as the greatest objection, and I think it is a great objection, to Government ownership that they get into politics. Those who believe in Government operation of railroads would themselves be the last to advocate the

operation of the railroads by a Cabinet officer of any administration or to put them in the hands of any President or any other political force.

Mr. CUMMINS. I understand that, Mr. President. I know that those who are in favor of Government ownership and operation would not choose the organization which has been operating the roads for the last two years as the ideal organization. Nevertheless it is my judgment that the organization we have had for the last two years, assuming its honesty, as I do assume it, was better qualified, more competent to operate the railroads of the United States than the organization which is suggested in the question put by the Senator from Nebraska [Mr. NORRIS]. I do not think it is an ideal organization, because it has too much arbitrary power, I think. But the very moment you discard or eliminate some of these autocratic and arbitrary powers, that very moment you decrease the efficiency of the organization and increase the expense of the operation. I, for one, believe that Mr. McAdoo, and following him Mr. Hines, and especially Mr. Hines, have done the very best that could be done with these properties. I think they have operated the properties just as cheaply as they could be operated, barring the increase in wages, to which I will come in a moment. While they have done a great many things that I would not have done if I had been in their place, yet no one can question the energy and the ability with which the railroad operations have been carried on.

Mr. STANLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. CUMMINS. I yield.

Mr. STANLEY. I understand the present control has had the same power and all the power that could have been vested in a board, nonpartisan or otherwise, to absolutely control the traffic during these two years.

Mr. CUMMINS. Surely. Moreover, I have given rather close study to the Railroad Administration during the last two years, and, in so far as I know, nothing has been done for political effect. I do not believe that any organization prepared or created for the purpose of managing the railroads could be farther removed from political activities than the organization which we have seen.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator.

Mr. NORRIS. I do not think the Senator wants to be diverted from his bill, nor do I want to divert him, and get him off into a side line; but I do not want to let that statement go unchallenged. I simply want to say that from my observation, limited as it has been, I have seen what to me looked like a whole lot of politics, and lots of things done when there was nothing else in it but politics, in the management of the roads.

Mr. CUMMINS. If so, they have escaped my observation. I have not observed that characteristic in the management of our railroads.

Mr. WALSH of Montana. Mr. President—

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

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH of Montana. I have heard it advanced that Government ownership and operation was not subjected to a fair trial in the last two years for the reason that the actual management in the field, if not in the headquarters at Washington, was intrusted to men who had occupied similar positions with the roads of the country; that the manager of the railroad was appointed Federal manager, and he came to the duties of his position with all the prejudices and predilections against Government ownership which he had acquired through years of training and experience in the management of roads operated by private corporations, and that while perhaps there was nothing in the nature of a conspiracy to depreciate in the public mind the policy of Government ownership, yet there was no disposition evinced to make it a grand success and to secure thus the approval of the general policy in the public mind. I thought when the Senator was going to discuss the fairness of the trial he would want to say something on that point, and I should be very glad to have an expression of his views.

Mr. CUMMINS. Mr. President, I have heard that suggested many times. If there has been a spirit or motive of that kind, in my judgment it has been with those who have been excluded from the active management of the railroad properties. It is true, and necessarily true, that the regional directors were chosen from the class ordinarily known as railway executives. It would not have been possible to have chosen them

from any other class, and I firmly believe that these regional directors, these superintendents, and all the way down the list of employees, have been faithful and loyal and have done all they could do to secure an efficient and economic management of the properties committed to their care. However, the Government during this period has had advantage of something which it can never again enjoy. It has had the advantage of the war loyalty. All the men engaged in the operation of these railways, from regional directors to section hands, have felt the spirit which fortunately has moved all Americans and they have worked for the Government, as I view it, with a fidelity and with an earnestness which you will never observe in times of peace. That is another of the advantages which I think the Government has had during the past two years.

Mr. WALSH of Montana. Mr. President—

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

Mr. CUMMINS. I yield.

Mr. WALSH of Montana. I have also heard the suggestion that the railroad operatives who appear now to be wedded to the principle of Government ownership of railroads, and are advocating energetically what is known as the Plumb plan, did not exhibit, during the past two years, that spirit of desire to make the system and policy a success which might be expected of them; but by reason of a less energetic discharge of the duties of their various stations the cost of operation and the cost of repair and the cost of construction were substantially increased. What does the Senator say on that aspect of the question?

Mr. CUMMINS. Mr. President, I can not accept that conclusion. Just now, of course, every railroad union in the country is busily engaged in passing resolutions denouncing me. I suppose that I have concentrated against me now more bitter hostility on the part of the railway unions of the United States than any man who has hitherto appeared, simply because I stand for certain provisions in this bill. That, however, does not alienate my confidence in them. I believe the railway men of the United States are intelligent; I believe they have been and are loyal; I believe they have been and are faithful; and nothing which may have occurred with respect to their adhesion to a certain plan for the regulation and operation of our railroads has, in my judgment, affected in the least degree their desire and their determination to render the best service possible in the transportation of the country.

Mr. THOMAS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. I have heard that there are some 144,000 more employees under Government operation of the roads, with a mileage much less than that operated under private ownership, than there were employees during the period of private ownership, and also that it requires about—my recollection is not clear, but I think 127 men now to do the work of 110 men under private ownership.

Mr. CUMMINS. I will remark upon that in just a moment.

Mr. TOWNSEND. Before the Senator leaves the other point—

Mr. CUMMINS. I have not left it yet, but I shall be very glad to have the suggestion of the Senator from Michigan.

Mr. TOWNSEND. As I understood the question of the Senator from Montana [Mr. WALSH], he indicated that reports had gotten out that the men generally were not doing their best under existing management for the reason that they wanted some other plan. My understanding is and my correspondence at all times shows that the men generally want to continue the present method of Government control until Government ownership shall be attained. Does it not stand to reason that the hundreds of thousands of men who are in the employ of the Government and desiring the present system continued and believing that it is perhaps the first step toward Government ownership would be induced to do the best they could to make a success of the present operation rather than to destroy it?

Mr. CUMMINS. Inasmuch as the plan known as the Plumb plan has been mentioned, it ought to be remarked that the Plumb plan is not Government operation; it is Government ownership. But there is nothing in common between what we know as Government ownership and operation and the Plumb plan except in ownership of the property by the Government. Whatever may be the merit of Government ownership and operation carried on through the ordinary instrumentalities of organized society, I want no one to confound that plan for furnishing transportation to the people of the country and the plan proposed by the men to whom the Senator from Montana [Mr. WALSH] has referred. The plan to which he has referred is the operation of the properties through a class and not through the instrumentalities of the Government.

I repeat that I believe that the Government has had a greater advantage in the last two years than it can ever again have save in time of war for the operation of railroad properties. I am not saying whether it ought to be continued or whether it ought not to be continued, but I am dispelling, if I can, the illusion that the railroads of this country have been operated during the last two years under great disadvantages. They have not. They have been operated under great advantages.

Mr. WILLIAMS. May I ask the Senator a question right there? Does he not think about 50 per cent of the railroads were saved from bankruptcy or insolvency by the coming on of the war?

Mr. CUMMINS. No; I do not. I think that if the revenues of the railroad companies had not been increased as the prices of materials and wages rose, all of them would have been in bankruptcy, but I assume that the revenues would have been increased with the railroads in the hands of the private corporations so far as necessary just as they have been increased with the railroads in the hands of the Government.

Mr. WILLIAMS. I am asking about the status before the war. What was the proportion of railroads before the war broke out—and when I say that I do not mean before we went into the war, but before the European war broke out—which were earning less than 3 per cent?

Mr. CUMMINS. Possibly 20 per cent; not more than that.

Mr. WILLIAMS. Then 20 per cent of them were menaced with insolvency?

Mr. CUMMINS. Yes. Twenty per cent of them will always be in bankruptcy until we change our method of rate regulation, as I shall show before I have finished my explanation of the bill.

Mr. WILLIAMS. I want to say, coming from myself, that I am of the opinion that if the war in Europe had not occurred a majority of the railroads in the United States would have been in the hands of receivers right now.

Mr. CUMMINS. It is pretty difficult to tell what would have been if something had not happened that did happen. But I assert, or at least it is my judgment, that a very small part of the railroads of the country would have been in bankruptcy or in the hands of receivers under the conditions named by the Senator from Mississippi.

Another thing that the Government had which it can not again have save in time of war is this: It had a spirit on the part of the people to endure and submit to all kinds of inconveniences simply because they were patriotic and did not want to protest against some of the shortcomings of the Railroad Administration. You will not experience that if you institute Government ownership in times of peace.

I can not but think that all these things taken together must convince anyone that the Government has had a fair and reasonable opportunity to test the economy and the efficiency of Government operation. I do not intend to institute a comparison now between the years before and these two years, but I want it done, if it is done, upon the assumption that the Government has had a fair chance.

Mr. NORRIS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Does not the Senator think that if protests had been made, which he says for patriotic reasons were not made, it would have improved the control of the railroads? If something was wrong and some one had protested against it or called attention to it, it probably would have brought about a remedy.

Mr. CUMMINS. If a remedy were possible, I think it might.

Mr. NORRIS. If a remedy were not possible, then we would assume there would be no complaint made, but I understand the Senator to say the Government had the advantage, due to the fact that people for patriotic reasons refused to complain when things were wrong.

Mr. CUMMINS. That is my judgment.

Mr. NORRIS. It seems to me that would have the opposite effect from what the Senator thinks it did have. If men complain when something is wrong, it has a tendency to right the wrong.

Mr. CUMMINS. If I may be permitted the remark, it seems to me the Senator is rather hypercritical. There are some protests which do bring about reform and remedy. There are other protests which do not. In a broad, big way the people of the country were willing to submit to inconveniences during the war which they will not submit to during times of peace—shortage of cars, failure in the transportation of coal or of grain. The people would submit to things in time of war without rebellion that they would insist upon having remedied in time of peace. To be remedied required additional expenditures

of money, additional motive power, additional cars, and additional facilities of all kinds.

Mr. NORRIS. May I ask the Senator a question there?

Mr. CUMMINS. Certainly.

Mr. NORRIS. A shortage of cars does not necessarily come about because there are not enough cars. Shortage of cars might come about because the person who had charge was not properly distributing what he had. A complaint in that case would bring about a remedy, whereas for patriotic reasons, as the Senator says, persons might submit and make no complaint and thus help to make the management inefficient.

Mr. CUMMINS. Of course, if the Senator from Nebraska really believes that there was serious inefficiency in the operation of our railroads and attributes that to the character of the organization, nothing that I could say would remove that impression from his mind. I am of the opinion that while the organization was not perfect, I would not give that much power to any man if I could help it. I protested against the extent of power at the time the bill was passed, but no one could assert successfully, I think, that in a given time the possession of that power contributed to inefficiency. On the contrary, I think it contributed to a certain efficiency in securing the largest volume of transportation possible with the facilities at hand.

Now, Mr. President, I want to answer the question propounded, I think, by the Senator from Montana [Mr. WALSH] or the Senator from Colorado [Mr. THOMAS]. Notwithstanding these advantages which I have enumerated, and which have greater or less weight in determining the comparison, and with practically the same volume of business, rates have been raised yielding additional revenues \$200,000,000 in excess of the increase of wages for a like number of men, and still the loss for two years is from \$650,000,000 to \$750,000,000. I emphasize, the same number of men.

That brings me to comment upon the suggestion of the Senator from Colorado [Mr. THOMAS]. The administration has increased the number of men employed to render the same service—that is, to move a like volume of traffic—194,000. I want to refer to the figures in order to be sure that I am right, because it is a somewhat startling statement.

Mr. KELLOGG. I think the number of the increase is 190,500.

Mr. CUMMINS. My recollection was that it was 194,000; that is, in July, 1919, there were 194,000 more men employed rendering transportation service in the United States than were employed by the railroad companies in December, 1917. I am not just now questioning the propriety or the wisdom of that; but in some way or other, mainly by shortening hours of service—and we might as well look the matter squarely in the face—the number of men required to serve the people of the country in transportation has been increased by 190,000 or 194,000 men.

The rates have been increased so that in 1918, upon practically the same volume of traffic, the gross revenues or operating revenues of the railway companies for the year, if the rates had been in force during the whole year, would have been \$1,100,000,000 more than the gross revenues for the year 1917. The outcome is rather disheartening, rather startling.

Mr. POMERENE. Mr. President—

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. It is true that the so-called eight-hour law was passed, and I favored it then and favor it now. The Senator has stated the increase in the number of men to be 190,000 plus. Is the Senator advised to what extent these men continue to work in excess of eight hours?

Mr. CUMMINS. I am not advised; I do not believe that there is information of that kind at hand, although I presume it could be procured. The Senator from Ohio, of course, is speaking of the overtime?

Mr. POMERENE. Yes.

Mr. CUMMINS. I have not that information. I have the number of hours which have been worked during the years 1918 and 1919; I have also the wages that have been paid. I wish to remark here that I think the complaint with regard to the administration increasing the wages of the railway men is absolutely unfounded. I do not believe the railway men of the United States are now receiving what they ought to receive in comparison with the compensation paid in other employments of the same general character. There have been some absurd adjustments made in reclassifications; but, so far as the general level of the compensation of railway men is concerned, it is not excessive, and I very much doubt whether it is now compensatory in comparison with the cost of commodities which the men must buy in order to sustain life. I want to assert in the strongest possible way that all this furor with regard to an increase of wages, generally speaking, is but vapor; it has no foundation whatever. While some railway men, on account

of mistakes in classification, are receiving a great deal more than they ought to receive, the general average of advance is not to exceed 42 per cent; and if anyone can believe that an advance in a broad, general way of 40 per cent is inordinate, in view of the rising cost of living, he has a strange mind.

Mr. President, I now pass to another question, namely, the return of these properties to their owners and the conditions under which they ought to be returned. You will all agree with me that it is a perfectly idle ceremony to return the railroads to their owners unless they can successfully operate them.

It would be absurd for the Government to restore these properties to the railroad corporations which formerly owned them unless the Government believed at least that those corporations could resume the operation of the railroads and render to the people of the country the service which, of course, must be rendered if our commerce is to be sustained.

One of these conditions is ability to borrow money. No matter what we may think with regard to the wrongs which have been done in the past by the railroad companies—and there is a chapter of misdeeds which is not only very interesting to all of us but which merits and always receives complete and emphatic condemnation—the railroads if they are to be returned must be able to borrow money, because even if the Government carries a billion dollars of their obligations for 10 years, as it must, in my judgment—or some such amount as that—the railroads must borrow another billion dollars, or some such large sum, in the coming year.

The people of this country do not stand still; their business is developing; their commerce is growing; their demand for transportation facilities increases with every week and every month, and, of course, either the railway corporations or the Government must respond to that demand. When the railways are returned and the railway companies seek to borrow money, it must be a voluntary transaction. The men who have money to invest will not contribute it to railroad enterprises unless they are satisfied, first, of the safety of the investment, and, second, of a reasonable return upon the money which they thus contribute. We can not compel men to invest money in railway enterprises, and therefore what we do must be, in our judgment, the thing which will enable the railway corporations, honestly managed, honestly financed, to borrow the money necessary, first, to pay their maturing obligations, and, second, to enlarge the facilities which they now have and which are used for transportation. If we are not willing to do that, it is vastly better not to return the properties at all.

If we return these properties feeling that within the next two months or three months or six months or a year the Government must again take them and resume their operation, it would be infinitely better, cheaper, and more in the interest of all the people not to return them at all. So when you come to consider the terms of this bill I hope you will all bear in mind that the suggestion I have just made is one of the considerations which the committee had constantly in view—a return of the properties to the companies which own them under such conditions as would enable these companies to operate them successfully and, in order to do that, to borrow the money necessary, sometimes for maintenance, but generally for enlargements and additions.

I now approach what I regard as the central thought of the bill.

Mr. NORRIS. Mr. President, before the Senator leaves the subject he has been discussing—

Mr. CUMMINS. I yield to the Senator.

Mr. NORRIS. It may be that the Senator intends to discuss later the question I have in mind; and, if he does, I will not press the question now; but does the bill provide for a method of raising the funds which the railroads are going to need—the billion dollars of which the Senator speaks?

Mr. CUMMINS. It does not; that is, not directly. It does not undertake any obligation upon the part of the Government.

Mr. NORRIS. How are the railroads going to be able to borrow the money?

Mr. CUMMINS. As I remarked, men who have money to invest—and fortunately there are a great many such men in the United States—will invest their money in an enterprise in which the ultimate return of their capital is fairly well assured, and in which the yearly return or interest is fairly adequate.

Mr. NORRIS. Yes; I understand that.

Mr. CUMMINS. That is the only provision in this bill that answers the suggestion of the Senator from Nebraska.

Mr. NORRIS. I was trying to find out whether the bill made any provision that would enable the roads when they were turned back to borrow the money which the Senator says is going to be necessary.

Mr. CUMMINS. I hope so. If it does not, it ought to be rejected.

Mr. NORRIS. Does the Senator intend to discuss that provision of the bill later?

Mr. CUMMINS. I do intend to discuss it.

Mr. NORRIS. Then I will reserve my questions.

Mr. CUMMINS. Mr. President, private operation of railroads can not be continued as a permanent policy unless there is a radical change in our system of regulation. There is but one course which will insure successful private operation. Our Interstate Commerce Commission has been a faithful, intelligent body of men. They have made mistakes now and then, which I have not hesitated to criticize; but, on the whole, I think they have attempted to do their duty as they have seen their duty. It has been, however, utterly impossible for the Interstate Commerce Commission to establish a body of rates in the United States that would enable the railway systems of the Nation to maintain themselves. It has been utterly impossible for any body of men to make a system of rates that will sustain the weaker railroads of the country without giving to the stronger railroads an income excessive and intolerable in its extent; and there lies the great, fundamental obstacle in our system of rate making. The Interstate Commerce Commission can no more give to each railway of the United States the return to which it is fairly entitled than it can annihilate distance or overcome any other law of nature; and for that reason, when the Government took possession of the railroads, some of the railroads were earning enormous and excessive incomes, while other railroads were struggling against adversity, and utterly incapable of rendering to their communities the service to which those communities were fairly entitled; and it was obvious, I think, to the students of the subject, long before the Government took possession, that we must adopt some plan that would remove this inherent, fundamental difficulty.

I give some instances. I take now the test period for the basis of my observations. The test period, as you all know, was the three years before the 1st of July, 1917; and I must necessarily accept the investment account as another of the bases. The property investment account of the various railroads is an account kept since 1907 under the supervision of the Interstate Commerce Commission, and before that without any supervision, but which is supposed to reflect the actual investment in money in the railway properties. The investment account is grossly, flagrantly wrong in many cases, as we all know. It has been so declared by the Interstate Commerce Commission in many of its decisions; but it is the only thing that for the purpose of this comparison I can assume, and it is the assumption which was accepted in the act of 1918.

Upon the basis of the investment account the average annual net operating income of the New York Central road during the three years was 6.09 per cent; of the Pennsylvania Co., 6.26 per cent. Now, get this straight, because I do not want to be misunderstood or misquoted hereafter. This is not upon capitalization, this is upon investment account, and is supposed to represent the entire investment, and in many cases represents a great deal more than the investment. Upon this basis the average annual net operating income of the Pennsylvania Railroad during the three years was 5.36 per cent; Delaware, Lackawanna & Western, 7.54; Erie, 3.56; Baltimore & Ohio, 4.67; Chicago, Burlington & Quincy, 7.02; Chicago & North Western, 6.13; Missouri Pacific, 4.43; Union Pacific, 6.72; Southern Pacific, 4.99; Northern Pacific, 6.27; Great Northern, 6.70; Atchison, Topeka & Santa Fe, 6.16; Chicago, Milwaukee & St. Paul, 4.71; Chicago, Rock Island & Pacific, 4.72; Chicago & Great Western, 1.77; Chicago & Alton, 2.64; Western Pacific, 2.28; Colorado Southern, 3.04; Missouri, Kansas & Texas, 2.81; Texas Pacific, 3.76; Wabash, 2.91; Western Maryland, 2.58; New York, New Haven & Hartford, 5.96; Boston & Maine, 4.80; Cincinnati, Hamilton & Dayton, 1.95; Atlantic Coast Line, 5.76; Seaboard Air Line, 3.68; Southern Railway, 4.12; Louisville & Nashville, 6.32; Illinois Central, 5.48.

In their respective territories these roads are competitive, and must carry traffic at the same rates.

Mr. NORRIS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Can the Senator give us any information as to how much this investment account is exaggerated or padded? And let me ask another question in connection with that one. Are there any instances where the investment account is smaller than the facts would warrant?

Mr. CUMMINS. That depends entirely upon one's idea of the basis which should prevail in valuing property. I think there are a great many instances in which the investment accounts are larger than any possible value that could be attributed to the property. I think there are other instances in

which, if the courts adopt the rule which has been announced by the Interstate Commerce Commission governing the value of property, the investment account would be found to be very much less than the value of the property.

Mr. NORRIS. I am not asking for a comparison between the investment account and the value of the property. The investment account, as I understand, is supposed to represent the actual money invested in the property. The question I ask the Senator is this: He said himself that a great many of these investment accounts were entirely too large. Can the Senator give us any idea as to the extent to which they have been made too large, and is there any case where the investment account is too small? I do not mean as compared with the value of the property; but are there any cases now where the investment account is less than the money actually invested in the property?

Mr. CUMMINS. Mr. President, I, of course, have not examined the investment accounts of the various railroads, and I would not have any opportunity to know; but I have the general impression, resulting from reading the opinions of the Interstate Commerce Commission, that there are a great many instances in which the investment account is larger than the actual investment in money. I do not believe that there is any instance in which the investment account is smaller than the actual investment in money, although I am not speaking with knowledge upon that subject.

Mr. KELLOGG. Mr. President—

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I will say to the Senator from Nebraska that there are some cases where the property has been charged down upon the books to a point less than the actual cash invested in the property.

Mr. NORRIS. The Senator is speaking now of the value of the property.

Mr. KELLOGG. Oh, no; less than the actual cash invested in the property.

Mr. NORRIS. Yes; but what is it that is less than the actual cash invested in the property?

Mr. KELLOGG. The present property investment account on the books of the company.

Mr. NORRIS. If you are keeping an investment account, which would necessarily be the same as the value of the property, whether it was up or down, I can not conceive how, if they honestly keep it, it would not be exactly correct, because, of course, every time any money was put into the property it would be added to the investment account.

Mr. CUMMINS. I do not know that this is an actual case, for I have not examined that phase of it, but I can easily see how it might be. Suppose there was a foreclosure of a mortgage, and a property on which there had been expended two millions of dollars was bid in, we will say, for a million dollars. The company which bought it in, if it were to follow the rules of the Interstate Commerce Commission, would start out its investment account with \$1,000,000.

Mr. NORRIS. Well, that would be the only right way to do, would it not? If they had only invested a million dollars, although the property might be worth ten millions, the investment account should only show the investment of a million dollars.

Mr. CUMMINS. Of course, it ought to show the investment of that owner in the property.

Mr. NORRIS. Yes.

Mr. CUMMINS. That is quite right.

Mr. NORRIS. They would have no right to take advantage of what the investment account of the preceding owner had been.

Mr. CUMMINS. But that might be very much less than the money which had formerly been expended in creating the property.

Mr. NORRIS. Oh, yes.

Mr. STANLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. CUMMINS. I do.

Mr. STANLEY. How does the total investment account compare with the total capitalization of the companies?

Mr. CUMMINS. The total investment account is about \$19,000,000,000, or possibly a little bit less than that. It is between eighteen billions and nineteen billions. The total capitalization, excluding what the Interstate Commerce Commission calls duplicate or intercorporate holdings, is about \$18,600,000,000. So, in a broad way, I take it the investment account is something like a billion dollars more than the par of the stocks and bonds in the hands of the public.

But, Mr. President, I did not refer to these several railroads for the purpose of entering into an inquiry as to the correctness or otherwise of the investment accounts.

Mr. STANLEY. Mr. President, one other question. Are we to infer from what the Senator has said that the capitalization of these several roads represents about their actual value?

Mr. CUMMINS. I will not venture an opinion upon the actual value of the railway property. That is a subject upon which there are as many different opinions, almost, as there are men, and especially as there are lawyers. It depends entirely upon the elements which you consider in reaching values.

Mr. President, I brought these figures last mentioned to the attention of the Senate, not for the purpose of an inquiry into the accuracy of the bookkeeping of the railroads or of the commission; I do not affirm that either is accurate; but I do affirm, and these figures show it, that there is a very great disparity in the earning power of these several railroads, and I have mentioned the principal railways of the United States.

It is manifest that all these railroads can not live without giving to the stronger of them the advantage of rates which will yield an excessive, indefensible income. I will take, for instance, the Erie in the East, and I will take the Chicago & Great Western in the West. The Chicago & Great Western earned in the test period, I think, 1.7 per cent upon its investment account. It can not live upon it. It can not pay the interest upon its bonds, and it can add nothing to its property in the way of development. What will you do with that railroad? It must continue to serve the people of the community through which it passes. It would be a catastrophe, a calamity, not only locally but nationally, if the road were to be dismantled and abandoned.

What will you do with the Erie, which earned scarcely more upon its investment account? The Pennsylvania can survive, the New York Central can survive, the Delaware & Lackawanna can survive. But what will you do with these roads—and there are a great many of them? I have simply given you instances. What will you do with them in any plan for the return of these properties to their owners?

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator contend that the investment account is the proper account upon which the dividends must be earned?

Mr. CUMMINS. I have said it was not.

Mr. NORRIS. The Senator is just giving an illustration to show that the roads he has enumerated can not live when they can not make more on their investment accounts.

Mr. CUMMINS. I did not wish to be so understood. I used the investment account as simply a basis of comparison.

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

Mr. CUMMINS. I must answer the interrogatory of the Senator from Nebraska. I do not allege that these are the values of their properties, but they afford a fair basis of comparison. No matter how you might reconstruct the investment account, you can not make the Chicago & Great Western Co. pay upon the rates which now prevail a fair return upon the value of its property.

Mr. NORRIS. That might be.

Mr. CUMMINS. That is what I am asserting.

Mr. NORRIS. The Senator has not been making his basis the value of the property.

Mr. CUMMINS. I must take some basis.

Mr. NORRIS. But the Senator is taking a basis that he himself admits is not fair.

Mr. CUMMINS. What basis would the Senator from Nebraska suggest?

Mr. NORRIS. I would suggest that if you took a farmer who had lived on a farm for 25 years and gave him a return upon his investment account you would have to double and treble everything that he has to sell. If you applied it to any other man's business, it would not work. It ought to be the same with the railroad. If you will keep on long enough and charge off enough and keep on adding to the investment account, which you will as long as you operate it, you will get it up finally so high that it would be an absolute impossibility for any railroad to live or any business man to live and do business.

Mr. CUMMINS. Mr. President, I am not controverting that statement. The Senator from Nebraska refuses, apparently, to consider the point I am trying to make. I do not care what basis you take. I know enough about these properties to know that there is very great disparity in their earning power and

that is the only point I am trying to make; and the Senator from Nebraska can not divert me from that conclusion by suggesting that the investment account is not the proper basis. I do not care what the proper basis is. He may take the capitalization, or he may take any form of valuation which he desires, the disparity will be just the same, and either one property is going to get a great deal more than it ought to have or another property will get a great deal less than it ought to have, and that is the conclusion to which I am coming.

Mr. NORRIS. I do not want the Senator to put me in a wrong light. I have not contended, and do not contend, that there is not this great disparity. I admit it all. But, on the other hand, the Senator is trying to show, it seems to me, that these roads can not live because they are not making enough on their investment accounts, which I do not believe is good logic.

Mr. CUMMINS. No; the Senator must know that is not what I have been attempting to establish, if he has paid the least heed to my argument. I am trying to show that there is such a disparity in the conditions under which these roads render their service that either we must give some road a great deal more than it is entitled to get or another road a great deal less than it should have. That is the point I am trying to make.

Mr. NORRIS. If the Senator will read his remarks in the RECORD he will find that he has said that these roads that he has mentioned can not live because they can not live on the per cent they are making on their investment accounts.

Mr. CUMMINS. No; I took the property investment account simply in order to furnish a basis for comparison, that is all, saying at the same time that the investment account was not an accurate standard of the value of the property. No one has contended that oftener or more emphatically than I have, and I do not intend to allow the Senator from Nebraska to disparage the argument that I am attempting to make by any such construction upon it.

I repeat, Mr. President, that this table is given just to show the disparity between the earning capacity of these several properties, and they constitute the chief railway properties of the United States; and that if we put a body of rates in effect in any competitive territory, rates which will enable the stronger of the roads to live and earn a sufficient income, no matter what the value of their property may be, and only that, the weaker roads must be abandoned; they can not be sustained; and it was in view of that conclusion that I said originally that the central thought, the underlying purpose, of this bill is to bring about a reorganization of our railroads, so that upon a given body of rates in competitive territory the earnings of the several systems of railroads would be substantially the same, measuring those returns by the values of the properties which are involved. It makes no difference what may be the values involved, the result is just the same. If the railroads of this country were not worth \$100, my argument would be just as it is now. My argument is not at all concerned with the values of these properties, but I had to take some basis in order to demonstrate that the earning power of the various roads under a given body of rates was so various that we must find some plan of making the several systems of transportation earn substantially the same with relation to the value of the properties in those systems; in order to at once be fair and just to the public and provide a fair return upon the value of the properties which rendered the service.

Mr. FRELINGHUYSEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I yield to the Senator.

Mr. FRELINGHUYSEN. Is it not true that the only basis of valuation that can be established for a fixed rate of return is through the property investment account until the actual value is ascertained by the physical valuation of the railroads by the Interstate Commerce Commission?

Mr. CUMMINS. I am not ready, Mr. President, to concede that. I think that in every instance in which it becomes necessary for the Interstate Commerce Commission to ascertain the value of a railroad it must take into account the history of the property investment account.

The Interstate Commerce Commission knows already, in a general way, how these investment accounts have been created or how they have been built up. They know that, and I think the Interstate Commerce Commission, in valuing a property, should take into account those elements of value which the law recognizes for rate-making purposes, because that is, after all, the only material thing that the Interstate Commerce Commission has to consider with reference to values. I could not agree that it should accept the investment account without careful review.

Mr. FRELINGHUYSEN. Then the Senator thinks the Interstate Commerce Commission can readjust that account according to the provisions of the law under which it is governed?

Mr. CUMMINS. There is no provision of the law with regard to investment accounts.

Mr. FRELINGHUYSEN. There is not?

Mr. CUMMINS. Not that I know of.

Mr. FRELINGHUYSEN. I thought there was such a provision.

Mr. CUMMINS. Possibly some one will correct me if I am wrong about that; but, as I remember it, the investment account is purely a creature of a rule or order of the Interstate Commerce Commission. Up to 1907 the railroad companies kept their investment accounts just as they pleased, and they were grossly exaggerated in many instances. For instance, if a company entered into a contract to build a road, or a part of a road, it would issue to the contractor the stocks and bonds of the particular venture in compensation for the construction of the track or road; no matter whether the bonds and stocks were worth 20 cents on the dollar, or whether more than that was received for them, there would be charged up to the property investment account the par value of these stocks and bonds. It might be twice as much as actually went into the property or was put into the property by the contractor. In fact, the work that the Interstate Commerce Commission has already done in the valuation of the Kansas City Southern and one or two other roads in that vicinity has disclosed that it was in this way that the investment account, prior to 1907, was brought into existence.

In that year the Interstate Commerce Commission issued orders or rules for the keeping of the property investment account, and since that time I believe that the account fairly represents the money which has been expended in the improvements and the additions to these various properties.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I sympathize, in part at least, with the view expressed by the Senator that the condition of the poor roads should excite the commiseration and sympathy of Congress; but it seems to me, while not expressing any definite view, the vice of the bill which we are now considering, and the fallacy of the position of the Senator, the chairman of the committee, rest in this fact: Primarily Congress is not concerned in the success or failure of any enterprise. It is not the duty of Congress, if I make an improper investment in the construction of a ship which soon becomes obsolete and can not compete with the better class of ships, to establish rates by which my poor investment shall be converted into a profitable one. That is a paternalism which I think is not warranted.

Mr. CUMMINS. May I interrupt the Senator?

Mr. KING. This is not a question, and I apologize to the Senator.

Mr. CUMMINS. I agree perfectly with the statements which the Senator from Utah has just made. There is no parallel, however, between the instance he names and the railroad system of the United States. But I hope that he will not advance me to that particular subject until I reach it in the regular order.

Mr. KING. I apologize for anticipating, but I did want to state to the Senator that it does seem to me we ought not to be so much concerned as to whether some of these so-called poor roads live or not. They are going to live. They may have to be reorganized down to a value upon which they can render service that will make returns.

Mr. CUMMINS. I know, and I am going to discuss that phase of the railroad problem. I am looking at this, and the committee has looked at it, from the national standpoint. It has considered that every part of the country is interested in the transportation of every other part, and I myself would as soon think of charging half a cent for taking a letter from New York to Brooklyn and 15 cents for carrying a letter from New York to Salt Lake City as I would the abolition of our great national system of transportation. You must view it from that standpoint if you are to accomplish the general welfare.

[At this point Mr. CUMMINS ended his speech for the day.]

Wednesday, December 3, 1919.

Mr. CUMMINS. Mr. President, reviewing my observations made yesterday, I find that upon two or three matters I was not as complete as I intended to be, and I shall call attention to those matters this afternoon.

The senior Senator from Minnesota [Mr. NELSON] propounded a very material question with regard to the security which the United States will have for the repayment to it

of the sums advanced during the last two years for additions, betterments, and other purposes, and suggested that there ought to be a provision in the bill for a lien upon the railway property.

I did not have at hand, when the Senator asked the question, the Federal-control act which gave the President authority to make those advances. Inasmuch as I desire the RECORD to be as full and accurate as possible, I now take the liberty of presenting the legislation under which the indebtedness was created. It is found in section 6 of the Federal-control act and is as follows:

SEC. 6. That the sum of \$500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and to be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed by any carrier by reason of any such additions, betterments, or road extensions so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section 3 hereof.

It will be observed that there is no provision made in this section for a lien upon the property of the carrier.

It is under that authority that the United States has created the obligations which the carriers must now discharge.

I referred yesterday to the fact that the present bill provided only that the President for these advances, or such parts of them as were not to be instantly paid, should take the first-mortgage bonds of the carriers in so far as practicable; and if such bonds were not available, then such evidences of indebtedness as the President might determine. Whether the United States can now declare that these advances shall constitute a lien upon the property of the railroad companies is a matter of very grave doubt. I am inclined to think that it could not by this legislation impose upon the railroad companies involuntarily a lien for the sums which the carriers now owe the Government. Undoubtedly the Government could say to the railroad companies that these sums must be instantly paid, and in default of that payment it could proceed in the usual and ordinary way for the enforcement of an indebtedness. As, however, I attempted to point out on yesterday, it is utterly impossible for the carriers to pay the sums which have been advanced and which are properly chargeable to capital account. The return of the property or properties to the carriers with any condition of that kind would be a useless ceremony. It would result in the very rapid failure upon the part of the carriers to perform their duties to the public and would result in foreclosures everywhere.

I make this explanation because I think all the members of the committee are very anxious to take every precaution that can be properly taken to make certain the repayment to the Government. I have been so much impressed with the suggestion of the senior Senator from Minnesota [Mr. NELSON] that I hope during the progress of the consideration of the bill to submit that question again to the committee and to take its view upon the practicability of increasing the security that may be demanded from the railway companies.

Mr. KELLOGG. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. It might be suggested here that as the Government could not make this a lien ahead of the present liens upon the property the Government always has a remedy by bringing suit against the road and enforcing judgment by receivership, just the same remedy as it would have if it had a lien created by Congress, provided Congress could create such a lien.

Mr. CUMMINS. Precisely. I presume, however, that this is an unsecured indebtedness, and while upon default in its payment a judgment creditor could obtain the appointment of a receiver that would be a very inadequate remedy, and the one that the committee has proposed will be infinitely preferable, in my judgment, to that course.

I was asked yesterday also with regard to the number of employees in addition to those regularly employed while the properties were still in the hands of their owners and also with regard to the advance which had been made in compensation. I think the junior Senator from Minnesota [Mr. KELLOGG] answered yesterday correctly with regard to the addition in the number of the employees, but inasmuch as it is quite an important item I desire to read from a report made by the Railroad Administration, which is dated November 14, 1919, but which did not come into the hands of the Senate until the 18th day of November:

The number of employees of all kinds upon the railways of the United States—

Class 1 railroads I am speaking of alone—
in December, 1917, was 1,703,748. The number of employees on the same roads in July, 1919, was 1,894,287—

An increase in number of 190,539. It required in the month of July, 1919, 190,539 more men to operate the properties than were found necessary in December, 1917.

I suggested yesterday that the increase in the compensation of railway workers, while generally thought to have been very great and excessive, is in fact quite below the increase in compensation in other occupations of a similar character. I mentioned that the increase was a little above 40 per cent. Inasmuch, however, as that may be misunderstood, I desire again to quote from the report made by the Director General of Railroads upon this subject.

According to that report—and I accept it as accurate—the increase in the unit of compensation of all employees between December, 1917, and July, 1919, was 53 per cent.

Now mark the difference between the percentage of increase in the unit of compensation and the percentage of increase in the actual compensation for a month's labor. I repeat that, according to the report, the per cent of increase in the unit of compensation between these two periods was 53; but when we turn to the table which shows the average percentage of increase in monthly compensation, quite a different outcome is observed, for, compared in that way, this is the result: Percentage of increase to July, 1919, over December, 1917, 32.9; monthly average for the whole calendar year of 1917, the increase—bringing in again the compensation prevalent in July, 1919—was 42.7 per cent.

It was that percentage I had in mind when I made the statement which I did make yesterday; but, whether the one basis or the other be taken as the proper one to measure the practical increase in compensation, no one can assert that there has been added to the pay of the railway men an excessive sum when the cost of living is considered.

We all understand that the cost of living, the cost of commodities which must be bought with the compensation which the railway men receive, has increased somewhere from 80 to 100 per cent, and I for one have the utmost sympathy with the demand which is now being made by the railway men for an additional increase in their compensation, for the instances that people ordinarily relate when they are discussing this subject are the instances of inordinate increase, and there are a great many of these increases which have come about by a false classification but which do not as a whole affect the general body of the railroad operatives.

I regret that the Senator from Nebraska [Mr. NORRIS] is not present.

Mr. KELLOGG. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I think, if the Senator will consult the only tables which I know to be complete—those published by the Bureau of Economics in Boston—he will find that the increase in the cost of living from 1915 to 1919 is about 73 per cent and the increase in wages is about the same.

Mr. CUMMINS. I think that is true. I mentioned the increase in the cost of living, in a general way, as from 80 to 100 per cent. Some commodities have increased more than 100 per cent, some less than 80 per cent; but I have no doubt the average is substantially as stated by the Senator from Minnesota.

Mr. HITCHCOCK. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Am I correct in the understanding I have that the percentage of increase quoted by the Senator in the pay of railway men was from July, 1917, to December—

Mr. CUMMINS. From December, 1917, to July, 1919.

Mr. HITCHCOCK. So that the Senator from Iowa does not go back to the period mentioned by the Senator from Minnesota, namely, 1915?

Mr. CUMMINS. No; that is correct.

Mr. HITCHCOCK. There was some increase from 1915 to 1917.

Mr. KELLOGG. A very great increase.

Mr. CUMMINS. There had been an increase in wages before December, 1917. I think the increase occurred in 1917, probably.

Mr. KELLOGG. The increase in wages from 1915 to 1919 is seventy-two and a fraction per cent, and the increase in the cost of living is 73 per cent. The Senator stated correctly the increase of wages from December, 1917, until July, 1919, which was 42.7 per cent. During that time, however, the cost of living had not gone up quite that amount.

Mr. CUMMINS. The whole purpose of these suggestions is to show that the increases in wages that have been allowed by the Railroad Administration are not to be criticized. They are, I think, fairly within the general policy of all employers throughout the country.

Mr. HITCHCOCK. Will the Senator explain what is the significance of the figures he gives which indicate that the increase in the unit of compensation has been greater than the increase in the monthly compensation?

Mr. CUMMINS. The significance of those figures lies in this, that the men are working fewer hours than they did. That is obvious, and accounts in part for the additional number of employees now necessary to operate the properties. The unit of compensation is the hour, generally speaking, and the increase in that unit has been 53 per cent; but the increase in the actual compensation received by the employee for his monthly work—in other words, the number of dollars that he earned during the month—has only been increased 42 per cent.

Mr. HITCHCOCK. The increase in the cost of the labor to the Government, then, has been 53 per cent?

Mr. CUMMINS. The increase to the Government has been 53 per cent, but that does not represent that degree of increase in the purchasing power of the month's work on the part of the employee.

Mr. President, yesterday at the very close of the explanation I was attempting to make of the bill I was discussing the disparity in the earning power of the several railroads of the country. I had taken the property investment account kept by the railroad companies as a basis for the computation of that disparity. I had shown that upon that basis the degree of difference in earning power was so great that it is wholly impossible to give to each railroad company the right to earn a fair return upon its value, whatever that value may be, and maintain the weaker properties, because it is utterly impossible for the weaker properties to enjoy any higher rates than are given to the stronger railroads. In so far as they are competitive they must carry on their business upon uniform charges for transportation between competitive points.

The Senator from Nebraska [Mr. NORRIS] understood me in some way or other to affirm or suggest that the property investment account was a proper measure of the value of these several properties, and I do not wonder that he at once challenged that conclusion, understanding it as he did; but I feel that this afternoon, in the very first instance, I must make that perfectly clear. I used the property investment account solely as a basis for a discussion upon the disparity or difference in the earning power of the several railroads. I am just as much at war with the property investment accounts of the several railroads as criteria or standards of the value of those properties as the Senator from Nebraska can possibly be; but I had to take some basis for the computation, and my conclusions are just as certain if any other basis be taken. I care not what basis be taken for the ascertainment of the value of the properties, unless it be the basis of mere capitalization of the earnings from year to year, and I assume that no one would contend that that was or is a fair basis. However, it would answer my purpose just as well if I did take that so far as future investments are concerned.

This bill, however, does not attempt to deal with the value of railroad properties. It does not do it, first, because it is not a legislative question. It is no more possible, legally, constitutionally speaking, for the Congress of the United States to determine what the railroad property of the United States is worth than it would be to determine what a man's farm is worth which it desired to take for a public purpose. Not only so, but it is constitutionally unable even to declare what elements shall be considered by an assessing or a judicial board in reaching a conclusion as to the value of property. For these reasons the bill does not venture upon that domain. It com-

mits that whole problem to the only jurisdiction which under our Constitution can consider it; but in showing to the Senate that our former system of regulation had entirely failed, that it was fatally defective, I attempted to apply the earnings of a score of railroads to the property investment account simply to demonstrate that these railroads could not survive unless our system is radically changed.

I turn now to the Senator from Utah [Mr. KING] as one who has studied this subject, and studied it deeply. I think I understand his general viewpoint. He is not in favor, I assume from some observations I have heard fall from him, of Government ownership and operation. He is very much opposed to that policy in transportation; and, if I correctly understood him yesterday, he seemed to think that a railroad which under a given body of rates could not earn enough to maintain itself should either be abandoned or its value should be reduced to a point which would enable its earnings to reward the capital which was represented in the value.

Mr. President, I want the Senator from Utah to reflect upon that proposition. I do not say that there is not a form in which the Government of the United States can in substance confiscate railway property, although I doubt whether under our Constitution that result can be accomplished even in the way inferentially suggested by the Senator from Utah, and I will tell him why.

According to the decisions of the Supreme Court of the United States, and according to the views of every other tribunal in all the world of which I have ever heard, they have this general idea with regard to the regulation of public utilities: That is to say, if a public utility is fairly constructed, if it is properly and efficiently managed, it has a right under the Constitution to earn a fair return upon the investment, upon the value of the property which renders the services—not upon the value of the property as determined by a capitalization of its earnings under a given body of rates—but it has a constitutional right to earn, as against regulation, a fair return upon the value of the property—that is, its investment—if it has been honestly constructed and is efficiently operated. The Supreme Court of the United States has declared that doctrine over and over again. It is idle for us to attempt, even if we were to desire to attempt, to escape the principle which the courts have laid down. It is a just principle; it is fair and honest; and I for one do not desire to escape it.

In such a case, in the case of a railroad that is earning, we will say, 1 per cent upon that fair investment under honest management, why is it not earning more than 1 per cent? It is not earning more than 1 per cent for two reasons: First, our regulating tribunals have determined the rates upon which it shall do business. We have interfered with its liberty in the transaction of its business to that extent; but if we have not interfered directly we have attached those rates to some competitor which can do business upon, we will assume, the body of rates which I have premised, and that renders the unfortunately situated property incapable of earning more. Now, I believe that any such system is not only unfair but it is unconstitutional as well.

The only escape from it, and that is one which no Senator ought to contemplate for a single moment in the case of a railroad, is to allow the fortunate railroad to charge so high a rate that the disadvantageously situated rival can earn a sufficient income to pay a fair return upon the investment which has been honestly made and upon a property which is efficiently operated; and that is where we will come finally if we do not adopt the policy which this bill proposes. We will come to the point where the Interstate Commerce Commission will be compelled to attach rates or approve rates for such great properties as the New York Central, the Pennsylvania, the Atchison, Topeka & Santa Fe, the Chicago, Burlington & Quincy, the Chicago & North Western, and the Great Northern that will be high enough to enable the same rates to yield a moderate, fair return upon the investment in the properties which are not so advantageously and fortunately situated. We will be compelled to do it simply because we must maintain these systems of transportation. The great general public has a right to ask of its Government such a system of regulation as will give to each community the transportation upon which its life, its growth, its development depends.

That is my view of the justice of the matter; I do not mean the justice of the last suggestion I made, because I sincerely hope we will never be driven to the extremity of raising the rates upon the great railroads which do a profitable business so high as that their less fortunately circumstanced competitors can live. We will never be compelled to do that if we are fairly intelligent in our system of regulation.

Mr. KING. Mr. President—

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

Mr. CUMMINS. I yield.

Mr. KING. In order to present, so far as a concrete illustration can, some of the things that are running through my mind, I would like to suggest to the Senator a matter that came under my observation a number of years ago.

The Rocky Mountain Bell Telephone Co. was serving a number of States, and serving them well. Some men without any very great amount of capital conceived the idea of invading that district and establishing another telephone system covering a portion of one State, if not extending into another State.

They had two things in view. First, that the Rocky Mountain Bell Telephone Co.'s rates were too high; second, that they would penetrate certain fields into which the first company had not entered, and that they would be able to earn sufficient to justify the investment. They constructed their system. Soon after it began to operate they discovered that with the rates that were prevailing it was absolutely impossible for them to compete with the other telephone company, and they asked the municipalities in which they had obtained franchises to permit them to increase the rates above existing rates. In one or two instances, as I recall, that was permitted; but in the end the corporation failed, and it was bid in, when it was sold at auction, as I recall, by its competitor.

I can not conceive of any theory of justice which would warrant the Government getting behind that company and advancing the rates of the Rocky Mountain Bell Telephone Co., which was satisfied with existing rates, to a higher level, in order to permit this other company to make a moderate income upon the investment.

I have a railroad corporation in mind that parallels the illustration which I have just given.

Mr. CUMMINS. And I have no doubt I have in mind the same railroad, or at least I think I could name it. I assume the Senator means the Western Pacific?

Mr. KING. Yes.

Mr. CUMMINS. Mr. President, I fully concur in the conclusion just stated by the Senator from Utah [Mr. KING], and this bill proceeds upon that principle. This bill gives to the Government the right to declare an abandonment of any particular railroad. If it has been built without necessity, and if it is carried on without a fairly good reason for its maintenance, it ought to be abandoned, it ought to be suspended as a railroad, and its property ought to be sold for whatever it is worth.

Mark you, I am speaking only of those roads which the good of the communities through which they run requires shall be sustained, and there are 75,000 miles, possibly 100,000 miles, of main-track railroad in the United States that can not be maintained upon the rates which will maintain the more than 160,000 miles which remain.

What will you do with our railroad system? Some of the views seem to be that every road which does not, under the existing situation, earn a revenue that will maintain it should be abandoned. If you were to do that, you would provoke a rebellion in the United States compared with which any unrest that we now observe would be but a zephyr as compared with a Kansas cyclone.

I undertake to say that it will never be attempted. I am sure that we will maintain the roads substantially as they are. Here and there there will be a road that ought to be abandoned, of course, and that will be abandoned under the policy of this bill. But in the main the 260,000 miles of railway which now serve the people of the United States will be maintained, and they can only be maintained, in my judgment, in private ownership and operation through the policy adopted in this bill.

I am willing to take up the instance of the Western Pacific. The Western Pacific road is one which was recently built, not very many years ago, from Salt Lake to San Francisco, and throughout a large part of its length or course it parallels the Union Pacific road. In my judgment it never ought to have been built, at least as it was built. It never ought to have been built as a competitor, in that sense. There may be communities upon this road which locally it serves well and serves efficiently. But as a competing line it never had an opportunity to live.

If I may be allowed the suggestion, which has no weight whatever, because my judgment will not prevail in the end in this matter, in my opinion a large part of the Western Pacific ought to be abandoned. There are probably 600 miles of it that could be used as a subordinate track with the Union Pacific to very good advantage. There are other miles of it that could be used for local purposes. But that is the very thing that we are attempting to do in this bill, to bring the whole railroad system of the United States under intelligent review and

supervision, so that all the properties can be so related to each other that they will render the best possible service at the lowest possible cost.

I come now to my conclusion from all these interesting facts. It seems to me it must be obvious to any thinking man who has studied this subject that there is but one way to meet the problem which is created by the disparity in the earning power of our several railroads. I omitted, however, to complete my reply to the Senator from Utah [Mr. KING], and I shall digress for a moment upon that. Even if it were possible constitutionally to reduce the value of these properties that do not earn, under existing rates, enough to maintain themselves, even if we could do that, and thus deal with investments already made, unjustly I think, but assuming we could do it, these properties can not maintain themselves on the investments already made.

As our country grows and its business develops it will be necessary for the weaker properties to grow as well, if they meet the demands of business; and if they do grow, some one must be willing to invest his money in these enterprises. Even if we could practically confiscate the properties as they now exist, we can not compel those who have money to invest it hereafter in the properties unless they are fairly assured, unless they believe, that in the operation of the properties they will from year to year receive fair interest upon their money. How would the Senator from Utah reach that situation? It can not be reached save through consolidation, and I am going to put that up to him with a good deal of emphasis now. It can be reached through Government ownership, and to that I invite your attention for a moment. I do not mean the merits of Government ownership, but I mean the method through which this problem, heretofore insoluble, must be reached. I repeat, if we ever solve it at all it must be solved through consolidation of the various railroad properties.

We are agreed that we can not raise the rates upon the weaker properties so that they will be self-sustaining, because that would give to the stronger properties, which move 70 per cent of the business of the United States, an income so excessive that it would not be tolerated for a single month. Therefore that solution must be discarded. We can not give to the stronger properties the rates which would return for them no more than a fair interest upon the value of their property and that alone, because that means death to the weaker properties which must compete with them in traffic, and, of course, upon the same terms,*so far as rates are concerned. So we must inquire further. We must find some other way in which we can maintain the general transportation system of the United States and promote the welfare of our people. We must find some other way in which to do it. How can we accomplish it?

You may inquire as you will, you may study it as deeply as you may, but you will finally reach the conclusion that it can only be done through consolidation. There are various kinds of consolidation. The problem can be solved by Government ownership because that is complete consolidation. If the Government owned and operated all the railroads of the United States it would, I take it, establish charges for transportation which would pay the cost of maintenance and operation and the interest upon whatever indebtedness might be created in acquiring the properties. It would then be compelled either to raise the rates and charges or to appropriate from the Treasury, if our past history is to be accepted as a lamp for our guidance in the future, something like a billion dollars a year in order to construct such additions, betterments, and enlargements as the progress and growth of the country would demand.

That is one way in which this problem can be reached, and it is a perfectly logical way in which to reach it, because it then reduces the transportation of the United States to a common level, and the United States becomes responsible for furnishing facilities in every quarter of the country.

That is one of the advantages of Government ownership, and I do not seek to disparage or minimize that advantage. It is one of the advantages which I failed to mention yesterday as accompanying the two years of Government operation. We have had an inexhaustible Treasury upon which to draw, and private management and operation do not have a treasury of that sort upon which to call whenever expenditures are required.

Those of you who are in favor of Government ownership and operation and believe that transportation can be furnished in that way to the people of the United States, full and adequate, more cheaply than it can be furnished through the medium or instrumentality of private corporations, are perfectly logical. I understand you. You would accomplish your purpose, although I think at great and growing cost.

But Senators who shrink from Government ownership and operation and still insist that we should seek no remedy, no solution of the problem which I have pointed out, and which

under our old system is absolutely insoluble, are as illogical as human minds can be. You acknowledge a situation and yet are willing to take no step, adopt no measure to remove its injustice and its inadequacy.

When I say "you," I do not know that there is a man of that kind in the Senate, but I know that there are some outside. I am not going to believe that there is a man in the Senate who will not stand either for Government ownership and operation or for such consolidation of the railroad properties of the United States as will remove the evils, the difficulties, the obstacles which I have pointed out.

As I remarked some time ago, I am not in favor of Government ownership and operation at this time. I look forward, though, with very little optimism so far as private ownership and private operation are concerned. I am going to do my best throughout the discussion of the bill to make private ownership and private operation possible. But if these railway properties can not be restored to their owners under such conditions and with such regulation as in my judgment will make private ownership and operation successful, then I am instantly and from that time forward for Government ownership and operation.

To me it is cowardice of the most striking character for Congress to return these properties to their owners, knowing that they can not successfully operate them. I for one do not shrink from the alternative, and I repeat that if the properties can not be returned to private ownership under such conditions as will make private ownership possible and successful operation possible, then we ought to go, and so far as I am concerned all my influence and power will go, toward Government ownership and operation as the only course which can be pursued with any hope of giving to the people of the country the transportation facilities which they have a right to ask their Government to furnish.

Passing the question of Government ownership and operation, I come to the plan for consolidation, for I am planting myself firmly and immovably upon the principle, if it may be called a principle, of consolidation, for the reasons that I have already stated.

There are two kinds of consolidation which may be pursued in private ownership with continued private operation. The first is complete consolidation of all the railway properties of the United States in one corporation. That is the plan which will be found, if the Senators care to study it, in the bill introduced by the junior Senator from Wisconsin [Mr. LENBOOR]. It has some advantages. There are unquestionably some advantages in complete unification, complete control over all the railroads of the United States as a single transportation facility. I need not point them out. Everyone can recognize that there are some advantages.

The plan adopted by the committee, however, is consolidation into comparatively few systems. The bill provides that they shall be consolidated in not less than 20 nor more than 35 systems. I think it ought to be not less than 16 nor more than 30 or 35 systems, but that probably does not affect the merit of the proposal itself.

It will be for the Senate and the country to determine whether a consolidation into comparatively few systems or a complete consolidation will best serve the welfare of the people of the country. That is the question that you will have to determine before the bill is disposed of.

I am in favor of comparatively few systems for several reasons, and for these reasons I am in favor of it because it will permit the play of competition in service, and although you will regard me as exceedingly heterodox and possibly as unobservant of the history of the past, I say competition in rates also. This suggestion which has gone abroad over the country and which everybody has received and apparently accepted, that there is no competition in rates under the regulation which we have provided, is not well founded.

I am in favor of several systems so related to each other that they can carry traffic for substantially the same cost as compared with the value of their property, because it does permit, it invites, it commands that honorable rivalry in business which in my judgment is the mainspring of success in every enterprise. I am looking toward these advances of socialism, about which we have been talking this morning, with extreme regret, mainly because I believe that that theory of government destroys the initiative, the energy, the progress of mankind. I want to preserve in the railway service all of those moving forces which can possibly be retained.

I mentioned a moment ago that there is a competition in rates. I know very well that if this bill is passed the Interstate Commerce Commission can easily exclude all competition in rates, because it is given the power in the bill, if it does not

possess it already, to fix minimum as well as maximum rates; but as it is now, and as I think it ought to be, there should be no minimum rates unless established and commanded by the public authority. The railway companies have the right to initiate their rates. The railway companies are the agencies which in the first instance determine what the rates shall be—I am speaking now under the interstate commerce act—and the Interstate Commerce Commission exercises over that initiative supervisory power or jurisdiction. But if the railroad company wants to move freight from New York to Chicago at a lower rate than then prevails, it has a perfect right to file its schedule with the Interstate Commerce Commission proposing a reduction of that rate. It is true that the Interstate Commerce Commission may forbid, but if it does not forbid, the rate goes into effect at the end of the time appointed by the statute. Therefore, between competitive roads or roads doing a competitive business under our present system there is always the opportunity for a limited competition, a limited rivalry, not only in service but in rates.

I do not attach, however, so great importance to the competition or rivalry so far as rates are concerned as I do to the rivalry in service. You all have your own opinions with regard to that matter, and I could not say anything, I am sure, that would either enlighten you or change your judgments upon it; but I appeal to the observation and experience of every Senator with regard to the value of rivalry and competition in service. It begins with a desire to please the people who either ride upon trains or whose property is transported from one place to another. It means attention, it means courtesy, it means a concern for the public mind that could not be secured in any other way than through the opportunity of the public to pass from one service to another. It means infinitely more when we come to consider the ease with which one patron is served and the ease with which the desires of another may be denied; the furnishing of cars promptly, the movement of cars speedily, the effort made in every quarter, through every employee, to do the work at hand in the most efficient manner in which it is capable of being done.

This is the reason the committee has decided that it would be better to consolidate the railroads of the United States into not less than 20 nor more than 35 systems, in order to accomplish, first, the possibility of imposing a given body of rates upon the carriers with the outcome that each of the systems would earn substantially the same net return as compared with the value of the property employed in the service; and, second, in order to give this great business, this overpowering business, the same motive for efficiency and excellence that we observe, and hope we always will observe, in every other great venture.

I beg your attention for a moment to the practicability of a division of the railway properties into not less than 20 nor more than 35 systems that will accomplish the purposes I have described. The committee has not acted without the utmost consideration on that question and without all the information that it could secure. The committee—and I speak more confidently of my own convictions—knows that it is practicable to divide the railroads of the United States into not less than 20 nor more than 35 systems, so that tested by the business of the three years before the war—and that is the period to which we must all resort in order to obtain information upon that subject—the net earnings of each system compared with the value of the property rendering the service, I care not how the value of the property is ascertained, will be so nearly equal that the difference will be negligible. I venture the prophesy that if the provisions of this bill shall ever go into effect the governmental body which is appointed to make the division and to carry out the provisions of the bill will be able to divide the country into 20 systems, and there will not be the difference of one-quarter of 1 per cent in the earnings, the net income, of the several systems as compared with the value of the properties as fixed by the Interstate Commerce Commission.

Then, if we pursue the policy of private ownership, we will have a body of railroads upon which the Interstate Commerce Commission can act, doing justice both to the people and to those who have invested their money in the properties. Then the Interstate Commerce Commission can make rates that will pay to the carriers, as nearly as human foresight can provide, just enough to make a fair return upon the value of the property.

Mr. HITCHCOCK. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wonder if the Senator meant that the earnings in each system would be substantially the same?

Mr. CUMMINS. What I mean—possibly I can state it concretely, so that it will not be capable of being misunderstood—is this: Suppose the value of property of one system is \$100,000,000 and the value of the property of another system is

\$50,000,000. What I mean to say is that those two systems, if they should constitute two of the systems into which the railroads are divided, will each earn, say, 5 per cent upon the value of the property, or 4 per cent, or whatever rate is determined to be a just and reasonable rate for the compensation of capital.

Mr. President, I have pointed out at very great length the views of the committee—and they are my own views as well—upon this fundamental proposal, because it is the heart of the bill. If it is not thought desirable to make this advance toward the regulation of these public utilities, my judgment would be that it is not advisable to pass the bill at all, for if the roads are to be returned under the regulation which formerly existed, believing, as I do, that private operation under such conditions is impossible and that it will end in utter collapse, I will necessarily find myself advocating the assumption upon the part of the Government of the duty of owning and operating our transportation facilities.

Having, as I hope, laid the subject before you with such fullness as will enable you, at any rate, to understand what the committee has so earnestly proposed, I now pass to the plan under which the result is to be accomplished. I do not intend to go very much into detail with regard to the plan, because undoubtedly at some future time it will be necessary to discuss it with more particularity than is possible at this time; but the plan, as outlined in sections 9 and 10 of the bill, is this: The bill proposes to create a transportation board. Originally we called it a "railway transportation board," but then, in view of the suggestion coming from some quarters that this name seemed to disregard transportation by water, a subject which needs the encouragement of all who are interested in transportation, the committee changed the name of the board, so that as the bill now is before you it is simply the "transportation board." I shall have occasion to comment upon the organization of the board and some of its more important functions a little later; but immediately upon the passage of the bill, and after the transportation board is organized—and I may say here that it is to be appointed by the President and confirmed by the Senate, in harmony with the creation of all such bodies—the transportation board is to undertake to divide all the railroads of the United States, with some immaterial exceptions which I need not now mention, into not less than 20 nor more than 35 systems. The discretion between 20 and 35 is vested in the board; and, in order that you may know just how the committee felt with regard to the board and with regard to this division, I intend to read very briefly from section 9, as follows:

SEC. 9. It is hereby declared to be the policy of the United States, in the exercise of its authority to regulate commerce among the States and with foreign nations and its other constitutional powers, that the railroads of the continental United States shall, as soon as may be practicable, and in the manner hereinafter provided, be divided in ownership and for operation into not less than 20 nor more than 35 separate and distinct systems, each of said systems to be owned and operated by a distinct corporation organized or reorganized under this act.

In the aforesaid division of the said railroads into such systems competition shall be preserved as fully as possible, and wherever practicable the existing routes and channels of trade and commerce shall be maintained. The several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the value of the properties through which the service is rendered shall be the same so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of the railway properties involved in the comparison.

This might be called the charter of the new system. It is further developed in section 10 by providing that the transportation board shall make this division and then give public notice to all who are interested of a hearing upon it, and at that hearing all who may be interested either from the capital standpoint or the labor standpoint or the shipping standpoint will be heard, and after that hearing is concluded then the board adopts a plan, whatever plan may seem to it wise, and if that plan of division is approved by the Interstate Commerce Commission it becomes final, save as it may be modified upon subsequent application by anyone who may present a good cause for reconsideration in that respect.

We now have the 260,000 miles of railway divided into these systems so far as the map of the country is concerned, and we know just how, for the future, these roads must be consolidated, just how they must be associated with each other, and then begins the work of consolidation.

For a period of seven years the consolidations are voluntary. I think the period is too long. I have to be perfectly frank about it. I did everything I could in the committee to make the period a shorter one; but I intend to stand by the judgment of the committee in that respect, because I regard it as rather an incident than as involving a principle. For seven

years these consolidations can go on upon the initiation of the railways. If any railway company desires to organize a Federal corporation under the provisions of this bill, a new corporation can be organized. If, on the other hand, a corporation already organized desires to reorganize so as to become a Federal corporation, it may do so under the terms of this bill; but the consolidation that takes place during the seven years must be either through the medium of a corporation organized under the terms of the bill or through a corporation reorganized under the terms of the bill. We have made practically the same provision for reincorporating State corporations that was made long ago for the reincorporation of national banks, turning a national bank from a State institution into a Federal institution. One or the other of these two things must precede any consolidation which takes place under the bill.

These things being done, one or the other of them, then the consolidation proceeds, and the consolidation must be in harmony with and in furtherance of the plan to which I have already referred, adopted by the transportation board and approved by the Interstate Commerce Commission; so that every step taken in voluntary consolidation is a step which finally will be in harmony with the enforced consolidation which proceeds after the seven years have elapsed.

I may say a word with regard to the seven years. The only reason for postponing compulsory consolidation for a single moment, in my judgment, is that the work of the Interstate Commerce Commission in valuing the railroad properties may be completed. It is said that this work will have been finished in the course of two or three years.

It may, however, be five years before it is finally and fully done; and inasmuch as these incorporations, whether reorganizing or originally incorporating, must be based upon the actual value of the railroad properties, it was quite essential that some time be given to the Interstate Commerce Commission to complete its work. In the case of a voluntary consolidation, it would be the duty of the Interstate Commerce Commission at once to go forward to the ascertainment of the value of the property immediately concerned in the voluntary consolidation, and to complete that particular part of the work at the earliest possible moment. And this leads me, now, to suggest an additional reason for the value which I attach to the consolidation.

All of us know that there has been a great deal of controversy, very much suspicion, infinite distrust among the people with respect to the value of railroad property as compared with the capitalization. I said a few moments ago that constitutionally we are unable to determine the value of railroad property, or even to indicate or declare the elements which a judicial tribunal shall consider in determining that value. Nevertheless, it is of the highest importance that in some way or other the feeling on the part of the people that they are called upon to contribute a revenue which is to be distributed upon unfounded capital shall be removed. It can only be removed in one of two ways. It must either be removed by ascertaining that the present capitalization is not greater than it should be—a contingency which does not meet my view of it—or it may be removed by reducing the capitalization to the real value of the property upon which the people are called upon to pay a return. This bill provides that the Interstate Commerce Commission shall ascertain the value of this property as the consolidations take place, and that the capitalization of these new corporations which are brought into existence in the manner I have described shall not exceed the value of the railroad property; and once this principle is adopted and once these consolidations shall have taken place, the terror which we all have in mind, known as the unearned increment, can no longer disturb the American people.

I want as much as anyone can want that the people shall be called upon to pay only upon an actual value; and while I know that we can not determine for the past years what value is and what elements it shall contain, for the future we can; and if these consolidations are carried into effect the future is safe, so far as unearned increment is concerned and so far as values are concerned. We will have that matter settled for all time. I do not want you to think that I have no view with regard to the elements which should be taken into consideration in determining the value of railroad property, for I have a very firm conviction upon that subject, the result of many years of study; but it is useless for me to discuss that, because it is not a matter for congressional determination. If the Senate could determine what things should be taken into consideration in determining the value of railroad property, I would be urging upon you the standard which I think ought to be accepted; but I know that neither the Senate nor Congress is able to influence that subject, and so this bill remits it first to the tribunals

created for the regulation of the property and next to the courts of the land, where it must ultimately find its final determination.

Mr. HITCHCOCK. Mr. President, I do not quite understand how the Senator is so sure that the unearned increment shall not be included in estimating the value.

Mr. CUMMINS. Simply because these reorganized or originally incorporated companies are permitted a return upon nothing more than their actual investment.

Mr. HITCHCOCK. Does the Senator mean by "investment" the original cost?

Mr. CUMMINS. Yes, sir; I mean the amount invested.

Mr. HITCHCOCK. That is, then, the basis that is being used for the present method of establishing the value of the railroads?

Mr. CUMMINS. I do not say that. That is just the difference. We can not say what shall be the basis for valuing these properties for the time that is past, for people who have invested their money. That is a judicial question; but if we allow a corporation to be organized under the laws of the United States, and it is organized and it agrees with the United States that its investment shall be the measure of the value of its property, it can not complain.

Mr. HITCHCOCK. But I understand that if it is not willing to agree, the provisions of the bill proposed by the Senator make it compulsory.

Mr. CUMMINS. It will be compulsory after the period of seven years. We can not compel them to agree, but we take the property then. We take the property, and secure the incorporation of a corporation just exactly as we did with the Shipping Board.

Mr. HITCHCOCK. In that case, how do you as a legislative proceeding exclude the unearned increment?

Mr. CUMMINS. Because in the articles of incorporation which that company must adopt if it is to acquire a system of railway, it agrees with the Government that that shall be done.

Mr. HITCHCOCK. I can see how that would be all right as long as it is voluntary on the part of the corporations; but how can we compel them to do it?

Mr. CUMMINS. You can not compel the incorporation, and if the Government can not find men who are willing to enter into one of these incorporations and organize it and become the owners of one of the systems of railway, then the plan must fail. We can not coerce men into these investments; but we believe that there will be no difficulty, with the influence of the Government, in securing the organization of these companies to take over this property just exactly as we have done heretofore.

Mr. CURTIS. Mr. President, may I ask the Senator how you get title to the property of the companies that do not want to join?

Mr. CUMMINS. Through the exercise of the power of eminent domain.

Mr. CURTIS. The Senator thinks that they could be taken by this corporation that is to be organized under the power of eminent domain?

Mr. CUMMINS. Surely. The United States can take them directly, through the exercise of the power upon its part, and transfer them to a corporation organized as I have suggested, or it can give the corporation which is to be organized the authority to take the properties for the purpose mentioned.

Mr. HITCHCOCK. In a case of that sort, where they are taken under the power of eminent domain, what is the measure of the price that must be paid?

Mr. CUMMINS. Mr. President, I wish I could answer that question, but I can not. That is a judicial question, and there is as much difference of opinion with regard to the elements which should be considered in making up a value as there is upon any other of the numerous constitutional provisions that we have constantly under our consideration here.

Mr. HITCHCOCK. I asked those questions because the Senator seemed so sure that he could exclude the unearned increment as one of the elements.

Mr. CUMMINS. I am speaking of the future. We can not exclude the unearned increment for the past. The Supreme Court of the United States has decided that. It has adopted a rule which does not meet my approval, and does not seem logical; but it has adopted a rule, and that rule does include unearned increment.

Mr. THOMAS. Mr. President—

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

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. I dislike to interrupt the Senator at all, because I am very much interested in the continuity of his argument; but it occurred to me during his discussion that the

scheme outlined by the Senator would prohibit the building of intrastate railroads under State authority unless they were to be comprised, sooner or later, in one of these systems. Assuming that that is correct, does the Senator think we have power to do that?

Mr. CUMMINS. This particular part of the bill does not prohibit the building of any railroad.

Mr. THOMAS. That is my reading of it.

Mr. CUMMINS. But I want to be frank about it. There is another provision of the bill, and that, of course, is in the House bill, as well as this one, which does not permit the building of any railroad that is to do an interstate business without the consent of the Interstate Commerce Commission.

Mr. THOMAS. I am speaking of intrastate business.

Mr. CUMMINS. There is no road that I know of that does an intrastate business alone.

Mr. THOMAS. Of course, I presume that is true; and yet there can be such a thing as the building of such a railroad. In fact, there are, I think, some electric lines within the States.

Mr. CUMMINS. They would not be included.

Mr. THOMAS. They would not be included; but would the bill prevent further construction along the line of that character of railroad?

Mr. CUMMINS. Oh, no; in the first place, they would not be prohibited by the general principle of the bill; and, in the second place, they are expressly excluded.

Mr. THOMAS. I notice in the bill that these consolidations are to take place and other lines hereafter constructed, regardless of any prohibition or condition in State laws. But there is no reference to State constitutions in the bill, if I remember correctly.

Mr. CUMMINS. I do not remember that; but if there is no such provision in regard to constitutions, there ought to be.

Mr. THOMAS. I read the bill again last night, and the question occurred to me whether the bill sought to override the constitutional provisions of the States or whether they would be respected. In my State, for example, the constitution forbids the construction of parallel lines of railway. Under the provisions of this bill there is no express limitation of that sort. If under its operation there should be a consolidation of parallel lines in the State of Colorado, there would be a palpable violation of their State constitution, and I was curious, as a legal proposition, as to the possible effect of the bill upon such a condition, and then as to whether we would have the power to override such a limitation.

Mr. CUMMINS. Mr. President, I am very glad that the Senator from Colorado called that to my attention, because, turning to it, I find that he is correct, that it mentions the laws of the States but does not mention the constitutions. But it is the intent of the committee to allow this consolidation to go forward as against the constitution of a State just as it would allow it to go forward against the statute of a State. Of course, it would be just as impossible to have Government ownership under the constitution of Colorado as it would be to have this consolidation, because that would be the consolidation of parallel lines, and I take it that under the power of Congress to regulate commerce among the States, so far as a carrier or an instrumentality which does an interstate business is concerned, the Government can attach any provision or condition that it desires; whatever is necessary for the regulation of commerce among the States it can do.

Mr. THOMAS. Then in practical effect, when the bill, in its operation, comes in conflict with a State constitution, so much the worse for the State constitution.

Mr. CUMMINS. That is a principle that I think we will all have to face. I regret that there is the conflict between State regulation and interstate regulation which exists, but it is impossible to avoid it; and if we are to treat transportation from the national standpoint, it is necessary, imperative, that we disregard some of the provisions of both State laws and State constitutions.

Mr. THOMAS. The Senator is entirely right, but the question which troubles me is our right to do that. Of course, if it exists at all, it must be under the commerce clause of the Constitution.

Mr. CUMMINS. Under the commerce clause.

Mr. KING. Or the post-roads clause.

Mr. CUMMINS. If that is challenged at any time during the progress of this discussion, I think there are a good many authorities that can be cited to establish the constitutionality of the bill which we have proposed, just as I would contend that the Government has a perfect right to acquire the property and operate it under the power to regulate commerce, even disregarding our war powers or post-roads powers. I have no doubt about the power of the Government.

Mr. THOMAS. I am not prepared at this time to challenge the Senator's contention at all. In fact, I should hesitate to do it under any circumstances, because he has practically made a life study of this proposition and I have not. But it suggests itself to my mind as a very interesting proposition.

Mr. CUMMINS. I feel very much obliged to the Senator from Colorado for calling to my attention a palpable omission in the bill, because it is the intention of the committee to carry forward this process of consolidation as a power under the Constitution of the United States and without regard to either a State law or a State constitution, always with the limitation that if a State road desires to do business of a purely State character, then we have no jurisdiction over it at all, either to regulate its rates or to compel its consolidation.

Mr. President, I go forward a little further. After the period of seven years, the time of compulsory consolidation, begins, then whatever consolidation has not taken place during this period is in the hands of the transportation board, and is to go forward just as rapidly as practicable, recalling to your attention my former observation, that the voluntary consolidations are in harmony with and in furtherance of the original plan made by the transportation board, and which is now to be carried out after the seven years have elapsed.

I do not think that it would serve any good purpose to go into the detail of this arrangement. I hope that Senators will read the bill in that respect, and if it is found at any point immature or unworkable I hope that the attention of the committee will be called to it. It is sufficient to say that ultimately the theory of the bill is to have 15, 20, 25, or 30 systems of railroads competitive in their character and controlling and embracing all the railroads in the United States.

It is, of course, manifest that this consolidation can not take place, even measurably, for many years. It will be probably 10 or 12 years before the process is entirely complete, and if the railroads are to be returned within the near future it is necessary to provide what might be called a policy for the transition period, and it is to that I now call the attention of the Senate.

This policy is outlined or provided for in section 6 of the bill, and I have no doubt that as we go forward in the discussion of this measure section 6 will be the subject of more dispute, more real differences of opinion, than any other part of the bill. While I am discussing it, I want to be borne in mind what I have already mentioned, that if we return these properties to their owners we must make the provisions that are necessary, not alone to protect the investment already made in the property. We have great latitude with regard to the manner in which we shall deal with these investments. I hope we will always deal justly with them, even though investors are absolutely in our power. But when we return the properties to the owners, we must look forward to a successful operation on the part of the owners, and knowing that one of the elements of successful operation is the establishment of a credit on the part of the railway companies that will enable them to borrow the money which they must have in order to keep pace with the demands of business it becomes essential that we shall give some attention to the transition period in the way of rates.

I do not intend to read section 6, because it is so indelibly stamped upon my mind that I think I can recall all its features, and I shall be glad to have anyone who thinks I have omitted any vital part of it to remind me of it.

Section 6 provides that the territory and the railroads of the United States shall be divided by the Interstate Commerce Commission into rate-making districts. The commission can make as many or as few as, in its judgment, will serve the purposes in mind. However, it may be proper to say that the committee had in mind this phase of the question:

There is great difference in various parts of the country with respect to the increase or decrease in rates that may be found necessary in order to make certain returns. The eastern district, for instance, will require a good deal higher rate or a greater increase in rate to accomplish a certain purpose. I am not saying now whether there ought to be any increase or not, so far as any particular district is concerned. The eastern district is very differently situated from the western district or the southern district. I say that in passing in order to indicate why the commission is given authority to divide the country into rate-making districts.

Having done that, and having ascertained the value of the railroad properties as nearly as it can—I do not know how it can ascertain with absolute accuracy the value of the railway property just now, and I agree that it will be necessarily in the immediate future an estimate rather than a judicial ascertainment. Mark you, I am speaking of railway property; I

am not speaking of investments in other kinds of property; I am speaking only of the property which renders the service of transportation, for that is all. We have not legislated concerning any other property; and these corporations which are to be organized under the plan of consolidation are not permitted to own any property except that which is essential or necessary to the rendition of the service.

Having ascertained the value of the property in a given district, the commission is directed to make rates or to approve rates that will as nearly as may be return an aggregate net operating income for all the railroads of that district equal to $5\frac{1}{2}$ per cent on the value of the property in that district. The committee believes that $5\frac{1}{2}$ per cent fairly represents the policy of Congress with respect to a return upon railway property. Originally, as I introduced the bill from the subcommittee, instead of a $5\frac{1}{2}$ per cent rate, the provision was for a fair return upon the value of the property, but it was believed by the majority of the committee that it would be better for Congress to declare the policy rather than to transfer it or commit it to any regulating body. So for the first time in the history of railway regulation it is suggested that Congress shall declare what it regards as a fair return upon the value of property rendering a public service, and that fair return, according to the provisions of the bill, is $5\frac{1}{2}$ per cent upon the value of the property involved.

The bill also gives to the Interstate Commerce Commission authority to increase that basis by one-half of 1 per cent, if it so desires to do, solely for the purpose of creating a fund for expenditures for what are known as nonproductive improvements and which are not under any circumstances to be capitalized, but which, in substance, will be held by the railway companies in trust for the public. I will not deal further with that phase of it, because I do not think it is material. I deal now only with the basis of $5\frac{1}{2}$ per cent.

Now, remember, that this $5\frac{1}{2}$ per cent does not relate to capitalization; it does not relate to capital stock; it does not relate to outside investments vast in their extent which some of the companies own and hold for profit. It relates only to the property which renders service to the public, and it is for you to say whether you believe that $5\frac{1}{2}$ per cent upon the value of that property is more than a fair return.

I am going to be again absolutely frank about it. I am sure the remaining members of the committee will not complain if I say that $5\frac{1}{2}$ per cent is more than I thought it ought to be. It seemed to me that a lower basis than that would furnish the credit which I grant you the railway companies must have if private operation is to be successfully continued. But the majority of the committee were of the opinion that $5\frac{1}{2}$ per cent is a fair basis, and to that I finally agreed.

I was so much concerned in the composition of a bill which would receive the approval of the Congress and the country, so much concerned in securing a bill which would make certain adequate facilities for the commerce of the country, that I accepted that basis and I intend to stand for it during the consideration of the bill. I mention that only to show you that it is easy for me to understand differences of opinion with regard to that particular matter.

Again, frankness compels me to say that $5\frac{1}{2}$ per cent upon the value of the property rendering the service does not mean that companies are limited in their dividend-paying capacity to $5\frac{1}{2}$ per cent. There are \$11,000,000,000 and more of bonds outstanding imposed as liens upon the railroad property. The average rate of interest upon these bonds is about $4\frac{1}{2}$ per cent, and the company which earns $5\frac{1}{2}$ per cent upon the value of its property, assuming that all this value is in railroad property, will be able to pay more than $5\frac{1}{2}$ per cent dividends upon its capital stock, because the capital stock outstanding in the hands of the public of all the railroads is something like \$6,000,000,000; that is only two-fifths of the capitalization, so that any railroad company can take what it saves between $5\frac{1}{2}$ per cent and $4\frac{1}{2}$ per cent upon three-fifths of its capitalization and increase its dividends, if it earns the money necessary to do it.

I think that I ought to state that in frankness to the subject, because I have no opinion upon the matter that I am not willing to disclose and I have no facts that I desire to conceal.

The basis of $5\frac{1}{2}$ per cent increases the average operating income of the three years preceding the war—I mean the test period of three years prior to July 1, 1917—three-tenths of 1 per cent. The average rate of return upon the property investment accounts of all the railroads in the United States for the test period was 5.2 per cent, and if it were assumed that the value of the property is the amount of the property investment accounts, this increases that average by three-tenths of 1 per cent. My own judgment is, however, that it will be found that

the value of the properties is less than the aggregate investment accounts and therefore the 5½ per cent will probably not be greater than during the test period.

Those of you who heard me discuss the Federal-control bill heard me say that I thought the compensation which that bill provided for was something like \$200,000,000 more than it ought to be. I am of the same opinion still. I have seen nothing to disturb my judgment in that regard, and inasmuch as it has been suggested to me that there is something inconsistent in my advocacy of a 5½ per cent basis and my statement that the compensation provided for in the Federal-control bill was \$200,000,000 more than it should be, I beg the privilege of pointing out the difference between the two cases.

In the Federal-control bill we were providing for an income for each individual railway, and I felt then and I feel now that the amounts which we agreed to pay to a great many of the railroads which passed under Federal control were excessive; but now we are dealing not with a particular railway, but with an entire system of railways in an entire rate-making district, and there is here no provision to pay or allow to these stronger railroad companies the excessive income which was permitted under the Federal-control act.

Moreover, the war has wrecked the world in a way. Conditions are abnormal, uncertain, and I look without any optimism at best upon the return of these properties to their owners, for in view of a movement that is sweeping over the world with regard to property, its ownership, its use, and its profit, I have the gravest doubt whether those who have money will be willing to invest it in railway securities, no matter what rate of return we may provide.

Money at this time is not worth, in things that money buys, more than one-half its former value, and I believe it is perfectly just that he who has a stated income—I mean the man who has a salary, the man who receives wages, the man who receives dividends for his support—I think it is just that his income, measured in dollars, should be increased. We have been discussing that subject from the time the war broke upon us until now, and, so far as I am concerned, I am quite willing to defend a larger rate of return upon an investment than I would have been willing to defend three years ago, for I know that the person to whom the return is made will, in the things which he is compelled to purchase with his return, be less well provided for than he was three or four years ago. In saying that I am not advocating any reduction in our excess-profits tax or any reduction in our income tax.

I should like to see every man pay the burdens of the Government according to his capacity to pay; but it must be remembered that a very large part of the stock of the railway companies is held by people of limited means. I know they have no control over the railroads; they do not attempt to exercise control; a few shares of stock control the destinies of a railroad simply by concentration in one hand. But, nevertheless, I believe that Congress would do less than justice if it did not approve a policy which would return a larger rate of interest upon investments of this kind than would have been defensible three, four, or five years ago.

Now, let us see what 5½ per cent will do. Five and a half per cent upon the value of the property in a given rate-making district does not mean that each railroad shall have 5½ per cent upon the value of its property. It means that one railroad will earn 8 per cent upon the value of its property, another railroad will earn 3 per cent or 5 per cent, some of them 2 per cent, some of them possibly as high as 10 per cent. That arises from the disparity in the earning capacity of the roads, which I have attempted to point out during the whole of my argument. When you put a given body of rates upon the territory lying between Chicago and New York, we will say, rates which must be used in common by the New York Central, the Pennsylvania, the Baltimore & Ohio, the Erie, the Chesapeake & Ohio, and so on, one of those roads will earn very much more than 5½ per cent while another will earn very much less than 5½ per cent. That is the insoluble problem under present conditions which I have been dwelling upon at such great length. We can not escape it in a moment; nothing can remove it except the consolidation of which I have spoken. However, until that consolidation takes place we must deal with it as best we can. That brings me to another feature of the section to which I have been alluding and which I intend to discuss just as briefly as possible.

Mr. KING. Mr. President, before the Senator from Iowa leaves that question, the Senator was discussing the proposition of allowing under this plan of consolidation a return of 5½ per cent.

Mr. CUMMINS. No. The consolidation is an entirely different matter. The Senator from Utah is quite right that under

the provisions for dividing the country into rate-making districts for immediate operation the rate would be 5½ per cent upon the value of the property in any given rate-making district.

Mr. KING. That is what I had reference to. The Senator from Iowa stated that it would be five years or possibly longer—

Mr. CUMMINS. I think it will be 10 years.

Mr. KING. Let me complete my sentence—before the commission appointed under the act of 1913 for the purpose of valuing the railroad properties is ready to report.

Mr. CUMMINS. I did not say quite that. I said that one of the reasons why we postponed the time for compulsory consolidation was to enable the commission to make that report. The commission say—and I have no reason to doubt it—that they will be able to make a complete report upon the subject within two or three years.

Mr. KING. Assuming that the time will be three years, how does the Senator from Iowa propose to reach the valuation in order to determine the application of the rate of 5½ per cent until that report has been submitted?

Mr. CUMMINS. It will be done by the Interstate Commerce Commission. They will make the best estimate which they can of the value of the roads.

Remember, now, the Interstate Commerce Commission has already completed an inventory of all the railway property in the United States; it has had extensive hearings with regard to the principles which ought to be applied in determining values; it has all the reports of the railway companies showing their earning capacities; it knows better than any other tribunal can the condition of the physical property of the roads. With all this information in its hands, it must reach a conclusion upon the subject as well as it can. I remarked that I did not think it would be more than a fair estimate upon the value of the property.

Returning now to the feature which I was just mentioning when interrupted by the Senator from Utah, this bill proposes that any railway company which receives an operating income during any year of more than 6 per cent upon the value of its property shall divide equally the excess between 6 and 7 per cent between a company reserve fund and a general railroad contingent fund. The first portion belongs to the company itself, the latter belongs to the Government of the United States. The first is to be used by the company whenever its operating income falls below 6 per cent. It is to be accumulated from year to year until it reaches 5 per cent upon the value of the property. The excess above 7 per cent goes one-fourth to the company reserve fund and three-fourths to the Government. After that time the company retains one-third of the excess above 6 per cent and pays to the transportation board or to the Government two-thirds of the excess. The Government contingent fund has no limit and is to be used by the transportation board to advance the general transportation interests of the United States. However, it is not given so free a hand as my remarks might indicate, for it is provided in the bill that the promotion of the general transportation interests must be effected either by the purchase of equipment and of transportation facilities to be rented or leased to the weaker railroad companies, or it must be used by loaning to the weaker companies sums of money to be expended in the purchase of facilities to render the service which the people require. That is the best that the committee could do in this transition period to equalize the spread in the earnings of the companies.

We were constantly impressed with the idea that we must accomplish in some way the maintenance of the weaker companies. We know that, judged by the ordinary standards of credit, when they go into the markets of the country they will be unable to borrow the money necessary to keep their properties in that condition necessary for economical and efficient use. So we propose to take from the larger railroad companies a portion of their excess earnings above 6 per cent and devote them to increasing the facilities in the hands of the companies which are unable to purchase or construct them for themselves.

I regard it as one not only of the most vital but most equitable features of the bill, as much and bitterly as it has been attacked.

I will say one word with regard to the attacks upon that feature of the bill. Singularly enough, it is assailed from two quarters. The railway executives, representing the railroads, attack it bitterly on the ground that it is not only unjust but unconstitutional, and some very enthusiastic citizens of the country who have no interest in railways attack it on the ground that it is an approach toward socialism or communism and ought not, therefore, to be fostered, encouraged, or adopted.

A moment's consideration may not remove your doubt with regard to its constitutionality, for I can not hope to remove a

doubt in a moment that has been instilled by so distinguished an authority as an ex-Justice of the Supreme Court of the United States; but I at least can point out the path along which the committee traveled in reaching the conclusion that the provision was and is constitutional.

Ex-Justice Hughes has rendered an opinion in which he says that that part of the bill is unconstitutional because it takes property from its owner without just compensation. Ex-Senator Elihu Root, occupying an equally commanding position at the bar of the country, is just as confident that it is constitutional. The lawyers have ranged themselves, a great many of them, upon one side or the other of this question; but I am bound to say that so far as they have been organized up to this time, a decided preponderance in number, at least, will be found upon the side of the committee, which holds that the provision is constitutional. To me there is no question about it. I do not want to disparage the learning of any man, certainly not his intelligence, but to me the proposition that this provision is unconstitutional means the destruction of all regulation. If it is true that we can not limit the earnings of a public utility, a common carrier, we might as well abandon our efforts to protect the people in any system of regulation.

I beg those who are here just to follow me for a moment, and they will perceive at once the theory upon which we who believe the bill is constitutional proceed.

Suppose there were but a single railroad in the United States, just one. Would anyone question that Congress could say that the rates for that railroad should be so adjusted that they would yield but a fair return upon the investment made in the property? No one would question that, I am sure. It has been done a great many times, and I have never heard of any man with enough temerity to question that kind of regulation. That is the very heart of regulation. It is the whole purpose of regulation to protect the public against excessive charges for transportation. But we have more than one railroad. If we had but the Pennsylvania road and the Atchison road and the Chicago, Burlington & Quincy road and the New York Central road it would be easy to attach to them rates that would only make a return of 5½ per cent or 6 per cent upon the value of their property. No one would doubt that we had a right to do that; but, having the right to exercise that authority, we are powerless to exercise it. Why? We can not do it because lying side by side with these strong, prosperous roads there are other roads which must be maintained and which can not survive under the rates which will enable the roads I have first mentioned to live successfully.

When we come, therefore, to regulate these properties, we can not regulate them upon the theory that they alone occupy the field of transportation. For the good of the public we must take into account the necessities and needs of all the people of the country. So we are compelled, in the very necessities of the case, to allow these larger railroad companies to collect rates which in so far as they are concerned are unreasonably high, in order to enable the less fortunately situated roads to live and operate at all.

So what do we do? For the permanent system, you will remember, I have proposed the only thing that can be done, and that is consolidation; but for the transitory period, what we have done is to say to these larger roads: "We are making rates which are too high so far as you are concerned if you alone were to be considered. We will allow you to collect these rates, but in so far as they exceed an income of 6 per cent upon the value of your property, you are a trustee for the public, and must respond to your trusteeship and pay over the excess to the Government of the United States for such disposition as it may see fit to make of the fund." It is not true that these revenues, simply because they come into the hands of the larger railroad companies under a system of rates which have been established by the commission, are the absolute property of these companies.

If I were to grant that these revenues became the absolute property of the railroad companies which received them under the regulations which we have established, then the conclusion of the distinguished ex-Justice of the Supreme Court would be invulnerable; but if the bill to which I refer has any merit at all, as I hope it has, one of its merits is that it does not permit that surplus to become the property of the railroads into whose treasuries it happens to fall.

I have no question at all with regard to either the justice of the provision or its constitutionality. We have pursued this narrow, cramped, and restrictive policy long enough. If Congress is not able to lift itself above the murky prejudices of former years, and examine transportation from a national standpoint, and establish those regulations which are necessary for the welfare of all the people, we must either go at once to Gov-

ernment ownership and operation or leave the railway companies untrammelled and unrestricted to impose on the people of the country for their service just such charges as they may think best.

Mr. HITCHCOCK. Mr. President—

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I should like to ask the Senator whether this surplus which is to be kept outside of the railroad earnings, and used to promote the earnings of weak railroads, is to be used in the district in which it is accumulated, or may it go anywhere?

Mr. CUMMINS. It may go anywhere.

Mr. HITCHCOCK. Is there justification for taking away from the people of a certain territory for the use of the railroads in that territory an amount of money that is not needed to produce proper earnings and allowing that money to be taken to a distant part of the United States to develop railroad interests there?

Mr. CUMMINS. When you consider that this district will probably be a very large one, I do not see any more injustice in permitting an excess earning that may come from the New York Central Railroad to be used in the State of Kansas than in permitting it to be used in New England, or in the lower half of Pennsylvania, or in the lower half of Indiana. I think that we must look at transportation as a unit; nor would I be willing to concede that the people along the line of the New York Central Road are any more interested in the development of the commerce of the lower half of Pennsylvania, or the lower half of Ohio or Indiana, than they are in the development of the commerce of Illinois, Nebraska, or Kansas. That at least is my view of the measure. I do not think it can be unjust if the earning railroad company retains all that under a free and unrestricted regulation, unaccompanied by the presence of other carriers, it would be entitled to earn in any event. However, that is likely to create considerable difference of opinion, and I only hope that those who have studied the matter will discuss it just as freely and candidly as though I had no feelings whatever, because there is not any criticism that will offend me with regard to this matter. It is too big a subject. We must do what is right with respect to it, without regard to anybody's preconceived opinions.

Mr. KELLOGG. Mr. President—

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. It might be suggested that these traffic districts are liable to be changed from time to time and are merely established by the commission because of a certain similarity of the earnings in the different districts which makes it more convenient for the commission to regulate the rates and more just to the public, because, for instance, New England is what might be called a great switching district, with short hauls, and has a different basis of rates; but it can be hardly said to be unjust if any one road earns more than a fair income that the surplus which is taken by the Government may be used where it is most needed.

Mr. CUMMINS. The remarks of the Senator from Minnesota [Mr. KELLOGG] are very pertinent, and it is quite true that the rate districts of one year might not be the rate districts of the next.

Mr. President, in the natural development of this subject I would next take up what are known as the labor provisions of this bill, embracing what has been accepted throughout the country as the antistrike section. But with the permission of the Senate I will pass that until to-morrow, and I hope it will not take me long to consider it. I would like to finish to-night the review of the bill with the exception of the labor provisions.

Mr. President, the bill provides for the organization of a transportation board. I have already described its duties so far as the division of the railways of the country into systems is concerned. This board has other and many important duties. I beg simply a reading of the bill in that respect, because it would consume time, without any important result, to go over these various details.

Section 24 of the bill relates to the issuance of railway securities. For years there has been a constant and general demand that in some way or other the Federal Government shall undertake the supervision of the issuance of railway securities. A bill to that end passed the House at one time and was reported favorably by the Committee on Interstate Commerce of the Senate. However, it did not receive consideration in the Senate, and therefore never became a law. But I think there is no real opposition to a provision which confers upon the Interstate Commerce Commission or some other Federal agency the supervision of the issuance of railway securities, in that way relieving the railway companies of the regulation of 40 of the 48 States of the Union. I think there are about 40 States in the Union

which have laws regulating the issuance of railway securities. This is intended to concentrate that power in the hands of a Federal tribunal.

Section 34 is an enlargement of the car-service act, which it is unnecessary for me to read or comment upon at any great length. You will find in the rewriting of this important section, I believe, one of the most important amendments of the interstate-commerce act. You will remember the car-service act was passed, I think, in 1917, and was intended to give to the Government a larger function with respect to the movement of commodities, the movement of trains, the supply of cars, and all matters pertaining to the general disposition of our commerce. I need not dwell upon this section, because it will present very little, I think, that will awaken opposition from any quarter. I may remark, however, that it is in this section that we have attempted to give the Government the right to prevent construction of new lines. The very difficulties we have heard urged here so often have arisen at times because railroads have been constructed where and when they ought not to have been constructed. So we have given to the Interstate Commerce Commission, in connection with the board, the jurisdiction to prevent the construction of new lines where obviously the construction would simply impose another burden upon the public without adding anything to the public welfare.

We have also given to the Government wider and broader power with respect to furnishing adequate and safe facilities, so that the commission or the board can command railroad companies to equip their lines with proper facilities and to procure the necessary cars and engines to transact their business with promptitude, all the while, of course, conditioned upon the power of the companies to comply with the demands or the commands of the Government. It would be idle to require a company that could not secure the money with which to do it to buy additional cars or additional engines, or anything of that kind. But the fullest and broadest powers are given to the commission in this section, and I may call that to the attention of the Senate later on.

Mr. OVERMAN. Suppose the State of North Carolina desired to construct a railroad with its convict system up through the mountains of North Carolina to reach a part of the State in which there are no railroad facilities. I understand that this board would have the right to prevent such a railroad from being built?

Mr. CUMMINS. No, not at all, if the railroad did not want to do any interstate business.

Mr. OVERMAN. Suppose they wanted to connect with a line in another State?

Mr. CUMMINS. Then it would have to get the consent of the Government.

Mr. OVERMAN. The State would have to get the consent of the Government?

Mr. CUMMINS. Yes.

Mr. OVERMAN. Then, after the construction of the roadbed, in order to put a mortgage on it for its rails and its equipment, it would have to come before this board to get its approval?

Mr. CUMMINS. That is the provision in the bill.

Mr. KELLOGG. Mr. President—

THE VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. So far as the provision of the bill which provides for the regulation of the securities is concerned, I think every State commission in the United States indorsed it, on the ground that that system of regulation of the issuance of securities must be in some one central authority, and uniform, on account of the fact that so many roads will run into various States.

Mr. CUMMINS. I know, Mr. President, that it shocks one when we think of the full power of regulating commerce, but I really do not know any way to divide it. We have tried hard and labored earnestly to preserve to the States all the authority that can possibly be preserved. But when the Federal Government undertakes to regulate commerce among the States it can not divide that authority with the States.

If the Federal Government believes that a road should not be constructed because that road would cast upon the general public an unnecessary burden, the responsibility for that decision can not be shared by the State and the Federal tribunals, and we have thought that justice to the whole country would be more likely to be secured through the jurisdiction of the Federal tribunal than through the State tribunal.

We have rewritten in section 37 what is known as the long-and-short-haul clause. That will give rise undoubtedly to some discussion. We have not adopted the positive, rigid, long-haul provision. We still permit, under section 37 of the bill, some discretion on the part of the Interstate Commerce Commission.

We have said to the Interstate Commerce Commission that it could grant the privilege to any company to charge more for a shorter than for a longer distance in the same direction, but that in doing so the rate for the longer distance must be found by the commission to be a compensatory rate. The significance of that change ought to be borne in mind, because there are a good many Senators who will be interested in the provision who are not in the Senate at this moment.

I assume that they have delegated to some one else the responsibility of taking care of the interests of their sections. I do not know. But, at any rate, I do not want any of them to complain hereafter that there has not been laid before the Senate a full and complete exposition of what the committee has done with regard to this very vital and important subject.

Mr. OVERMAN. If the Senator will excuse me, I think that is one of the most important questions we have, and I would like to have some information as to the classification districts. To give a concrete example, under the old law they could ship a barrel of molasses through my town from New Orleans, coming north, to Lynchburg or Norfolk, Va., cheaper than they could ship it to my town, 300 miles nearer. They could ship it to Lynchburg and ship it back to my town, 300 miles, and save money on it in freight. How will this long-and-short-haul provision regulate that?

Mr. CUMMINS. I will try to describe that to the Senator. I think the practice that he has just described has been almost universal, and it is absolutely indefensible, and so far as I am concerned I have been for years in favor of a positive long-and-short-haul clause; that is, if I could have my way about it, I would declare that the railroad companies shall not under any circumstances charge more for a shorter than a longer distance for like commodities in the same direction over the same railroad. But that was not the view of the committee, and, as I said a few moments ago, I intend to do the best I can to sustain the work which the committee has done, for it has done it in the most painstaking way, and I have never known such continuous and such absorbing consideration given to any legislative measure as has been given by the Committee on Interstate Commerce to the measure now before the Senate.

But I will attempt to describe to the Senator from North Carolina what this bill will do in a case such as he suggests. At the present time the Interstate Commerce Commission in granting to various railroads the right to charge more for a shorter than for a longer distance for like commodities on the same line have said, especially with regard to water competition, that if the rate charged by the railway company for the longer distance defrays what is known as the out-of-pocket cost it may be sustained and the permission to make the charge may be given. It is in that respect that the present bill changes the existing law. We have said in this bill that the Interstate Commerce Commission can give the authority to charge more for the longer than the shorter haul; but in giving the authority it must find that the rate which is charged by the railway company for the longer distance is a compensatory rate as distinguished from an out-of-pocket cost rate. There is a great deal of difference between those two things.

A compensatory rate, I assume, means a rate which will enable the railway company charging it to defray the cost of maintenance and operation and that will also bear its just share of the return upon capital. I take it that the word "compensatory" is used in that sense. Therefore, in the case put by the Senator from North Carolina, if the charge for the longer distance was not a compensatory charge, the Interstate Commerce Commission would have no authority to grant the right to charge more for transporting the sugar, or whatever it may have been, over the shorter distance than it charged for transporting it over the longer distance. I think this amendment will go very far toward correcting the manifest abuses which have crept into the law. I think that the Interstate Commerce Commission could have prevented very many of those abuses by proper and correct rulings upon the law as it is, although I do not criticize it in that respect, for its work has been very difficult.

Mr. OVERMAN. It is framed without regard to water transportation. I think the claim has been made heretofore that the reason for the discrimination against my State was because of the water transportation at Norfolk.

Mr. CUMMINS. Yes. Now, it will not be permitted to use the cost of water transportation as a basis for reducing its rates to the terminal point and charge more in the home or in the State of the Senator from North Carolina, unless it finds that the rate which the railroad charges on account of the Norfolk water competition is a compensatory rate.

We can easily imagine that if the Interstate Commerce Commission finds that the rate is compensatory for the longer

distance it will be rather difficult for it to maintain the proposition that the higher rate for the shorter distance is a reasonable rate. That is the way I think many of the abuses that have found their way into the administration of this law will be corrected.

I pass now to section 38—

Mr. STANLEY. At that point may I interrupt the Senator?

Mr. CUMMINS. Certainly.

Mr. STANLEY. What will affect the question even more than water competition is the situation of two roads having common termini, one road being much longer than the other, and an absolute enforcement of the long-and-short-haul clause would deprive one of those roads of all proper rates to the termini of the longer road.

Mr. CUMMINS. I am very glad the Senator from Kentucky mentions that, because it reminds me of another modification that we have made in section 4 of the interstate-commerce act. It is that where there are two competitive land lines, one longer than the other, that under no circumstances must the longer line charge more to an intermediate point not farther from the origin than the haul on the short line than it charges for the competitive point. It must not charge more for the same distance than the rate charged on the short line. That, I think, will also correct a good many injustices that have occurred in the application of the law as it exists.

Mr. SHEPPARD. May I ask the Senator a question at that point?

Mr. CUMMINS. Certainly.

Mr. SHEPPARD. Does the Senator include water transportation lines in any of the systems provided in the bill, or does he leave them separate and distinct?

Mr. CUMMINS. We do not bring all-water transportation within the provisions of the bill. We do not change the law in that respect. I take it that the Senator from Texas means have we brought the port-to-port business within the jurisdiction of the Interstate Commerce Commission?

Mr. SHEPPARD. Yes; or the business on any of the rivers.

Mr. CUMMINS. No; we have not. There is now, and has been for quite a long time, as the Senator from Texas knows, jurisdiction on the part of the Interstate Commerce Commission to fix the rates upon transportation that is partly by rail and partly by water, but we have not enlarged the jurisdiction of the Interstate Commerce Commission in that respect at all. It remains just where it is now.

Mr. SHEPPARD. You have not made any of the water-transportation lines part of these railroad systems?

Mr. CUMMINS. No. The bill makes no changes in that respect, so far as I know.

Section 38 is an amendment—

Mr. JONES of Washington. Will the Senator permit me, before he starts on that feature of the bill?

Mr. CUMMINS. Certainly.

Mr. JONES of Washington. I have been examining the bill with reference to the water routes, and I find different provisions in it which I have not been able to study sufficiently to determine just how far the committee does intend to go or how far it does go in regard to water regulation.

On pages 26 and 27 of the print of the bill I find a statement that it is "declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities," and so forth. Also, "with that end in view the board shall inquire into water-transportation facilities both for internal and external commerce," and so forth.

I suppose that would include a broad inquiry with reference to ocean transportation?

Mr. CUMMINS. As broad as might be made.

Mr. JONES of Washington. It provides further that the board—

shall investigate the appropriate types of boats suitable for different classes of waterways; also the subject of water terminals, both for water traffic and for through traffic by water and rail, including the necessary docks—

And so forth.

What is the object or purpose of the provision—

shall investigate the appropriate types of boats suitable for different classes of waterways.

Is it the purpose to allow the board to investigate suitable types and determine the suitable types of boats for water transportation?

Mr. CUMMINS. There is no authority to determine anything.

Mr. JONES of Washington. What is intended by that?

Mr. CUMMINS. It is intended by that to promote water transportation, to increase our external commerce, to acquire all the information possible that can be used to enlarge our

commerce. That provision was put into the bill at the earnest insistence of the senior Senator from Louisiana [Mr. RANSDELL], who stands as a sort of godfather for water transportation. We put it into the bill believing that there ought to be some sort of recognition of the growing demand for water competition and water transportation. We thought that we were meeting a real need in our regulatory system to include within it some concern for water transportation, which has hitherto been substantially neglected and forgotten.

Mr. JONES of Washington. I wanted to ask the Senator whether the words "shall investigate the appropriate types of boats suitable for different classes of waterways" were intended by the committee to include the class of boats on the ocean?

Mr. CUMMINS. Surely.

Mr. JONES of Washington. Or whether that relates more particularly to inland waterways?

Mr. CUMMINS. I assume that the authority would be exercised oftener with reference to inland waterways than to exterior or ocean-going ships.

Mr. JONES of Washington. We have a Shipping Board, created by the shipping act, that has very wide authority with reference to ocean transportation and ships, and I wondered whether or not it was the intention of the committee in framing this bill to trench upon or invade the jurisdiction or authority of the Shipping Board, or whether it was really intended to confine it to inland waterways?

Mr. CUMMINS. It was not in my mind to confine it to inland waterways, nor was it in my mind to trench upon or invade the authority or jurisdiction of the Shipping Board in any fashion. We have not given to the transportation board or to the Interstate Commerce Commission any power over ocean commerce that would interfere in any way with the authority of the Shipping Board, but inasmuch as the advocates of water transportation were so anxious that we should put something into the bill that would recognize the value of water transportation, we could see no objection to giving the transportation board the authority to examine and to inquire.

I do not know whether the Senator from Washington will remember or not, but the senior Senator from Louisiana [Mr. RANSDELL] introduced an amendment to the bill which was referred to the Committee on Interstate Commerce, and in that amendment the authority which the Senator from Washington has just read was given to the Department of Commerce. We put it into the bill, simply changing "the Department of Commerce" to "the transportation board," otherwise practically accepting the amendment proposed by the Senator from Louisiana.

Mr. JONES of Washington. Of course, I did not know of the amendment proposed by the Senator from Louisiana. I am in hearty sympathy with any movement looking toward the improvement and use and development of our waterway transportation. I would not seriously object to having proper provisions in the bill if they could be framed in proper shape to do that, but in doing it I would not want to put in the instrumentalities created by this bill authority that is already in the hands of another board and provided by permanent legislation to be exercised by another board or body.

I would be perfectly willing to have a provision in the bill, as I say, putting whatever additional power is necessary with a board already established, but I do not like to see a duplication of authority that exists in one board already created by law apparently being placed in another board.

Mr. CUMMINS. Does the Senator from Washington mean authority to look into the subject?

Mr. JONES of Washington. I do not really see any necessity of authorizing a board to look into a subject when another board has been created for the purpose of looking into the same subject. For instance, on page 28 I find this provision:

It shall also be the province and duty of the board to compile, publish, and supply from time to time such useful statistics, data, and information concerning transportation by water as may be of value to the commercial interest of the country, and make such annual recommendations to Congress for the regulation and improvement of transportation by water as it deems advisable.

I suppose it might be said it is well to get the recommendation of all authorities that we can with reference to the methods of improving water transportation, but the Shipping Board is expressly directed to investigate these things and make recommendation to Congress annually. I doubt the advisability of directing another board to do the same thing.

Mr. CUMMINS. There may be very great merit in the suggestion offered by the Senator from Washington. I personally do not feel that the clause to which he has brought my attention is of any great value to anyone. If he shall in the course of the consideration of the bill move to strike it out, I only hope he will wait until the Senator from Louisiana is here.

Mr. JONES of Washington. I do not know that I would even do that, but I wanted to get the views of the committee.

Mr. CUMMINS. The views of the committee, I think, were that we were responding to what seemed to be a reasonable request upon the part of a Senator whose life has been given to the study and development of water transportation and whose heart is closely bound up in the development of that subject.

Mr. JONES of Washington. While I know that is true, and while the Senator from Louisiana has taken, of course, a great deal of interest in ocean transportation, I know his heart has been bound up in inland waterways.

Mr. CUMMINS. I think that is true.

Mr. JONES of Washington. When this bill mentions waterways here I just supposed that it probably was the intention of the committee to cover inland waterways and not to go out into the broad highways of the ocean.

Mr. TOWNSEND. Mr. President—

Mr. CUMMINS. I yield to the Senator from Michigan.

Mr. TOWNSEND. I wish to say that as one member of the committee it was my understanding that this was largely in the interest of inland transportation. The board that is created here has to deal with railroads and with water connections. It has proper jurisdiction over them. It was thought very desirable that this kind of transportation should be encouraged and that the best reports possible should be obtained. I do not remember that even once was the question of ocean transportation mentioned.

I can see some force in what the Senator from Washington says in reference to ocean transportation, but I think it is entirely proper that this provision should be inserted here as affecting inland transportation.

Mr. JONES of Washington. I entirely agree with the Senator as to that.

Now, Mr. President, I wish to call the attention of the Senator, in connection with the same matter, to section 45, on page 92 of the bill, where it is provided:

Sec. 45. Every ocean-going common carrier engaged in commerce with foreign nations, or in coastwise or in coast-to-coast commerce, whose ships are registered under the laws of the United States and thereby made subject to regulation under the Constitution and laws of the United States, shall file for each boat so operated with the board within 30 days after this act takes effect a schedule or schedules showing, with respect to each of its boats having regular routes and sailings, the routes over which its boats ply, its sailing dates, and the rates, fares, and charges for transportation to and from the various ports at which cargo is received or delivered. Said schedule or schedules shall state the period during which such rates, fares, and charges are to be in effect.

That is all required in the shipping-board act.

Mr. CUMMINS. I beg the pardon of the Senator from Washington, but I do not so understand.

Mr. JONES of Washington. I think the Senator is mistaken.

Mr. CUMMINS. This is purely a provision intended for the regulation of the railroads, but the railroads must get the information, of course, from the carriers by water. The water carrier, the ocean carrier, is required to file with the transportation board these schedules, so that the transportation board can compile them and compel the land carrier to distribute the information at the stations in the interior, thus affording the inland shipper who desires to export an opportunity properly to route and ship his freight.

Mr. JONES of Washington. The Senator probably is correct. I understand the purpose of the provision, at any rate; but there is one other question that I wish to ask in connection with the same section, in order that I may secure an understanding of it. On page 93 it is provided:

When any consignor delivers a shipment of property, at any place specified by the board, to be delivered by the railway carrier to one of the boats above mentioned for transportation by water from and to a port named in its aforesaid schedule, the railway carrier shall issue a through bill of lading to the point of destination, naming not only the charge to be paid for the land transportation but also for the water transportation.

It is not intended there, I assume, that the board or the rail carrier shall fix the charge.

Mr. CUMMINS. As I understood it and as I intended it—and I drew that section; it is something entirely new in the law—neither the board, nor the commission, nor the land carrier is to have any authority whatever over the rates which are to be charged by the ocean carriers for the service. I would be as much opposed to that as anyone.

Mr. JONES of Washington. I thought the Senator would, but I rather think that these provisions need to be examined very carefully. I have not had the opportunity to do so as yet.

Mr. CUMMINS. I may say to the Senator from Washington that I want him to know exactly where the suggestion came from.

One of the chief assistants, I think, of the Shipping Board for some time, a Mr. Rossiter, whose experience has been very

great and whose judgment I very highly esteem, is the real author of that section. He is not the author of the language of the section, but he is the author of the idea, which I regard as one of the most helpful things that have ever been presented for the increase of our foreign commerce. If there is anything wrong with the composition of the section, I want to correct it. I do not want, nor was it my purpose at all, to draw the ocean carrier within the jurisdiction of either the transportation board or the Interstate Commerce Commission; but I do want to put a command on the ocean carrier to give to the transportation board its sailing dates and its routes in order that the board may compel the land carrier to furnish that information to those who desire to use the ocean service.

Mr. JONES of Washington. Mr. President, I have conferred with Mr. Rossiter in regard to the provision, and the Senator is correct as to his being a strong advocate of some provision of this kind, but whether he is the suggester of it I am not prepared to say.

Mr. CUMMINS. He is, so far as I am concerned.

Mr. JONES of Washington. I had the idea in mind, I know, long before I talked with him.

Mr. CUMMINS. I presume that is undoubtedly true; but he is the first man who ever mentioned it to me.

Mr. JONES of Washington. I have no doubt that many others thought of it long before it entered my mind, but I know that I prepared a provision along this very line and incorporated it in a bill which I introduced quite a while ago with reference to shipping.

I remember that Mr. Rossiter talked to me about the matter and stated that he had talked to the Senator from Iowa. I told him that, so far as I was concerned, I would make no question as to the jurisdiction of the committee if a proper provision of that kind were prepared and inserted in this bill, because I consider it of very great importance and the sooner we can get it enacted into law I think the better. So I have no quarrel with the attempt to cover it in this bill. All that I want is that we be careful to see that we get a proper provision and one that will carry out the idea entertained, I think, by the Senator from Iowa as well as by myself.

Mr. CUMMINS. I am sure of that. The Senator from Washington and myself can not have any disagreement about the jurisdiction of our respective committees when we are both endeavoring to accomplish a common purpose.

Mr. STANLEY. Mr. President—

Mr. CUMMINS. I yield to the Senator from Kentucky.

Mr. STANLEY. The inquiry of the Senator from Washington as to the jurisdiction of the transportation board should, in my opinion, be read in connection with the first section of the bill. In the light of that section I agree with the chairman of the committee that the jurisdiction of the transportation board is advisory. The first section of the bill provides:

The rights and interests of the United States acquired by the President under section 6 of the act hereby repealed, authorizing expenditures for the utilization and operation of canals or for the purchase, construction, or utilization and operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways, which shall include the boats constructed or authorized to be constructed for the navigation of the Mississippi River above St. Louis, are hereby transferred to the United States Shipping Board and shall be dealt with in accordance with the rights and interests so acquired and under the provisions of the act known as the "shipping act, 1916."

Then it proceeds to provide for the payment of various sums of money.

Mr. CUMMINS. That is quite true; but the Senator from Kentucky will remember that the scope of the provision which he has just read is limited to the property acquired by the Government under section 6 of the Federal-control act, and to that extent the whole jurisdiction passes over to the Shipping Board. The Senator is quite right.

[At this point Mr. CUMMINS ended his speech for the day.]

Thursday, December 4, 1919.

Mr. CUMMINS. Mr. President—

Mr. CURTIS. Before the Senator enters upon the speech which he said he would conclude this morning I should like to ask him one question in regard to section 18, the paragraph on page 41 commencing with line 5. That part provides:

All property, property rights, contract rights, and assets of every kind owned or possessed by any such corporation reincorporating hereunder shall, by virtue of such reincorporation and of this act and without additional proceeding, formality, or act whatsoever, become and be immediately vested in such reincorporated company—

And this is the part to which I want to call the Senator's attention—

and all debts, liabilities, contracts, obligations, liens, claims, and rights of whatsoever kind of any corporation which shall become reincorporated under the provisions of this act shall continue unimpaired.

Now, in case a corporation is organized in a State and has a State charter, and that charter requires that the corporation shall for a number of years or for all time maintain offices or headquarters or shops in that State, I wish to ask the Senator from Iowa if under that part of this section they would be compelled to keep that obligation or would a further amendment be required to compel them to maintain their offices, shops, and headquarters as required in the charter or in the agreement by which bonds might have been voted to the company?

Mr. CUMMINS. The precise question suggested by the Senator from Kansas did not, as I remember it, arise before the committee. My answer to it must be, therefore, purely a personal one.

It is my understanding that this section or the part of the section read by the Senator from Kansas means that every lawful, enforceable obligation passes to the reincorporated company and can be enforced against the reincorporated company. I am bound to say that the precise contract to which the Senator from Kansas refers is one the validity of which I very much doubt. It may be that there are decisions with which I am not familiar, but I doubt whether a contract in which a common carrier agrees to maintain offices or shops in a particular place could be enforced against the public interest or against the public welfare.

But I suppose we need not pass upon that question, and, broadly speaking, I answer the Senator from Kansas [Mr. CURTIS] by saying that the reincorporated company would assume all valid obligations into which its predecessor had entered.

Mr. President, when I closed the discussion last evening, I was referring to the modification which this bill contains of what is popularly known as the long-and-short-haul clause of the act to regulate commerce. I think I had explained it as fully as is necessary, but if any Senator has any inquiry with regard to that particular subject I should be very glad to respond further. If there is no such inquiry, I pass to section 38 of the bill. It will be understood, Mr. President, that I am not attempting to enter into every detail of the bill. Senators must advise themselves, as I hope they will, or as I assume they have, by reading the bill, but I am simply attempting to mention the prominent and, as I am inclined to believe, the important changes which, if the bill passes, it will make in the law.

We are all familiar with what is known as the antipooling section of the interstate-commerce act. I may say, in passing, that in this respect there is no essential difference between the bill which has passed the other House and the bill now before the Senate. The bill adds to section 5 of the act to regulate interstate commerce the provision which I shall read; but in order that it may be fully understood I will read the law as it now is:

Sec. 5 (as amended Aug. 24, 1912). That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

That is the law at the present time. The change that is proposed in this section of the act to regulate commerce is to insert after the word "that" the words:

Except upon specific approval by order of the commission as in this section provided.

Then there is added the following:

Provided, That whenever the commission shall be of the opinion, after hearing, upon application of any carrier or carriers, by railway or water, subject to this act, that the division of traffic or earnings between any such carrier or carriers will be in the interest of better service to the public, economy in operation, or otherwise of advantage to the convenience of commerce and the people, and will tend to equalize earnings between the said carriers and will not unduly restrain competition, the commission shall have authority, by order, to approve and authorize such division of traffic or earnings between carriers under such rules and regulations, and for such consideration as between said carriers and upon such terms and conditions, and for such length of time, as shall be found by the commission to be just and reasonable in terms.

The commission may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify or set aside the provisions of any previous order as to the extent of the division, or as to the rules, regulations, terms, conditions, or consideration currently moving in respect of any such divisions so theretofore approved and authorized. The same procedure as to filing of applications and serving of notice of hearing upon proper State authorities with opportunity to be heard shall be had as is provided in section 24 of this act relating to "securities."

The portion of the act to which the last reference is made is, substantially, that upon application for the issuance of securities the Interstate Commerce Commission must notify the governor of the State and every State which may be interested or which may be concerned in the proposed action of the Interstate Commerce Commission. This provision requires also a notice to be served upon the governor of the State, and, through him,

upon the authorities empowered to regulate commerce in that State, of the pendency of any application of the character I have described.

It is apparent, Mr. President, that this provision is not only an important one but is a radical departure from the policy which we have heretofore pursued. It is intended in this way to give to the Interstate Commerce Commission the authority, practically, to unify the railroads of the country prior to the consolidation which is provided for in the bill. All of us have observed—we must have observed, if we are not blind—that the one great advantage of Government ownership is the unification which may take place and the ability on the part of common carriers to choose that route for the traffic which is most economical and which will best serve the public interest. It was thought by the committee that, at least in the transition period—and this has no limitation in point of time—but especially for the transition period, the commission should have the power to control the railway companies in the respect I have just mentioned.

This is a question upon which no argument is needed; it is one upon which every man who feels an interest in the subject has reflected and upon which he must have an opinion.

I have thought it my duty to refer to it, because it is, as I have indicated, a substantial departure from the policy we have so long pursued.

Section 39 of the bill is also new and is intended to serve the convenience of shippers and promote economy in operation. As it is now under the law whenever a railroad company desires to make a change in its schedule of rates it is compelled to file with the Interstate Commerce Commission a complete new schedule, involving very great expense. That, however, is not the chief objection; it mystifies the subject in the minds of the general public. The Interstate Commerce Commission, as I understand, has recommended this provision, or some such provision as this, as it has recommended the provision to which I have just referred, namely, the authority on the part of the commission to authorize the diversion of traffic and the division of earnings as between competing carriers. The provision to which I am now referring is as follows:

That the commission is hereby authorized to make suitable rules and regulations for the simplification of schedules of rates, fares, charges, and classifications and to permit in such rules and regulations the filing of an amendment of or change in any rate, fare, charge, or classification without filing complete schedules covering rates, fares, charges, or classifications not changed if, in its judgment—

That is, the judgment of the commission—
the public will be better informed by so doing.

Any of you who have ever had occasion to trace the changes that have been made from time to time in the schedules that are filed with the Interstate Commerce Commission will recognize immediately the value of a provision of this character. In my opinion, it will in detail at least serve the most valuable purpose among those who desire to ascertain from time to time at what rates or charges shipments can be made.

I call attention next to the provision of the bill which is contained in two or three sections, and, therefore, I can not point out, and will not attempt to point out, the precise section. As it is now, the commission is not given express power to prescribe minimum rates. The commission has the power to prescribe the rate at which an article shall be moved, in order to enforce the law against discrimination, but there is no authority for a schedule of minimum rates. This bill adds to the present law the power on the part of the commission to prescribe such rates as well as maximum rates. This is particularly important with reference to the division of rates as between connecting carriers whether they be land carriers or whether one of them be a land carrier and the other a water carrier.

There has been a great deal of controversy with respect to this subject. It has gone on for years among those who are familiar with the general course of the development of the law, and this has been strongly recommended, not once but many times, by the Interstate Commerce Commission as one of the powers it ought to have in order efficiently to regulate commerce.

I call attention next to section 43, which presents also a long-standing controversy and a most important one, and upon which Senators will have, I am sure, decided opinions. I do not know whether Senators who are absent from the Chamber have any opinions upon the subject or not, or whether they care to have any opinions; but I am very sure that as the matter develops they will become interested in this particular subject.

For years there has been a conflict between the jurisdiction of the Federal Government and the jurisdiction of the State governments with regard to the adjustment of rates. All of you know that the Constitution of the United States confers

upon Congress the authority to regulate commerce among the States and with foreign nations. Obviously, this authority is limited to the regulation or control of interstate commerce and matters that are inseparably connected with or incident to interstate commerce. The Supreme Court of the United States has had occasion in at least three separate cases to discuss the subject.

Most of you, I am sure, are familiar with what is known as the Shreveport decision. In that series of cases it was alleged that the State of Texas had established rates for intrastate traffic—that is, for the movement of traffic from one point in the State to another point in the State—which discriminated against the rates which the Interstate Commerce Commission had established for the movement of traffic from points beyond the State into the State, and the particular community which complained and which gave the name to the case I have mentioned was Shreveport. It complained that it could not do business with the State of Texas in competition with rivals located in the State, for the reason that the business men within the State were shipping freight at a much lower rate, comparatively, than the Interstate Commerce Commission had found to be reasonable from Shreveport into the State.

I need not follow that case in all its phases; but it finally reached the Supreme Court of the United States, and the Supreme Court held that the authority of the Federal Government as it could be vested in the Interstate Commerce Commission extended to the removal of a discrimination between the interstate rates and the intrastate rates, but no authority had been given by Congress to the commission to declare what the intrastate rate should be in comparison with the interstate rate. Practically the same question arose in what is known as the Minnesota rate case, and similar doctrine was announced by the Supreme Court, and then it arose in what is known as the Illinois case—you all remember that—in which the passenger rate established by the Legislature of Illinois was challenged because it prescribed a rate of 2 cents a mile, whereas the interstate rate from points in Illinois to points in Missouri—St. Louis, for instance—I think was 2½ cents a mile, and the Supreme Court held that in so far as the persons and localities affected or discriminated against by rates of that character were concerned there could be relief, and the intrastate rate could be condemned by the Interstate Commerce Commission.

Holding those general observations in mind, I come to the provision which the committee has made upon this subject and which it has recommended to the Senate. One more word, however, of a general character.

The committee has attempted simply to express the decisions of the Supreme Court of the United States. We have not attempted to carry the authority of Congress beyond the exact point ruled by the Supreme Court in the cases to which I have referred; and the only thing we have done in the matter has been to confer upon the Interstate Commerce Commission the authority to remove the discrimination when established in a proper proceeding before that body—an authority which it does not now have.

Mr. McKELLAR. Mr. President—

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

Mr. CUMMINS. I do.

Mr. McKELLAR. The effect of section 43 would be to abolish the railroad commissions of the various States, would it not, so far as rate making is concerned?

Mr. CUMMINS. No; not at all. I think the Senator from Tennessee does not mean to imply that we have sought to abolish the State commissions or State authorities. We have not gone beyond the principle announced in the cases in the Supreme Court of the United States, and we have simply given to the commission the authority to remove the discrimination when established. As it is now, all that can be done is for the commission to go forward from time to time and condemn and enjoin the State rates until they finally reach the level which, in the judgment of the commission, is no discrimination.

Mr. McKELLAR. Mr. President, of course if the Supreme Court holds that the Interstate Commerce Commission has the right to fix intrastate rates it is just a question of time when the superior power will be exercised, and the State commissions must of necessity be of no further use.

Mr. CUMMINS. Not less so than they are now, in my opinion.

Mr. McKELLAR. Well, that may be true. I am neither denying nor defending that statement. I am merely talking about the effect of the provision in this bill, and saying that in substance it will put the various State railroad commissions out of power.

Mr. CUMMINS. In my opinion, no. I think there will be a wide, important field for the State commissions under any circumstances. I think there is a broad field which we can not occupy under our constitutional authority. However, I will read now the provision which we recommend:

Whenever in any investigation under the provisions of this act there shall be brought in issue any rate, fare, charge, classification, regulation, or practice made or imposed by authority of any State, the commission, before proceeding to hear and dispose of such issue—

I pause there to say that no one can question that the jurisdiction to determine whether there is a discrimination must necessarily rest in the United States.

Before proceeding to hear and dispose of such issue, shall cause such State or States to be notified of the proceeding. The commission shall confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this act with respect to the relationship between rates, fares, charges, classifications, regulations, or practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this act.

The commission shall, after full hearing, make such findings and orders as will in its judgment remove any undue or unreasonable advantage, preference, or prejudice as between persons or localities in State and interstate or foreign commerce, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, which is hereby forbidden and declared to be unlawful, and such findings or orders shall be observed while in effect by the carriers parties to such proceeding affected thereby, and shall make the rates, fares, and charges, or the minimum and maximum of such rates, fares, and charges, and any classification, regulation, or practice which, in its judgment, will remove such advantage, preference, or prejudice.

Nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States or other local authorities in relation to taxation or the lawful police powers of the several States, including the power to make and regulate intrastate rates, except as in this act otherwise provided. Any carrier shall have the right to make complaint to the commission respecting any such intrastate rate, fare, charge, classification, regulation, or practice.

With regard to the last sentence, it may be said that all other persons now have the right to make complaint, but the carrier under the law has no right to make such a complaint, and therefore it was expressly given to the carrier in this instance.

Mr. McKELLAR. Mr. President, will the Senator yield again?

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

Mr. McKELLAR. In so far as rate making is concerned, does not the Senator think that this section at best can be called a benevolent assimilation of all the rights and powers of the State commissions as to rates? It necessarily has that effect. I notice that it provides that they shall sit with the State boards, and yet it gives the United States board the power of fixing the rate, so that it is just another way of coming to the same end. It just sugar coats the pill and takes in the State commissions. Is not that the effect of it, and must it not be, so far as rates are concerned?

Mr. CUMMINS. No, Mr. President; I think that is not the effect, and I think I can convince the Senator from Tennessee in a moment that no such consequence can follow. In the first place, the Senator will remember that a very large proportion of the freight which either passes from or passes into any State is interstate commerce, and that is within the jurisdiction of the Interstate Commerce Commission and always has been since that body was organized. One thinks of the volume of traffic in a State as very large, and I do not want the Senator from Tennessee to imagine that we are lifting all that volume out of a jurisdiction heretofore exercised and giving it to another body, for already, I venture to say, 80 per cent of the traffic of all the States is interstate commerce, and it is only with the 20 per cent with which we have now to deal.

Mr. McKELLAR. Of course, I understood that. But it seems to me it takes the 20 per cent in a benevolent way and turns it over to the commission provided for under the bill.

Mr. CUMMINS. Let us see about that. Of course, we are not turning anything over. The law has already turned it over.

Mr. McKELLAR. If the Senator will excuse me a moment, I do not understand that to be the decisions in the cases he referred to. As I understood those cases, they held that Congress had the power to grant to the Interstate Commerce Commission, or to any other board, the right to regulate them, but that it had not done so, and this bill proposes to do it.

Mr. CUMMINS. The Supreme Court held that Congress had not conferred upon the Interstate Commerce Commission the right to prescribe a rate in the stead of one which had been condemned; but so far as the condemnation of the rates is con-

cerned, the power of the Interstate Commerce Commission is already ample, and it has succeeded in one way or another in removing the discriminations which have come under its notice without the statute which we now propose.

But following the idea of the Senator from Tennessee [Mr. McKellar] a little further, this only gives to the Federal authority the right to inquire into a discrimination, an unjust, undue preference, as against a locality or as against interstate commerce. I fancy that four-fifths of the traffic which is intrastate traffic has no relation whatever to interstate commerce. If I ship a bushel of potatoes from my town to a town 50 miles distant, the rate upon those potatoes can not affect interstate commerce. It is a mere estimate, but I would say that is true of four-fifths of all freight shipments within a State, and therefore the State authorities are left with entire regulating power over those shipments.

I may say, for the benefit of the Senate, and especially say to the Senator from Tennessee, that the House bill originally proposed another element; that is, it proposed that we should declare that if the rates in force in any State did not sustain a fair share of the burden which the interstate carrier must bear, then the Federal authority should have the jurisdiction to take possession of the entire field and lift the rates so that the carrier should receive from intrastate business a proper share of the revenues which it must have in order to pay for maintenance and operation and a fair return upon the value of the property. That is the contention, and there is a great deal of merit in it. We have not thought, however, that we were justified in going to that extent. But I predict that it will not be many years before Congress will be compelled to go to that length.

For instance, here is a railroad company, we will say, running from New York to Chicago. It runs through New Jersey, Pennsylvania, Ohio, Indiana, and a part of Illinois. A large part of its traffic is interstate, and therefore within the jurisdiction of the Interstate Commerce Commission, and the commission can fix whatever rates upon that business it deems reasonable and just.

But New Jersey fixes a rate upon her traffic which this interstate carrier must transport. Pennsylvania fixes a rate upon her traffic which the interstate carrier must transport. Ohio does the like; Indiana does likewise, and so does Illinois. The interstate carrier must be maintained. It has a certain cost of maintenance and operation. It has a certain capital invested in its business, and the revenues from that business must be sufficient to defray the cost of operation and maintenance and to make a fair return upon the value of the property or upon the investment.

Now, assume that the States of New Jersey, and Pennsylvania, and Ohio, and Indiana, and Illinois shall fix a level of rates which does not furnish to that carrier a fair share, considering the cost of the service, of the entire sum which must be received in order that the carrier may go on and fulfill its duty, as I have described. What is the result? If the State rates are immune from investigation and control on the part of the Federal Government, upon that ground the interstate rates must be increased so that the entire revenues of the carrier will be sufficient to enable it to discharge the obligations which I have so many times described. That is manifestly unfair, it is obviously unjust, and we are driven at once to the inquiry, what jurisdiction shall determine the sufficiency of the State rates in producing the revenues which will constitute a fair share of the entire necessary income?

Mr. McKellar. Mr. President—

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

Mr. CUMMINS. Just a moment, and I will yield. In my judgment, in the end we will be compelled to go, and I believe under the Constitution we have the authority to go, to the Federal jurisdiction for the purpose of determining that issue, just as we go to the Federal jurisdiction to determine every issue which arises in a conflict between a State authority and a Federal authority. I now yield to the Senator from Tennessee.

Mr. McKellar. The Senator pointed out what would be left to the State commissions in the matter of intrastate rates. Manifestly, if this bill passes as it is written, with the provisions in it allowing the railroads to pool, allowing and providing for the physical connections of railroads, it must be apparent, with the preceding provisions, that under section 43 there will be nothing left, because every rate will be affected directly or indirectly with an interstate proposition.

Mr. CUMMINS. I do not agree with the Senator from Tennessee in his conclusion. In his inference that this bill does broaden Federal authority over interstate carriers I not only agree but I am endeavoring, as best I can, in all that I have

said to demonstrate the necessity of broadening and widening Federal authority. But I do not want it to be understood that we have yet gone, and this bill does not propose to go, to the limit of our constitutional power. It leaves with the State authorities many things which, in my judgment, if we were to exercise our full power we could withdraw from the States. But the committee has not considered it wise to withdraw more than seemed to be absolutely necessary under existing conditions. At any rate, Senators will now fully understand, I think, the operation of the section to which I have referred.

The next section to which I call your attention is section 44, and in that section the only change that is of importance at this moment is in the length of time that the commission may suspend rates which are filed by the carrier.

As the law now is, each carrier has a right, and is required, if it desires to change the rates, to file its schedule of rates with the Interstate Commerce Commission. The commission can then, upon summary investigation or inquiry, suspend those rates pending an investigation. Under the law as it is it has the authority to suspend them for 120 days, and then it was given the authority, as I recollect it, if it did not finish the inquiry within that time, to extend the time for another period of six months. The latter period has been shortened in this bill to a period of 30 days.

The reason for that is this: In the first place, the Interstate Commerce Commission has been overworked. There is no body of men in the employ of the Government, or exercising governmental functions, upon which so great a weight of labor has fallen as the Interstate Commerce Commission, and it is utterly impossible for it to fulfill its full duties as the law now is. But we have undertaken in this bill to create a new governmental function known as the transportation board, and we have given to that board many of the important duties which are now performed by the Interstate Commerce Commission, and endeavored in that way to relieve the latter body of some of its labor; and we hope that we have accomplished that purpose to such an extent as that the commission will be able promptly to decide all the matters which are brought before it.

Broadly speaking, we have left with the Interstate Commerce Commission what might be described as semi or quasi judicial powers, rate making in all its phases, the valuation of railroad property in all its aspects, accounting absolutely necessary as an incident to rate making and to valuation. These are in the main the great branches of labor which are left with the Interstate Commerce Commission. The purely administrative duties, those duties which have to do with the physical operation of the railway properties, are transferred to the transportation board and many new duties are also given to the transportation board, one of which and probably the most important of which I commented upon yesterday.

In view of this division of labor between the commission and the transportation board, the committee is of the opinion that the commission ought to pass upon the rates which are filed with it by the carriers at least within a period of five months. It is not fair either to the shipping public or to the carriers that a proposal for an increase or decrease of rates, as the case may be, shall remain uncertain and undisposed of for a period of more than five months. The provision is a limit of 120 days in the first instance, and then an extension, if necessary, of 30 days.

In the latter part of section 44 there is another very important change in the law which I want Senators to observe. Under the interstate-commerce act which now is, as you all know, the shipper may determine the route which his traffic shall take. It has been rather common in the past for railroad companies which were not satisfied with the routing which the shipper had determined upon to deliberately and knowingly divert it to some other line with which the initial carrier or some connecting carrier had more intimate relations than with the carrier over whose lines the shipper determined his traffic should go. There has been no remedy for that, and it has been practiced mainly at the expense of the short or weaker lines.

The committee determined to correct it and has corrected it by providing that the line from which the traffic is thus diverted shall be entitled to recover its proportion of the earnings from the through rate just the same as if it had carried the traffic, and the line over which the traffic may actually go wrongfully will have the satisfaction of doing the business for nothing, a penalty which I think will very soon bring to an end this very objectionable practice.

I desire now to mention briefly section 45. This is a section concerning which the Senator from Washington [Mr. Jones] and I had some colloquy last night. It is entirely new, and it is an effort to coordinate land and ocean traffic. We have not given to the Interstate Commerce Commission any authority to regu-

late or control or to fix rates for what is known as port-to-port traffic, whether inland or exterior, and we do not propose to do so. Everybody understands that we can not put upon ocean traffic or coastwise or coast-to-coast traffic or even upon river traffic the same regulations that are very advisable with regard to land traffic. I need not go further into that, because it is familiar to everybody.

We are now hoping to enlarge our foreign business. We are endeavoring to make it as easy as possible for the business men of America to ship their goods anywhere throughout the world. The Shipping Board is trying, I think faithfully, to establish a series of ocean routes with boats having regular sailings and regular routes as well.

The great corporations of the country, the great producers, such as the United States Steel Corporation or other corporations of that character, are able to maintain their agents everywhere, who serve as a medium of information to such shippers, and they know when the boats sail and where they go and what the rates are, and are in every way able to reach a foreign country or foreign countries in the most convenient way. That is not true of the small shippers of the land. They do not know when these boats sail and where they go. They do not know what the ordinary rates are upon these ocean-going ships.

Section 45 provides that every ocean-going steamer and every coastwise or coast-to-coast steamer with a regular route and with regular sailings shall file with the transportation board a schedule containing the dates of the sailings of its ships and the routes over which its ships travel, together with the ordinary rates which are charged for transportation. These schedules are required to be filed with the transportation board, and they are then given to the land carriers, the railroads, and the railway companies are required to maintain that compilation of information in every office designated by the transportation board. It is the thought of the committee that the board would designate the important or the chief centers of production and of shipment.

Then any man who has a shipment destined for some foreign port, for Liverpool, Hongkong, Melbourne, or for San Francisco or New Orleans, even though he may not be able to maintain a commission man at the port or any other of the conveniences which the great shippers enjoy, may take to any railroad office in the country his shipment, less than carload if you please, and deliver it to the land carrier, and the land carrier must issue to him a through bill of lading. It then becomes the duty of the land carrier to deliver the shipment to the boat in whose care it is consigned, and the land carrier must absorb in the charge for the land carriage the cost of transfer from the railway train to the boat. In that way we will have established all over the United States a system which I think will tend to increase largely our export trade or coast-to-coast trade.

Mr. McKELLAR. Mr. President—

Mr. CUMMINS. At least it will greatly serve the convenience of the people of the country without any additional cost. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I rose merely to say that, in my judgment, this is one of the best and most far-reaching provisions of the bill. Especially to inland cities of the United States is it most important that there should be such a provision. It is known to all of us that for quite a while the railroads have declined to give through bills of lading, and this provision will remedy that most serious defect in our system and, I believe, will add tremendously to the business that America will get.

I desire to offer my very hearty commendation of this section of the bill.

Mr. OVERMAN. I think that is true; but this is a question that occurs to me: A man living inland ships a bale of cotton to Liverpool; he gets a through bill of lading. The vessel will not take that bale of cotton unless it is compressed. Therefore when it comes from some inland point in my State it has to be unloaded at Wilmington and then compressed and reshipped. Under the provisions of this bill will the railroad company give a through bill of lading from some little point out in my State and then take the cotton off at Wilmington and have it compressed and then put it on its train again?

Mr. CUMMINS. I think not. I think the cotton will have to be so baled or so prepared as to be capable of shipment upon the ocean voyage.

Mr. OVERMAN. It always has been done in that way. They will not take it for ocean voyage unless it is compressed. We could arrange for a through bill of lading, and then have them take that bale of cotton off at the point of shipment and have it compressed and then sent on its ocean voyage.

Mr. CUMMINS. I think that would be a very good arrangement, although we have not attempted to impose that duty upon the carrier.

Mr. McKELLAR. I should like to say in this connection that recently there has been marvelous improvement in compressing machinery in this country. We have compressors where cotton can be compressed at the gin or at the source, and that difficulty will be largely obviated as soon as the new compressing machinery is added at the various plants.

Mr. CUMMINS. I have now, with one exception, completed my explanation of the bill before the Senate. That exception is the part of the bill which proposes that the Government shall adjudicate the disputes which may arise between employees of railway companies and the corporations, and which forbids a conspiracy or combination for the purpose of preventing the movement of commodities in interstate commerce.

I venture to say that no provision in any bill submitted to Congress in recent years has been more generally discussed throughout the country than the one to which I have just referred. There are some very extravagant praises for it; there are some very unjust denunciations of it. I look upon it as a vital part not only of this bill but a vital part of our policy in the future so far as the basic industries of America are concerned. The committee has endeavored to find a solution of one of the most complicated and difficult problems ever presented to a legislative body. I am not prepared to affirm that the committee has discovered the only solution, and I am sure its members will be very glad to receive from Senators any suggestions that may make the arrangement which we have provided for more just or more efficient; but I speak for substantially every member of the committee, a very large majority of the committee, when I say that it is our profound conviction that the civilization of America—I was about to say the civilization of the world—can not continue, can not endure, unless organized society can find some plan to preserve industrial peace and order. To me the thought that to accomplish justice for those who may be interested in any dispute it is necessary to either freeze or starve the American people is unthinkable and intolerable.

I have always, I believe, entertained for men who worked not sympathy—for men who work need no sympathy—but I believe that I have always held for them the keenest interest in the struggles in which they have been engaged and the most sanguine hope of their ultimate success in obtaining the justice to which I believe they are entitled. But that does not settle this controversy.

Look at the situation now. I received a telegram this morning from one of the important cities in my State in which it was stated that the schools had all been closed; that the churches had all been closed; that every industrial enterprise had ceased—and it is a city of 25,000 people or more—and that if relief were not given in furnishing fuel before Saturday night there would be hundreds of homes in the community without heat. Our Government is a failure if there can be found no way to surmount an obstacle of that kind; our Government is worse than a failure if we can not in some way preserve the continuity and the regularity with which our basic operations are carried on.

The committee were deeply impressed with that feeling and we recognized that transportation is the basic industry of the Nation. It may not be more important from one aspect than many others, but none of the others can be conducted or carried on without transportation. Leave New York without transportation for two weeks and thousands of people will either starve or freeze, according to the season; indeed, they may do both. What I say of New York is true of Philadelphia, of Chicago, and of every great center of population.

Mr. THOMAS. It is true of Washington.

Mr. CUMMINS. I do not know but that it would be true of Washington. I suppose, however, there are some people who would feel that there were compensations if that calamity should fall upon Washington. [Laughter.]

We can not contemplate that situation with any complacency at all. If we can not find some way in which to avoid a contingency of that kind, then our boasted and vaunted institutions are mere shadows, and we should escape from them as speedily as possible. There must be some way in which a democracy can administer justice to all its citizens, which will render them so far content that they will be willing to carry on their vocations with reasonable regularity and continuity.

Mr. President, I was the author of a somewhat famous statement or declaration in what is known as the Clayton antitrust law that the labor of a human being is neither a commodity nor an article of commerce. I believed in the truth of that statement profoundly then, and I believe in it now with even

deeper conviction. The labor of a human being is not a commodity; it ought not to be dealt with as a commodity; it ought not to be judged as a commodity; for it is a part of human energy that may solicit and ought to receive the same high consideration from the world, from every legislative body, as all other energies of the mind or the body. But I am just as much opposed to Mr. Foster dealing with human labor as a commodity as I am opposed to Mr. Gary dealing with it as a commodity.

It is just as fatal to the welfare of the United States to allow the American Federation of Labor to deal with labor as a commodity or as an article of commerce as it is to allow the National Association of Manufacturers to deal with it as an article of commerce or as a commodity. This declaration, for which I make no apology and of which I am as proud as I am of any other act of my life, means that labor is to be lifted above the rules which apply to mere inanimate things; it means that the laborer is a man and entitled to all the rights of a man, and that he should no more sell himself to a labor union than he should sell himself to a manufacturer. It applies to both and all with equal force and strength.

I do not want it to be understood that I am opposed to labor unions. On the contrary, I think they are an essential part of our industrial organization. I do not believe that we could long survive in peace and in order without labor unions. I think the gathering together of men in every occupation is not only defensible but I think it is highly beneficial and helpful in the maintenance of law and order. The laboring men in any particular enterprise or in any particular calling have just as much right to come together and work to promote their own interests and lift themselves up, if they can, in the great scale of human society as have the men of capital or the men of the professions, the men who labor, as it is said, with their minds instead of with their hands. I do not want it to be understood that there is in this bill or that there is in my mind any antipathy, any hostility, anything but admiration, for labor unions.

I believe also in collective bargaining. There is no escape from collective bargaining. It is the decree of this age from which we ought not to attempt to escape. This bill is founded upon the necessity for labor unions, so far as the provisions to which I now have reference are concerned. It could not operate without the presence of labor unions. This bill recognizes collective bargaining; it can not be administered efficiently without collective bargaining.

I have said so much because there has been an industrious effort to misrepresent the bill. I have been amazed when I have read some of the lying reports which have been circulated throughout the country with respect to the objects which this bill seeks to attain, and I am saying what I have said to do what little I can do to overtake these gross and malicious misrepresentations.

It is said—it has been said to our committee—that this provision of the bill contravenes the natural rights of man, and is therefore unconstitutional. It is a very common thing to hear it said that this manacles the workingman, puts shackles upon his limbs, and reduces him to involuntary servitude. Nothing could be more wicked than an assertion of that character. This bill does not interfere with the right of any employee of a railroad company or any official of any railroad company, because this bill applies equally to every person who serves a common carrier if the common carrier is subject to the act to regulate commerce. The bill does not prevent, interfere with, or embarrass any man who desires to leave his employment. He can quit or a hundred of them or a thousand of them can quit whenever they desire so to do. But I am not willing to allow the statement to go unchallenged that it is a fundamental and a constitutional right that every man can enjoy to quit his employment whenever he pleases. That is not true.

This bill does not interfere with his right at all; but a soldier can not quit whenever he desires. He can not cease his employment. An engineer upon a railway train can not quit whenever he may desire to quit. He can not leave his engine and his train so that human life would be imperiled or so that property, even, might be injured. A physician or surgeon can not quit his employment whenever he may desire to quit, either morally or legally. He can not leave a dangerous operation half performed because it is his pleasure no longer to continue the work of his profession. I am mentioning these things simply to show that it is not true, broadly and fundamentally, that every man in the world can quit what he is doing at any moment he chooses to quit. The human right—and I am now speaking of the individual right rather than the group right—is subject to higher considerations than his pleasure.

Mr. THOMAS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. I hope the Senator will not omit, in the category of obligations that he is now giving, to include men who are working under time contracts, whether collectively or individually.

Mr. CUMMINS. Quite true. That would not have occurred to me, but the observation is a very just one. I am mentioning these things not because they are material to the bill, for we do not attempt in the bill to interfere with the right of any employee of any railway company or any manager of any railway company to cease his employment whenever he individually may desire to do it, but I grow tired sometimes of hearing these broad generalizations which are so cheerfully made by those who want to relieve the human being of all responsibility to society. We owe something to our fellow men, and, as the President of the United States has just said, that is the dominant duty that falls upon every conscious, responsible human being.

It is well worth while to read what the President has just said upon this subject. I am not altogether sure that I understand his reference, but I think I do, and if anybody here differs from me in that respect I hope he will make it known at this time.

The President, in the message which was delivered day before yesterday to the Congress of the United States, said, among other things:

Labor not only is entitled to an adequate wage, but capital should receive a reasonable return upon its investment and is entitled to protection at the hands of the Government in every emergency. No government worthy of the name can "play" these elements against each other, for there is a mutuality of interest between them which the Government must seek to express and to safeguard at all cost.

Truer words were never penned, a more timely warning to our industrial society was never given, than in the language I have just read.

But I proceed:

The right of individuals to strike is inviolate and ought not to be interfered with by any process of government; but there is a predominant right, and that is the right of the Government to protect all of its people and to assert its power and majesty against the challenge of any class. The Government, when it asserts that right, seeks not to antagonize a class but simply to defend the right of the whole people as against the irreparable harm and injury that might be done by the attempt of any class to usurp a power that only Government itself has a right to exercise as a protection to all.

If I understand correctly the passage I have just read, it states views which every good citizen of the United States ought to entertain, and it expresses my own convictions with absolute accuracy.

Mr. THOMAS. Mr. President—

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. The comment made by the Senator upon the message of the President is, I think, unquestionably correct. It is in harmony with the attitude of the President during the closing days of our session in September, 1916, when the Adamson bill was enacted. Prior to the enactment of that measure the President came before the Democratic steering committee of the Senate with a program of legislation which he declared to be fundamentally necessary, because of the impossibility of any agreement between the committees representing the railway companies and the heads of the brotherhoods over the issue which then became so acute. That program, among other things, provided for a bill containing the substance of that part of the railway bill which the Senator is now discussing relating to the subject of labor, and made substantially the same provision. It distinctly proposed to prevent strikes on a large scale as a result of disputes between the employees of the railroads and their managers until the submission of the dispute to a properly constituted tribunal; and the steering committee of the majority of the Senate at that time unanimously agreed to support it as a part of the recommendations of the President. That it did not do so is a matter of history; but I mention it now, in connection with the recital by the Senator from the President's recent message, not only as showing a consistency between his views then and his views now but also as showing that the committee is seeking in this matter to carry out what the steering committee of the Democratic Party unanimously agreed to carry out and accomplish in September, 1916.

Mr. CUMMINS. Mr. President, it matters not to me whether the Democratic Party secures the credit for this legislation or not. To me it is absolutely a nonpartisan question.

Mr. THOMAS. Mr. President, the Senator, I think, misunderstood me. I did not intend to suggest that.

Mr. CUMMINS. I know that.

Mr. THOMAS. I merely wish to emphasize the fact that what the Senator is trying to do is what we ought to have done, and did not do. I quite agree that the question is too broad for any partisan consideration; and I hope that neither the Senator nor any other person present will gather the impres-

sion that I am trying to claim any credit either for the party to which I belong or for the President of the United States in connection with this matter.

Mr. CUMMINS. Oh, no.

Mr. THOMAS. I merely wish to emphasize, and by that emphasis support, the position of the Senator, which seems to me to be in line with the duty resting upon the Senate.

Mr. CUMMINS. I hope the Senator will not think, from the remark which I have just made, that any such thought was in my mind. It would be more difficult to convince me that the Senator from Colorado is moved now or at any time in great public matters by partisan considerations than it would to prove the same thing respecting almost any man in the world. I know the purity of his motives and I know that he did not intend by the reference he has just made even to indicate that this question—great, broad, comprehensive, vital, and fundamental—should take on a partisan coloring. I think, though, that the program suggested two or three years ago, and to which the Senator from Colorado has just referred, was not complete.

I may not remember it accurately, but it seems to me that the proposition then was that the strike should be prohibited for a time, pending an investigation with regard to the merits of the dispute, and that after the investigation was had, no matter what the outcome of the investigation might be, then the right to strike was resumed and might be exercised at any time. That has been tried in our sister Republic at the north. Canada has tried that plan, and I am bound to say that my examination of the history of the legislation and of its administration has not been reassuring.

This bill proposes to take away the right to strike at any time.

Mr. MYERS. Mr. President, if a right is inviolate, how can there be any predominant right?

Mr. CUMMINS. Mr. President, I am not going to analyze the exact phraseology of the message from which I have read and subject it to any such critical analysis. I believe that the President meant, when he penned those words and sent the message to us, that the right to strike must be subordinate to the welfare of the great body of the people, and that when the strike involved the interests of all the people it must give way to some other plan for the adjustment of a dispute.

Mr. MYERS. If the Senator will permit me, I would just like to say that I can not agree with the President's statement that the right to strike is inviolate. If that is true, the anti-strike clause in this bill is improper, and should be defeated.

Mr. CUMMINS. Mr. President, I will leave the Senator from Montana to settle that with the President of the United States as best he can. He puts one construction upon the message, part of which I have read; I put another. I interpret it in the light of what I believe a statesman and a humanitarian would say under like circumstances, and I hope the Senator from Montana will not drive me from that very comfortable position.

Mr. MYERS. I have no desire to do that. If the Senator will permit me, I will say that I sought a settlement of that matter with the Senator from Iowa in preference to the President, because the Senator from Iowa approved the President's utterance, and the Senator from Iowa is present and the President is not here.

Mr. CUMMINS. I am bringing the President of the United States to the support of this bill, hoping that it will not only affect the people of Washington, and especially the Senate of the United States, but that it will affect the people of the whole country. We are dealing with a grave and impending crisis, and I can not, I will not, believe that the language which I have just read was intended to mean what the Senator from Montana insists that it means. I would rather think that it was in harmony with the suggestions of the Senator from Colorado [Mr. THOMAS].

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator.

Mr. KING. I should be reluctant to place the construction on the message which has just been indicated by the Senator from Montana [Mr. MYERS]. I am inclined to think that the views expressed by the Senator from Iowa are a correct interpretation of the message, which seems to be borne out by the action of the Attorney General in initiating proceedings against the striking miners, and from all that we can learn the action of the Attorney General has the support of the Chief Executive of the United States.

Mr. CUMMINS. I am very much obliged to the Senator from Utah. I agree with him in that respect. No matter what the

proper interpretation of the President's message may be, the construction I have given it is sound policy for the people of the United States.

This bill punishes only a combination or agreement between railway employees, and when I use the word "employees" I mean all the employees of the corporation, whatever their rank may be. Even if I were to grant that the individual right to cease employment or quit is perfect and complete, I could not grant that the right to enter into a combination or conspiracy to accomplish a purpose inimical to the welfare of society is a natural or constitutional right. This bill does not control the individual, but it controls the combination, the agreement, and it declares that if two or more persons, being employees of a carrier subject to the act to regulate commerce, shall enter into an agreement or a combination to suspend or prevent the movement in interstate commerce of commodities on which we are all dependent for life and for health for the purpose of enforcing some demand or claim against their employer, that such persons shall be guilty of a misdemeanor and shall be punished accordingly.

What right have I, who may believe I have a just claim against you, to enter into a conspiracy or combination or agreement with some other man or with some other men to deprive you of the necessities of life until you yield to the demand which I have made upon you? It is monstrous. It can not be defended in any court of morals. A course of that kind can not be defended in any court of civilization and progress.

Mark you, I do not believe that the right of strike should be taken away from the employees without substituting something better in its stead. So long as it is a mere conflict between the employees and the employer, I would permit, of course, as this bill permits, a strike. The loss that might be imposed upon the employer does not greatly concern society, and there is no disposition on the part of the committee, I am sure, to interfere with a conflict of that character. It is only when the conflict, this endeavor to impose loss upon the employer, becomes destructive of society, of the welfare of the great body of the people, that this bill proposes to intervene and make it impossible.

I do not intend, Mr. President, to read the provisions, but I want to emphasize two things: First, the bill provides what I believe to be impartial tribunals for the adjudication of all disputes between the carriers and their employees. These tribunals, the details of which I shall not discuss at this moment, have jurisdiction of all the disputes which may come up from time to time between the railway corporations and their employees. Bear in mind that we have attempted to establish a tribunal with jurisdiction and with capacity to determine all the disputes which ever gave rise to a strike. In the second place, I hope you will bear in mind the character of the penal provision, which is that—

It shall be unlawful for two or more persons, being officers, directors, managers, agents, attorneys, or employees of any carrier or carriers subject to the act to regulate commerce, as amended, for the purpose of maintaining, adjusting, or settling any dispute, demand, or controversy which, under the provisions of this act, can be submitted for decision to the committee of wages and working conditions or to a regional board of adjustment, to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement and with like purpose substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce.

This is the description of the offense; and remember that the offense can only be committed when the dispute is one of which the Government has taken jurisdiction, and which it has assumed the duty of adjudicating according to its very merits.

There is another provision which is necessary as a supplement to the one I have just read, as follows:

Whoever knowingly and with like intent shall aid, abet, counsel, command, induce, or procure the commission or performance of any act made unlawful in the last preceding section hereof shall be held guilty of a misdemeanor—

And so forth.

You will all recognize that this is simply a reproduction of our present statute with regard to accessories and those who aid and abet in the commission of a crime.

Mr. President, remembering that we have provided a tribunal which we believe to be a just, fair, and impartial tribunal for the adjudication of all controversies of the character I have described, I hope that this thought will be in every mind, that we are substituting the justice of the Government of the United States for the justice which wage workers have hoped to secure through the strike. We are simply exchanging one instrumentality for another. We are offering an opportunity to secure

justice which does not involve this awful sacrifice, which does not involve the wreck and ruin of industry, of homes, and of character. We are offering to do in controversies out of which railway strikes may arise just what our courts of justice have done for centuries with respect to controversies between man and man. Hitherto we have not regarded it as necessary that our Government should undertake the adjudication which is here provided for, and I, Mr. President, have been very slow and very reluctant to go forward to that duty. But I perceive, and I have long perceived, that it is necessary, if we are to have regularity and continuity of employment. Therefore I am willing, on the part of my Government, to undertake to do full and complete justice, so far as wages and working conditions are concerned, to those who enter into employment of this character. I believe, and believe from the bottom of my heart, that the laboring men of America will be more apt to secure justice or approach perfect justice through the intervention of these tribunals for the settlement of their disputes than they have ever been able to secure through the medium of the strike, when you remember the losses that are entailed not only upon the general public, not only upon their immediate employer, but upon themselves. When will the striking miners be able to recoup the enormous losses which they have suffered during the last month?

It is said they would, if necessary, imperil lives of their fellow men in order to accomplish their purposes; but if we provide for them a tribunal in which they have confidence and for which they have respect and to which they can appeal, there could be no justification, no defense whatever, for the danger through which they are now leading the people of the United States. Think of this provision merely as a substitution of justice, so far as human government can administer justice, for the ends sought to be obtained by the strike.

I am not conscious of any change in my heart toward those who labor with their hands. I know through the experience of earlier years some of the hardships, some of the privations, some of the sufferings which attend the lives of men of meager compensation, but I can have no sympathy whatever with an effort to overturn the institutions of America through the disorders which must inevitably accompany these constantly repeated efforts to determine what is right and what is just by mere conflict and through the powers of endurance.

Possibly some Senator can suggest a better plan through which we may rise to a higher ground for the adjustment of these great disputes and for the calming of these intense passions. If any Senator can do so, I am sure the committee will be glad to accept any suggestion which may be made. We only know—and upon this I speak, I am sure, with absolute certainty—that in some way there must be found, in some way we must discover, the path from the tangle of conflict and of passion into which we are constantly led. I would have no faith in the intelligence of my fellow men, I would have no confidence in the patriotism of the people, if I did not believe that there is a solution for this mighty problem that will bring peace, order, prosperity, happiness, and content to all the people of the country.

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:

Bankhead	Harris	Newberry	Stanley
Capper	Johnson, S. Dak.	Norris	Sutherland
Chamberlain	Jones, Wash.	Overman	Thomas
Cummins	Kellogg	Page	Underwood
Curtis	Kenyon	Phipps	Wadsworth
Dial	Keyes	Reed	Warren
Fletcher	King	Sheppard	Watson
France	La Follette	Simmons	
Gay	McKellar	Smoot	
Hale	Myers	Spencer	

The VICE PRESIDENT. Thirty-seven 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. EDGE, Mr. STERLING, and Mr. SWANSON answered to their names when called.

Mr. BALL entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-one Senators have answered the roll call. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. NUGENT and Mr. McLEAN entered the Chamber and answered to their names.

After a little delay Mr. TOWNSEND and Mr. SMITH of Georgia entered the Chamber and answered to their names.

Mr. CUMMINS. Mr. President, I understand that there are Senators in the Capitol Building who refuse to obey the direction or order of the Sergeant at Arms. I think the Senate ought to be advised with regard to that matter.

The VICE PRESIDENT. Will the Sergeant at Arms report the names of the Senators whom he has requested to attend?

Mr. CUMMINS. I very much desire to have an order entered. It is not fair that Senators who are in the building should make it impossible that the Senate shall make an order.

The VICE PRESIDENT. The Chair is informed that the Sergeant at Arms is at the door of the Foreign Relations Committee trying to get in.

After some further delay Mr. MOSES, Mr. PITTMAN, Mr. LODGE, and Mr. HITCHCOCK entered the Chamber and answered to their names.

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

TREATY OF PEACE WITH GERMANY.

Mr. STANLEY. I ask to have printed in the RECORD an article from the Boston Sunday Globe of November 30, 1919, by James Morgan, on the treaty of peace with Germany.

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

[From the Boston Sunday Globe, Nov. 30.]

SHALL WE GO IT ALONE?—AND WHAT WOULD IT MEAN?—SOME OF THE THINGS THAT A FAILURE OF THE TREATY WOULD LET US IN FOR AND WHAT IT WOULD MEAN TO THE WORLD.

[By James Morgan.]

"Suppose the un-supposable—that the New York Stock Exchange, the Chicago Board of Trade, the New York Cotton Exchange, the Federal reserve bank, and the Chamber of Commerce of the United States should catch the habit of certain Senators and begin to talk of America going it alone. Every country for itself, and may the devil take the hindmost. We should worry! We can look out for ourselves!

"We are for America alone, first, last, and all the time. [Loud applause from the galleries.] We were born Americans; in spite of all temptation to belong to some other nation, we will live Americans and we will die Americans. [Uproarious cheers.] Let us get out of Europe—mind our own business and leave her to mind hers. She may go smash for all of us; we will not lift a finger to help her in reconstruction or in restoring her prosperity. We are not going to meddle in her affairs or let her meddle in ours, by jingo! [Deafening cheers.]

SAWING OFF THE LIMB.

"But what would happen to us? The rate of foreign exchange, which is already so much in our 'favor' that we are hastening to stop its becoming more 'favorable' to us, would sink so low that you would have to go down in a diving suit to find it. As it fell our own dollar would rise to such altitudes that we could not overtake it in an airplane.

"Next, the immense flood of our foreign trade would come rolling back upon us, putting out many of our factory fires and throwing out hundreds of thousands of our workers. The billions that Europe owes us she could not pay any more than a turnip can give blood, and credit would be paralyzed.

"After that, how much business of our own would there be left for us to mind? We should probably be kept busy for a day or two in locking up in asylums the crazy brokers and bankers and merchants who had sawed off the limb of the international tree on which we roosted.

IF DOCTORS TALKED LIKE SENATORS.

"Suppose another un-supposable—that the American Medical Association, the National Board of Health, the boards of health of New York, Boston, San Francisco, and of our other ports should catch the contagion of the Senate. Suppose the doctors became so intensely patriotic that they should refuse longer to correspond or cooperate with the health authorities of other nations in the war on infectious diseases, should declare by concurrent resolution that the war against pestilence is over, that henceforth the United States will take care of itself and leave the rest of the world to do the same.

"Extra! Extra! Yellow fever reappearing in Habana and in Rio de Janeiro! What business is that of ours? Why should we send our American doctors to clean up the filth of foreigners and destroy disease in those foreign countries, giving American lives to save Cubans or Brazilians? Wait until the yellow fever attacks us, as the dear old fathers of the Republic used to do, and then it will be time enough for us to fight it.

"Extra! Extra! The red plague, epidemic in Russia and threatening to sweep westward over Europe! That is no affair of ours, and will not be—until we ourselves catch it!

WHO IS MY NEIGHBOR?

"Does that sound far-fetched? Then what do you call the talk we have been getting from some of the Senators?"

"The analogy is true. It is fresh in our memory how far off 'Spanish' influenza seemed to us when we first heard of it, and how indifferent we were. But in a few months it became 'American,' without our leave and without waiting to be naturalized.

"Political, financial, social, economic disorders are just as infectious as the influenza or the cholera, just as international in their sweep. Millions of lives, hundreds of billions of treasure might have been saved, the World War averted, if there had been any agency to supervise or clean up in time a little pest-hole in the Balkans, where the germs of the great, desolating conflict were bred.

"We know now better than it was known in Judea the answer to a certain lawyer that asked Jesus, 'Who is my neighbor?' Whoever can give us a deadly fever is our neighbor, though he may dwell submerged in the unvisited slums of our city. And whoever can threaten our peace is our neighbor, though he be a crack-brained Serb 4,000 miles away in that little Bosnian town of Sarajevo, which most of us had never heard of until 1914. We had to learn that lesson by bitter experience, just as the people of Glasgow, in Thomas Carlyle's story, waited until an outcast woman had communicated her typhoid fever to 17 persons before they recognized that she was their sister and took care of her.

WHY WE WENT INTO THE WAR.

"We have so overstressed idealism and altruism as the motives of our foreign relations in the past three years that it has made many good people doubtful of the practical soundness of our policies and given devious politicians, camouflaged in the protective colors of the flag, a chance to spread among us the suspicion that we have been forgetting our own interests. The unvarnished truth is that our only idealism has been to hold up to the world old and tested American principles of action, asking nothing for ourselves that we are not willing to concede to everyone else.

"That is all the altruism there has been in our attitude toward Europe. It is simply enlightened egoism.

"There has been much prattling of it, but we all know that we did not go into the war to save Belgium, France, England, Europe. On the contrary, we let them blaze two years and a half while we dismissed it as none of our business.

"We did not go in even to avenge the loss of American lives off the Irish coast in 1915, but instead two-thirds of our Members of Congress, after the sinking of the *Lusitania*, were for ordering Americans to keep off the ships. Both of the big political parties held national conventions in June, 1916, when the war had been raging almost two years, and both declared for a continuance of the policy of neutrality.

"Most Americans began to find out that the war was our business only on a certain Sunday afternoon in October, 1916, when we saw it spread to Nantucket and German submarines drowning sailors off our coast. Still we waited till our ports actually were sealed with terror of the U-boats in February, 1917, and the Germans were plotting a flank attack upon us by way of Mexico. Then at last we went in to make the world safe for democracy, but only because democracy is our ocracy and autocracy was the other fellow's ocracy.

"Yet Senators tell us that we may be depended upon to spring to the rescue of civilization again when it is threatened as we sprang to its defense in this instance. But are we sure that civilization can wait the next time two years and a half for us to find out that a quarrel in Europe is any of our business and four years for us to arrive on the scene of danger?"

ABRIDGING OUR SOVEREIGNTY.

"Some of the most fervent declaimers in the Senate against letting Europe 'dictate' our policies are just as fervent for our importing and adopting European militarism. Who but the Old World is dictating to us such a course? The plea and the pressure for conscription in this country in time of peace are a confession that the business and the broils of all the rest of the world are just as much our business and broils.

"Yet we must tack on a reservation to the clause in the treaty that looks toward universal disarmament, and decline to be bound generally because the treaty might, in even the remotest contingency, send a few regiments of our soldiers to preserve the peace of Europe. No; wait until there is no peace and then send overseas 2,000,000 troops to stop a war that others have started regardless of us.

"There must be no abridgement of our sovereignty! But it is abridged by every treaty we make, whether political or commercial.

"It is only a question of our voluntarily abridging our sovereignty, as we did 100 years ago in the Rush note for disarma-

ment, even within our own territorial waters on the Great Lakes, and as we did half a dozen years ago in a score of arbitration treaties by which we are pledged without a single reservation to the same principle that this world treaty would pledge us to.

AN OSTRICH ISOLATION.

"We are in the world to stay, and not only since this war. We have always been in it. Even the American Indians found that they were, though walled in by thousands of miles of unexplored, uncharted seas. Our fathers in turn found that they were, when the war of the Spanish succession spread into their wilderness and lighted the torch that burned Old Deerfield.

"A century and a half before a Prussian monarch taught us the lesson anew our ancestors learned it from Frederick the Great, when, 'in order that he might rob a neighbor whom he had promised to defend, black men fought on the coast of Coromandel and red men scalped each other by the Great Lakes of North America.' Yet it is asked in this day by Senators of the United States what business it is of ours to send a handful of American soldiers to help establish a just peace in that very Silesia where the seven years' war started and whence it spread to Pittsburgh.

"To recoup his losses in that Old World war the British King taxed Americans, and thereby brought on the American Revolution, which a French King helped us to win because he wished to revenge the defeats of France on European battle fields. We were so much in the world in 1812 that we could not escape the flames of the French Revolution and the Napoleonic wars.

"The revolution of 1848 and a famine in misgoverned Ireland opened a torrent of German and Irish immigration to our shores. The burden of the Franco-Prussian War and of Prussian militarism still further swelled the flood of Teutonic migration to America. No sooner did a savage Czar begin the persecution of the Russian Jews than they began to swarm to our cities.

"An ostrich isolation is the only kind that is possible for us, ever was possible—to isolate our heads from the facts. This is what so many Senators have been doing and what we all did in the 40 years while the World War was preparing to steal upon us.

OUR LAST CHANCE.

"The only choice open to us is to live in the world with our peace subject wholly to the actions of other nations or to live in it on terms which we have had the leading part in making, which we almost dictated in this treaty. It is a fleeting opportunity, and it will not return, if ever, until we have been caught again in just such a collision of alliances as this war was—or something even worse.

"For if we kill this treaty, either openly or covertly, Europe can not restore it to life. She may not be able to save herself even from bankruptcy and revolution.

"We alone can save the treaty, can give it vitality. Without us the old armed alliances will become a necessity. Even now a thrill of terror is running through France, as she finds herself without an ally, facing across the width of a street a Germany still twice her size, and with a chance always of drawing Russia to her side. Without us, the peace of the world, civilization itself, must go swaying again on the old teeter board—the balance of power. And the nations once more in that snarl, it will be too late to attempt to unsnarl them and bring unity out of the clashing rivalries.

IF WE GO IT ALONE.

"All right, say the ultranationalistic, we can go it alone; we need no help from other nations. We will arm to the teeth and be prepared to take care of ourselves. But can we be sure that there may not be situations in which even we would be glad to have a friend? Surely, that came in handy enough in 1914-1918!

"Where will the next collision take place? No one knows. Possibly not where the British Navy and the French Army will be buffers for us again.

"The menace to us in the future may not come from Europe at all, but from Asia. We have seen what Japan could do in 30 years. How much more, if the world is to be abandoned to militarism, may not multitudinous China and India do in another 30, or 50, or 100 years? Those periods of time are only hours on the clock dial of history.

"It should give even the most self-reliant Americans pause when they reflect that, with Siberia detached from Russia, as it is now, the United States is the only Nation in the world to-day which fronts on the Orient and Occident. It is conceivable in the entanglements of alliances—Japan is even now renewing, reshaping, her alliance with England—that we might have to defend ourselves on both fronts at the same time.

"To be ready for battle at once on the Atlantic and the Pacific and to guard simultaneously the eastern and western coasts of the two Americas—all depending on us under the Monroe doctrine—would call for an American naval and military program which would make the Kaiser's preparedness and Prussian mili-

tarism look like pacifism. That unavoidable, actual burden should be weighed in the balance against the possible burdens of the treaty which Senators have been conjuring up.

"In any case, we are not in reality going to get along without the world. Why, then, not try to get along with it?"

RECESS.

Mr. CUMMINS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 5, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 4, 1919.

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. WALSH.

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

Our Father in heaven, Thou hast permitted us to pass through the scourge of a world-wide war, attended with the loss of millions of lives, millions of wounded and scarred men, millions of heartaches, and billions of dollars, to teach us the beauty of peace and brotherly love, the pearl of great price.

Have we learned the lesson? God grant that we may have, that war may come no more.

When winds are raging o'er the upper ocean,
And billows wild contend with angry roar,
'Tis said, far down beneath the wild commotion,
That peaceful stillness reigneth evermore.

Far, far away the roar of passion dieth,
And loving thoughts rise calm and peacefully,
And no rude storm, how fierce soe'er it flieth,
Disturbs the soul that dwells, O Lord, in thee.

So to the heart that knows thy love, O Purest,
There is a temple, sacred evermore,
And all the babble of life's angry voices
Dies in hushed stillness at its peaceful door.

So may it be with Thy children. Amen.

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

SIX MONTHS' PAY TO DEPENDENTS OF REGULAR ARMY MEN.

Mr. ANTHONY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ANTHONY. Is a vote now pending on the bill which was under consideration yesterday when the House adjourned?

The SPEAKER pro tempore. The previous question having been ordered, the vote will come on the motion of the gentleman from Texas [Mr. BLANTON] to recommit; and that is the business now in order.

Mr. ANTHONY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Kansas makes the point of order that there is no quorum present. Evidently no quorum is present.

Mr. CLARK of Missouri. Mr. Speaker, why not vote upon this motion to recommit, and save one roll call?

Mr. CRAGO. Mr. Speaker, would not that be an automatic roll call?

Mr. MONDELL. Mr. Speaker, a point of no quorum having been made, and the Chair having found that no quorum is present, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Wyoming moves a call of the House.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. The House having divided yesterday on the motion to recommit, is not the vote now, under the point of order, on the motion to recommit?

Mr. MANN of Illinois. In the first place, the House did not divide.

Mr. BLANTON. Oh, I beg the gentleman's pardon. I beg to call the Chair's attention to the fact that the House did divide. The Speaker announced, "All in favor of this motion say 'aye,'" and the House was dividing when the point of no quorum was made. Regardless of what the RECORD shows, that is the fact. The House had divided.

The SPEAKER pro tempore. The RECORD shows that the Speaker pro tempore stated:

The question is on the motion to recommit.

Thereupon Mr. BLANTON rose and said:

Mr. Speaker, on that motion to recommit I ask for the yeas and nays, and pending that I make the point of no quorum present.

The Chair would rule that under the circumstances the House was not dividing.

Mr. BLANTON. Mr. Speaker, I ask that the RECORD be corrected to show the facts according to the reporter's notes.

Mr. MANN of Illinois. The RECORD does show the fact.

The SPEAKER pro tempore. That request is not in order. The question now before the House is on the motion to order a call of the House.

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

The Clerk called the roll, and the following Members failed to answer to their names:

Ayres	Fairfield	Kahn	Sanders, N. Y.
Bacharach	Ferris	Keller	Schall
Barbour	Flood	Kendall	Scott
Barkley	Fuller, Mass.	Kennedy, R. I.	Scully
Bee	Gallivan	Kettner	Sears
Black	Gandy	King	Sells
Blackmon	Garland	Kraus	Siegel
Bland, Ind.	Garner	Kreider	Sisson
Bland, Mo.	Goldfogle	LaGuardia	Slomp
Booher	Goodall	Langley	Smith, Mich.
Briggs	Goodwin, Ark.	Luhring	Smith, N. Y.
Britten	Gould	McClintic	Steggall
Candler	Graham, Pa.	McKeown	Stedman
Caraway	Hadley	McLane	Steele
Carter	Hamill	McLaughlin, Mich.	Stephens, Ohio
Christopherson	Hamilton	Major	Stoll
Classon	Hardy, Tex.	Mansfield	Strong, Kans.
Cole	Harrison	Mead	Sullivan
Collier	Haskell	Merritt	Summers, Tex.
Cooper	Heflin	Miller	Sweet
Crowther	Hernandez	Montague	Taylor, Ark.
Dallinger	Hersman	Moore, Pa.	Thompson
Duvey	Hickey	Morin	Vare
Davis, Tenn.	Hill	Mudd	Venable
Denison	Hoch	Murphy	Voigt
Dent	Howard	Nichols, S. C.	Volstead
Donovan	Huddleston	Nichols, Mich.	Ward
Dooling	Hudspeth	Nolan	Wason
Doremus	Hull, Iowa	O'Connor	Webster
Dowell	Humphreys	Olney	Wheeler
Dunn	Igoe	Osborne	White, Kans.
Dupré	Jacoway	Oyerstreet	Winslow
Eagan	James	Ramseyer	Wise
Eagle	Johnson, Ky.	Reavis	Young, Tex.
Edmonds	Johnson, S. Dak.	Rowan	Zihlman
Ellsworth	Johnston, N. Y.	Rubey	
Elston	Jones, Pa.	Sanders, Ind.	
Esch	Jones, Tex.	Sanders, La.	

The SPEAKER pro tempore. On this call 286 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.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Should the House be able to maintain the quorum which has lately answered to their names when called, then the only way by which the Members of the House can go on record "yea" or "nay" upon the motion to recommit would be for the House to order the yeas and nays on the motion to recommit, which would thus place every Member on record for or against the proposition. Is not that the fact?

The SPEAKER pro tempore. If a sufficient number of the House—

Mr. BLANTON. Remain present.

The SPEAKER pro tempore. Express their desire for a call of the yeas and nays.

Mr. BLANTON. And that would be one-fifth of the Members present?

The SPEAKER pro tempore. Yes. The Chair lays before the House the unfinished business, which the Clerk will report by title.

The Clerk read as follows:

S. 2497. An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

The SPEAKER pro tempore. The question is on the motion to recommit.

Mr. BLANTON. Mr. Speaker, upon that I demand the yeas and nays.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question on the motion to recommit.

The previous question was ordered.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas demands the yeas and nays on the motion to recommit. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eighteen Members have risen, not a sufficient number.

Mr. BLANTON. Mr. Speaker, I demand the other side.

The SPEAKER pro tempore. The Chair will state that a call of the House has just been had and that 286 Members answered to their names. It is evident that 18 is not a sufficient number to secure a call of the roll on the motion to recommit. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 36, noes 191.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, on this vote I ask for the yeas and nays. I will not get them, but I ask for them just the same.

The SPEAKER pro tempore. Those in favor of ordering the yeas and nays will rise and stand until they are counted. Six gentlemen have risen, not a sufficient number, and the bill is passed—

Mr. BLANTON. No, Mr. Speaker; we have not had the negative. We have had the affirmative vote, and I would like for the Chair to put the negative vote. The yeas and nays were called for, the affirmative vote was taken, but the negative had not been put.

The SPEAKER pro tempore. Those opposed will rise. On this vote the yeas are 201 and the nays are 11.

Mr. BLANTON. Mr. Speaker, I make the point of order of no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order of no quorum. The Chair will count. [After counting.] Two hundred and fifty-one Members are present, a quorum, and the bill is passed.

On motion of Mr. GREENE of Vermont, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. HULINGS. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULINGS. I desire to ask unanimous consent to have printed in the RECORD a petition from many citizens of Pennsylvania respecting the railroad bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing in the RECORD a petition signed by citizens of Pennsylvania in respect to the railroad bill. Is there objection?

Mr. BLANTON. I reserve the right to object.

Mr. DYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. TIMBERLAKE. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD two short resolutions, one of them by the post of the American Legion in Colorado and the other from the organization of Elks. They are patriotic in their nature, and I believe should be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to print in the RECORD resolutions from the American Legion in Colorado and the Order of Elks. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I desire to ask the gentleman a question. Are these with reference to the present so-called industrial unrest?

Mr. TIMBERLAKE. They are and caused by the activity of Socialists, Bolsheviks, and the I. W. W.

Mr. BLANTON. Are they for or against Bolshevism? [Applause.]

Mr. TIMBERLAKE. The organizations from which they come should be a sufficient warrant to the gentleman from Texas.

Mr. BLANTON. In most places of the country that would be true—in probably 97 out of 100 per cent of the cases—but I am sorry to say that even in the Army, and from a citizen holding a prominent position, hailing from the great State of Colorado, there have crept the principles of Bolshevism—

Mr. DYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NOMINATIONS FOR COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I make the following motion to fill vacancies on committees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. KITCHIN moves the election of the following-named gentlemen as members of the following committees:

HATTON W. SUMNERS, of Texas, Committee on the Judiciary.
PETER F. TAGUE, of Massachusetts, Committee on the Post Office and Post Roads and Committee on Expenditures in the Department of Justice.

LILIUS BRATTON RAINNEY, of Alabama, Committee on Immigration and Naturalization and Committee on Coinage, Weights, and Measures.

EDWARD COKE MANN, of South Carolina, Committee on Public Buildings and Grounds and Committee on Industrial Arts and Expositions.

PHILIP HENRY STOLL, of South Carolina, Committee on War Claims and Committee on Reform in the Civil Service.

Mr. KITCHIN. Now, Mr. Speaker, a mistake was made in typewriting, and I wish to substitute the Committee on Public Buildings and Grounds, instead of the Committee on the Post Office and Post Roads, for PETER F. TAGUE, of Massachusetts.

The SPEAKER pro tempore. The gentleman from North Carolina asks to modify his motion by inserting the Committee on Public Buildings and Grounds instead of the Committee on the Post Office and Post Roads as the committee to which the gentleman from Massachusetts [Mr. TAGUE] is nominated. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from North Carolina.

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

RE-REFERENCE.

Mr. ANTHONY. Mr. Speaker, I would like to ask unanimous consent for the re-reference of a letter from the Secretary of War addressed to the Speaker of the House on November 19. This letter was referred to the Committee on Military Affairs. It relates to claims and credit accounts of certain Army officers. The House Committee on Military Affairs decided it had no jurisdiction. The Committee on Claims desires to exercise that jurisdiction and asks that it be re-referred to the Committee on Claims.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent for a re-reference of a communication from the Secretary of War from the Committee on Military Affairs to the Committee on Claims. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. TIMBERLAKE. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. TIMBERLAKE. Mr. Speaker, I would like to renew my request for an extension of remarks by incorporating in the RECORD the resolutions I mentioned awhile ago.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD by printing certain resolutions passed by the American Legion of Colorado and the Order of Elks of that State. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, does not the gentleman know that practically every Member of the House has similar petitions presented to him?

Mr. TIMBERLAKE. There have been no petitions similar to these presented, to my knowledge; otherwise I would not have presented them.

Mr. GARD. I am entirely in sympathy with what the gentleman wants to do, but the rules of the House provide for the filing of these petitions in an orderly and proper way. Now, to say that one Member may come in with two petitions, of which possibly every other Member has duplicate copies—

Mr. BAER. Mr. Speaker, regular order.

The SPEAKER pro tempore. Regular order is demanded. Is there objection?

Mr. SNELL. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McKEOWN, for three days, on account of illness.

To Mr. KING (at the request of Mr. Brooks of Illinois), for 20 days, on account of important business.

To Mr. SUMNERS of Texas (at the request of Mr. RAYBURN), on account of sickness in his family.

WHEAT AND CORN MILL PRODUCTS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 468.

Resolved, That immediately upon the adoption of this rule the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 9755, being a bill to establish the standard of weights and measures for wheat and corn mill products. That there shall be two and one-half hours of general debate, one-half to be controlled by the gentleman from Indiana, Mr. VESTAL, and one-half to be controlled by the gentleman from Ohio, Mr. ASHBROOK. That at the conclusion of the general debate the bill shall be read for amendments under the five-minute rule, thereupon the committee shall rise and report the bill to the House with amendments, if any have been agreed to, that the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution is for the purpose of bringing before the House at this time for consideration the bill indicated, for standardizing the packages in which wheat and corn products are placed.

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

Mr. CAMPBELL of Kansas. For a question.

Mr. WINGO. This bill provides for standards of 5 and multiples of 5, or, rather, divisions of 100 pounds. Now, if this bill passes, those mills that have from time immemorial used the old standards of 8, 12, 24, 48, and 96, and the standard barrels of 196 pounds, will have to change their standards if their goods go through interstate commerce.

Mr. CAMPBELL of Kansas. But the trouble is there is now no standard of 196 pounds.

Mr. WINGO. There is no standard by Federal statute, but there is the universal custom in most parts of the country.

Mr. CAMPBELL of Kansas. In some of the States the standard is 196, and in other States it is 200, and the confusion has given rise to the necessity for this legislation. I understand the millers of the country, both those engaged in the production of flour and the production of corn products, are in favor of this bill.

Mr. WINGO. In other words, those who happen to be using the old standard in a great many of the States will have to conform to this new Federal standard. In other words, the Federal Government is going to tell them the size of container in which they will have to put up their flour.

Mr. CAMPBELL of Kansas. Certainly.

Mr. WINGO. Does the gentleman intend to bring in a bill standardizing clothes and the color of ties and socks, and all that sort of thing?

Mr. CAMPBELL of Kansas. No. That is another matter; that will probably not be brought before the House.

Mr. WINGO. There will be proposed a standard for babies next.

Mr. NEWTON of Minnesota. My understanding is that Congress is doing this for the purpose of establishing a standard throughout the land and that it does not apply to articles in interstate commerce.

Mr. CAMPBELL of Kansas. Mr. Speaker, I have no disposition to discuss the powers of Congress to deal with this question. There is no question about it. Congress is authorized to regulate standards of weights and measures throughout the country, and this resolution is for the purpose of giving the House the opportunity to do it now.

Mr. CRAMTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield.

Mr. CRAMTON. It is the understanding of the gentleman that this bill is intended to have application to goods in intrastate as well as interstate commerce?

Mr. CAMPBELL of Kansas. Yes; certainly.

Mr. CRAMTON. That appears to be the understanding of the Bureau of Standards, and I think it would be under the provisions of the Constitution the gentleman refers to.

Mr. CAMPBELL of Kansas. I think so.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. Is the bill H. R. 9755 a similar bill to the bill H. R. 4782, on which hearings were had?

Mr. CAMPBELL of Kansas. I am informed that it is the same bill.

Mr. GARD. The same bill?

Mr. CAMPBELL of Kansas. I am so informed.

I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, this resolution is reported unanimously from the Committee on Rules, and it was represented to the Committee on Rules that the bill which it makes in order was a unanimous report of the committee. The purpose of the legislation seems to be very good, indeed, and there is undoubtedly a strong demand for it from the milling interests of the country.

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

Mr. GARRETT. I will.

Mr. STEVENSON. It has just been stated over here that this bill will regulate the packages in which flour and these products can be sold in intrastate commerce as well as interstate commerce.

Mr. GARRETT. Yes; that is my understanding.

Mr. STEVENSON. I want to ask the gentleman if he thinks Congress has the power to take away from the State the right to prescribe the packages that are sold within the State and which never go into interstate commerce?

Mr. GARRETT. Yes. The Constitution of the United States provides that Congress may fix standards of weights and measures.

Mr. STEVENSON. It may fix them in any kind of commerce or just in interstate commerce?

Mr. GARRETT. No; it has a general power.

Mr. WINGO. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. WINGO. There is quite a distinction between fixing the standards of weights and measures and fixing the standard sizes of packages. If you can do this, then we can fix the standard sizes of ladies' hats, can we not?

Mr. GARRETT. I do not care to go into the refinements of that. [Laughter.] The power is generally given under the Constitution to fix standards of weights and measures.

Mr. WINGO. Yes, of weights and measures; to fix standards of them, but not to apply them; not to tell how the standard shall be applied to containers. There is quite a distinction.

Mr. GARRETT. Whatever the situation may be—and I do not care to go into a discussion of the legislation—there is just one thing that I desire to call attention to, Mr. Speaker, and that is this—

Mr. CALDWELL. Mr. Speaker, will the gentleman allow me to interrupt before he goes into that?

Mr. GARRETT. Yes; I yield to the gentleman from New York.

Mr. CALDWELL. I wanted to ask the gentleman if there was pending before the Committee on Rules any request for a rule of more importance than this one?

Mr. GARRETT. Well, I do not know. This and one other were the only ones that were taken up for consideration—that is, for action—by the Committee on Rules this morning. It was stated that without this there would be no business to-day.

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

Mr. GARRETT. Yes.

Mr. LINTHICUM. I wanted to ask why in section 1 a distinction was made between—

Mr. GARRETT. Is the gentleman asking me about the bill?

Mr. LINTHICUM. Yes.

Mr. GARRETT. I had nothing to do with the framing of the legislation, and probably could not give the gentleman a satisfactory answer. He might take it up with members of the Committee on Coinage, Weights, and Measures.

There is one thing that I wanted to say about this rule itself. This rule has been drawn upon the theory that the bill was properly upon the Union Calendar. As a matter of fact, I am inclined to believe that the bill really belongs to the House Calendar, and that if a point of order had been made at the proper time it would have gone to the House Calendar. But no point of order was made, and the Committee on Rules felt that to consider it in the Committee of the Whole House on the state of the Union was in many respects more satisfactory, inasmuch as the bill presents an easier method of amendment, and so reported the resolution upon the theory that it was correctly upon the Union Calendar. That is all, Mr. Speaker, that I care to say.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9755, and the gentleman from New York [Mr. HICKS] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9755, with Mr. HICKS in the chair.

The CHAIRMAN. The House having resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9755, the Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9755) to establish a standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes.

The CHAIRMAN. The Chair desires to make an announcement. The present occupant of the chair feels that it is one of the prime duties of a presiding officer to preserve order. This is due to gentlemen who address the committee and it is due also to Members desiring to listen to debate. So the present Chairman is trying rigidly to enforce the rule pertaining to order. [Applause.]

Mr. VESTAL rose.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule the gentleman from Indiana [Mr. VESTAL] is recognized for one-half of the time, one hour and a quarter.

Mr. VESTAL. Mr. Chairman, I want to take just a few minutes of the time of the committee to explain the different provisions of this bill and try to show the desirability and the necessity of this bill being enacted into law. The object, the purpose, of the bill is to fix the standard of packages of wheat-mill and corn-mill products, naming them. The first section of the bill sets out the particular products that are to be affected by the legislation, namely, flours, hominy, grits, meals, and all commercial feeding stuffs. The second section fixes the standard weight of the packages when packed, shipped, sold, or offered for sale in packages of 5 pounds or more.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield in reference to a question as to the next section?

Mr. VESTAL. Yes.

Mr. LINTHICUM. Why was a distinction made as to commercial feeding stuffs of 60, 70, and 80 pounds instead of 100 pounds? Why was not the same rule followed as to that?

Mr. VESTAL. I will come to that in a few moments. Section 3 provides the penalty for a person, firm, or corporation that packs or causes to be packed or ships or offers for shipment these products in any other size packages than those set out in section 2 of the bill.

Section 4 makes exemption of the standard packages when they are packed or intended for export, and packed according to specifications and directions of the foreign purchaser, and also provides how these are to be used and sold for domestic consumption if it becomes necessary to so sell them.

Section 5 provides that the Director of the Bureau of Standards shall make the rules and regulations necessary for the enforcement of the act.

Section 6 makes it the duty of the district attorney to cause proper proceedings to be instituted where violations occur.

Section 7 provides that the act shall not be construed as repealing certain sections of the Revised Statutes of the United States authorizing the use of the metric system, and section 8 fixes the time when the act shall be put into effect.

The standard unit of the flour barrel is fixed by some States at 196 pounds, but by a system of subdivisions there are really established three standard-sized barrels, namely, of 192 pounds, 196 pounds, and 200 pounds.

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question?

Mr. VESTAL. Yes.

Mr. LITTLE. Can the gentleman tell me whether 200 pounds of flour can be put into these 196-pound barrels easily enough?

Mr. VESTAL. Yes. I will get to that in a moment. Where some of the States have by law established a 196-pound barrel, or where they have established it by custom, they have failed to follow the subdivision for the one-half, one-quarter, one-eighth, and one-sixteenth, which would be, of course, 98 pounds for the half, 49 pounds for the quarter, 24½ pounds for the eighth, and 12¼ pounds for the sixteenth. While these States in general have established 98 pounds for the half barrel, we have States recognizing 49 pounds and 48 pounds for the quarter barrel and 24 pounds and 24½ pounds and 25 pounds for the eighth barrel, making, as I said a moment ago, really three standards—192, 196, and 200 pounds.

I might add here that a number of States have failed to adopt any standard for a flour barrel. Two or three years ago the Federal Trade Commission began an investigation of the matter from the standard of unfair competition, that it was impossible for millers in some States requiring a package of flour in 49-pound sacks to compete with States requiring or permitting 48-pound or 46-pound sacks in interstate commerce. A bill was introduced last session by the gentlemen from Ohio [Mr. ASHBROOK], then chairman of the Committee on Coinage, Weights,

and Measures, substantially like the one under consideration. But on account of other business the bill was not considered by the House.

Mr. LAZARO. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. LAZARO. The gentleman from Tennessee stated a moment ago that this bill came from your committee with a unanimous report.

Mr. VESTAL. That is correct.

Mr. LAZARO. Did the committee hold hearings?

Mr. VESTAL. We had extensive hearings.

Mr. LAZARO. Was there any opposition to it?

Mr. VESTAL. Absolutely none.

Mr. LAZARO. And the parties interested—

Mr. VESTAL. Were before the committee. Now, as I said a moment ago, a number of States, to be exact, 17 States of the Union, have no laws or statutes in relation to the standard of the flour package. One State in the Union, namely, Texas, is now on the 100-pound-weight basis for all of the commodities mentioned in this bill. The Texas Legislature has recently passed a bill substantially like the one under consideration. A number of States have a correct subdivision of the barrel as now used, making 98 pounds, 49 pounds, 24½ pounds, and 12¼ pounds for a half, quarter, eighth, and sixteenth barrel.

Mr. LAZARO. Will the gentleman yield further?

Mr. VESTAL. Yes.

Mr. LAZARO. How can the State enact a law if it is left to Congress altogether under the Constitution to enact laws?

Mr. VESTAL. I think the States have a right to enact a law, but if a Federal law is passed it will take precedence over any State law.

Mr. LANHAM. If the gentleman will pardon me, I hold in my hand the law passed by the State of Texas in reference to this matter, and it seems that the custom or policy is to adopt or enact a law only where Congress has failed to legislate.

Mr. HAUGEN. Will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. HAUGEN. Section 3 provides that it shall be unlawful to ship flour for sale when in package form not in the standard size. Is it the intention to prevent the local miller or farmer from selling grain of any weight in a gunny sack or a bran sack, and would he be subject to the penalty of \$500?

Mr. VESTAL. I do not quite catch what the gentleman means.

Mr. HAUGEN. If a country miller sells to a customer grain or feed or flour in a grain sack not of standard size, will he be liable for this penalty of \$500? In other words, what is the definition of the words "when in package form"? I take it, that there are some definitions and perhaps the courts have passed on it.

Mr. VESTAL. I am not sure about that; but I will say to the gentleman that I propose to offer an amendment to section 3 that will absolutely clear that matter up.

Mr. HAUGEN. I think that is a dangerous proposition. In other words, "when in package form" ought to be absolutely defined.

Mr. VESTAL. The question was brought up by the Department of Agriculture, and I have an amendment to take care of that proposition.

As I was saying, some States have a correct subdivision and other States have an incorrect series of subdivisions, namely, 98 pounds, 48 pounds, 24 pounds, and 12 pounds for the one-half, one-fourth, one-eighth, and one-sixteenth barrels.

The State of Georgia, for instance, specifies 96 pounds gross weight for flours, grits, and corn meals, and the State of North Carolina specifies the 25-pound sack for the one-eighth of a barrel. Hence Georgia is on the basis of 192-pound barrel and North Carolina on a 200-pound basis.

Also, by investigation it is found that the standards fixed are not mandatory ones in all transactions. Illinois, for instance, fixed the barrel "whenever no special contract should be made to the contrary." Connecticut specifies what the barrel shall contain "when sold by weight." This same law applies to the States of Massachusetts, Wisconsin, and South Dakota.

We also find that some unusual units, such as 80 and 175 pound sacks for feed products in Alabama; 17½ and 8½ pound sacks for corn-meal standards in Kansas and Oklahoma; and the 9½-pound sack allowed in Oregon.

I desire to insert in the RECORD as part of my remarks an abstract of the State laws fixing weights of standard barrels or sacks for flour, meals, and so forth, showing the subdivisions used, as I believe the same will be of interest to the Members of the House.

The matter referred to is as follows:

Abstract of State laws fixing weights of standard barrels and sacks for flours, meals, etc.

State.	Barrel.	Subdivisions in pounds.					Remarks.
		One-half.	One-fourth.	One-eighth.	One-sixteenth.	One-thirty-second.	
	<i>Pounds.</i>						
Alabama.....							Corn meal or chops, 6, 12, 24, 48, 96 pound sacks; 96-pound and 196-pound barrels, wood. Middlings, bran, chops, corn hearts, and all other ground feed products in bags or sacks, weighing 100, 175, except cottonseed hulls, which shall be in 80 and 100 pound sacks or bags; grits shall be sold only in barrels of 196 pounds or sacks weighing 96 pounds, except grits in paper cartons of not more than 5 pounds.
Arizona.....							Nothing found through 1917.
Arkansas.....							Nothing found through 1915.
California.....							Nothing found through 1916.
Colorado.....							Nothing found through 1917.
Connecticut.....	196						"When sold by weight." No change through 1917.
Delaware.....	196	98					Net weight. Flour, rye flour, or middlings of wheat for export. Indian corn-meal for export or to any port in United States where there are no inspection laws. Also hogsheads of 800 pounds net. This is a very old law. No change through 1919.
District of Columbia.....	196	98					
Florida.....							Nothing found through 1917.
Georgia.....	196						Flour, grits, and corn meal in barrels, net.
Do.....		96	48	24	12	6	In sacks, gross. Also 280 pounds and 140 pounds gross in sacks. No change through 1918.
Idaho.....	196	98	48	24	12		Wheat flour. Corn meal per bushel sack 48 pounds, half bushel 24 pounds, quarter bushel 12 pounds, net. (Sess. Laws 1913, ch. 84, p. 341.) No change through 1917.
Illinois.....	196	98	49	24½			Flour. "Whenever no special contract shall be made to the contrary." Corn meal—bushel, ½ bushel, and ¼ bushel sacks; 48 pounds, 24 pounds, 12 pounds.
Indiana.....	196						No change through 1917.
Iowa.....							No change through 1917.
Kansas.....	196	98	48	24	12		Nothing found through 1917. Wheat and rye flour and corn meal, "net weight, either in wood or otherwise." * * * "Provided, That corn meal may be packed and sold in sacks of 35 pounds net, 17½ pounds net, and 8½ pounds net." Cottonseed meal, bran, shorts, tankage, oil meal, etc., and all feed from cereals 100 pounds per sack, net. (Gen. Stats., 1915, sec. 11721, as amended by laws, 1917, ch. 234.)
Kentucky.....							Nothing found through 1913.
Louisiana.....	196	98	48	24			Flour. Corn meal, bolted or unbolted, 17½, 24, 35, 48, 98, and 196 pounds per sack or package; rice polish, 200 pounds per sack; rice bran, 143 pounds per sack; other bran, chops, and shorts, 100 pounds per sack; other feeds made from cereal of any kind, whether pure, mixed, or adulterated, 100, 150, and 175 pounds per sack or package. Fractional sacks and packages shall weight in the same proportion except as to meal, which weights shall only be as above.
Maine.....	196						
Maryland.....	196						Flour. No change through 1918.
Massachusetts.....	196						"Measured by weight." No change through 1917.
Michigan.....	196	98	49	24½	12½	6½	"Mill products of wheat, corn, rye, or buckwheat." "No manufacturer * * * shall abstract any part of the mill products from the standard packages or fractional parts * * * and sell such package as a barrel or fractional part of a barrel." (Pub. Act 208, 1909, p. 372, secs. 1 and 4.) No change through 1917.
Minnesota.....	196						Flour. In all contracts barrel "shall mean 196 net pounds." Fractional parts of barrel shall require like fractional part of standard. (Laws 1913, ch. 560.)
Mississippi.....	196	98	48	24			Flour, net.
Do.....	200						Meal, net. No change through 1918.
Missouri.....	196	98	48	24			Flour. No change through 1917.
Montana.....							Nothing found through laws of 1919.
Nevada.....	196	98	49	24	12		Wheat flour. Cornmeal per bushel sack, 48; ½-bushel sack, 24; ¼-bushel sack, 12. (Laws of 1911, ch. 43, p. 37, sec. 11.) No change through 1919.
Nebraska.....	196	98	48	24	12		Flour, net. Corn meal per bushel sack, 48 pounds; ½-bushel sack, 24; ¼-bushel sack, 12; net weight. (Laws 1913, ch. 70, p. 204.) No change through 1918.
New Hampshire.....							Nothing found through 1917.
New Jersey.....							Nothing found through 1918.
New Mexico.....							Nothing found through 1913.
New York.....	196	98					"Wheat flour, rye flour, Indian meal or buckwheat meal for exportation." Also Indian meal in hogsheads, 800 pounds. (Con. laws, 1009, ch. 20, art. 13, secs. 221.) No change through 1916.
North Carolina.....	196	98	49	25	12		Flour. No change through 1917.
North Dakota.....	196						Flour, net weight. Sale of fractional part of barrel shall require and mean a like fractional part of established weight. (Laws, 1919, p. 168, of popular edition.)
Ohio.....	196						Flour and meal. (General Code, 1910, sec. 5998.) No change through laws, 1918.
Oklahoma.....	196	98	48	24			Flour, barrels in wood, net; in sacks, gross. Corn meal in sacks, 35 pounds; ½ sacks, 17½ pounds; ¼ sacks, 8½ pounds, all gross. All feed made from cereals, 100 pounds per sack gross. (Session laws, 1910, ch. 32, p. 46, sec. 2.) No change through 1916.
Oregon.....	196	98	49	24½			Flour, whole wheat, graham or rye flour. "The standard weight of a bale of flour shall be 98 pounds net weight avoirdupois, or 10 sacks weighing 9½ pounds each." (Acts of 1917, ch. 272, p. 513.)
Pennsylvania.....							No law through 1915.
Rhode Island.....	196						Flour. Corn meal per bushel, 50 pounds. No change through 1915.
South Carolina.....	196	98					Flour. Corn meal or grist, 96, 48, 24, 12, or 6 pounds. No change through 1919.
South Dakota.....	196	98	49	24½	12½		A barrel of flour "measured by weight shall contain" (Sess. Laws, 1919, ch. 358, sec. 8).
Tennessee.....	196						Flour. No change; examined through 1917.

Abstract of State laws fixing weights of standard barrels and sacks for flours, meals, etc.—Continued.

State.	Barrel.	Subdivisions in pounds.					Remarks.
		One-half.	One-fourth.	One-eighth.	One-sixteenth.	One-thirty-second.	
Texas.....	Pounds. 200	100	50	25			Flour. Corn meal in sacks, bushel 50 pounds, $\frac{1}{2}$ bushel 25 pounds, $\frac{1}{4}$ bushel 12 $\frac{1}{2}$ pounds. Bran and shorts by 100 pounds in 100-pound bags. (Laws, 1919, H. B. No. 247.)
Vermont.....							Nothing found through 1919.
Utah.....							Do.
Virginia.....	186						"Every barrel of flour put up or manufactured in this State shall contain not less than 196 pounds of flour, and that every barrel of flour put up or manufactured in this State, and every barrel of flour shipped into this State, shall have the number of pounds contained therein plainly stamped on one head." (Laws, 1901, sec. 1913c.) No change through 1916.
Washington.....							Nothing found through 1917.
West Virginia.....	196	98	49	24 $\frac{1}{2}$	12 $\frac{1}{2}$		Flour, net weight. (Sec. 3411 of Hogg's Code, Suppl. 1918, as amended by ch. 53, p. 220, acts of 1919.)
Wisconsin.....	196						"A barrel of flour measured by weight shall contain." No change through 1917.
Wyoming.....							Nothing found through 1919.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. NEWTON of Minnesota. The way the situation now is any large milling concern doing business in quite a number of States would have to have packages of a certain size to ship into one State and a different sized package to go into another State; but if this proposition passes the whole matter will be standardized.

Mr. VESTAL. The gentleman is correct.

Mr. TILLMAN. Will the gentleman state when the bill goes into effect?

Mr. VESTAL. So far as flour is concerned, one year after its passage or approval, giving the millers an opportunity to get rid of these different sized sacks.

Mr. TILLMAN. I understood the gentleman to say that before the committee which held extensive hearings on this subject no objection was offered to this bill.

Mr. VESTAL. That is correct.

Mr. TILLMAN. Does not the gentleman think there will be quite a lot of complaint upon the part of those who now have containers, which would not be standard containers when this bill passes, and who will have to get rid of them or lose them?

Mr. VESTAL. I hardly think so. I will say to the gentleman that the time given, one year from and after the passage of this act, will give millers ample opportunity, I think, to dispose of all of those odd-sized containers. They have a year after the bill is passed to get rid of these containers before this bill goes into effect.

Mr. TILLMAN. The value of these containers would be lessened greatly by the passage of this bill?

Mr. VESTAL. Yes.

Mr. TILLMAN. So it would be a vast loss to those who own those containers, which will not be standard under this bill.

Mr. VESTAL. In the hearings we had representatives before the committee from the National Wheat Millers' Association, the White Corn Millers' Association, and practically all of the milling industries in the country, and they were very positive in their statement that if we would give them one year to dispose of these odd containers they would have ample time, and they were very anxious that the bill be passed as soon as possible.

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

Mr. VESTAL. Yes.

Mr. OLIVER. The gentleman's statement relates largely to evils and abuses called to the attention of the committee, growing out of original packages as put up by the manufacturers. I am interested to know whether you had before the committee any representatives of business interests dealing in intrastate business? In other words, take the retail merchant, where he seeks to subdivide an original package into 12 $\frac{1}{2}$ pound packages, did you have representatives of such interests before you?

Mr. VESTAL. No. I will say to the gentleman that no representative of that kind was before the committee, but the committee had hundreds of letters from men engaged in such business favoring this bill.

Mr. OLIVER. In favor of the bill?

Mr. VESTAL. In favor of the bill. I want to reiterate that in all the communications that I have received, or that the committee received, with reference to this bill there has never

been a single communication but that was in favor of the immediate passage of the bill.

Mr. OLIVER. From the communications received by the committee was it apparent that very general notice had been given of the pendency of the bill?

Mr. VESTAL. Yes; that is true.

Mr. OLIVER. And your letters came from every section of the country?

Mr. VESTAL. From every section of the country.

Mr. OLIVER. And from every interest affected by the bill?

Mr. VESTAL. The gentleman is absolutely correct.

Mr. ROBSION of Kentucky. The gentleman stated that quite a number of States have passed laws affecting this same subject?

Mr. VESTAL. Yes; that is correct.

Mr. ROBSION of Kentucky. Does this bill undertake to govern all the intrastate business of those several States?

Mr. VESTAL. Probably the bill as it is drawn will affect the intrastate shipments.

Mr. ROBSION of Kentucky. Has Congress the power to control intrastate business?

Mr. VESTAL. There is no question about that. That has been discussed here and decided on quite a number of bills similar to this.

Mr. ROBSION of Kentucky. This law then will supersede all the State enactments?

Mr. VESTAL. That is correct.

Mr. HUTCHINSON. Did I understand the gentleman to say that the millers favor section 3?

Mr. VESTAL. As I said a moment ago, in all the communications that the committee have received there has not been a single one opposed to the bill.

Mr. HUTCHINSON. Do you know that if this bill should be passed in its present form, providing for only 25, 50, and 100 pounds, every man who sold flour would be subject to fine and imprisonment?

Mr. VESTAL. No.

Mr. HUTCHINSON. Do you know that flour put up in a package of 25 pounds dries out to a certain extent?

Mr. VESTAL. It is not necessary that the retailer put flour into 25-pound packages. It can be put into packages as small as 5 pounds.

Mr. HUTCHINSON. In packages which are any part of 200 pounds?

Mr. VESTAL. The decimal is 200 pounds.

Mr. HUTCHINSON. If a man puts flour into 25-pound bags and it does not state on the bag that it is 25 pounds when packed he is liable under this bill?

Mr. VESTAL. Yes; that is correct.

Mr. HUTCHINSON. How is the merchant going to prevent shrinkage?

Mr. VESTAL. I do not quite get the gentleman's question.

Mr. HUTCHINSON. In other words, flour weighs 200 pounds in a barrel when it is packed, but it will dry out 10 pounds by the time it gets to the consumer. How are you going to protect the man who sells the flour?

Mr. VESTAL. The Bureau of Standards, of course, will permit certain tolerances. There will be certain tolerances in these barrels.

Mr. HUTCHINSON. What is the use, then, of the law?

Mr. VESTAL. You must have certain tolerances in all these measures.

Mr. HUTCHINSON. At the present time a flour sack is marked. That is, the ordinary 12-pound sack has put on it "12 pounds when packed." Now, you are making it so that it has to be the exact weight, and it has to continue that weight until it is sold. I think it is one of the most ridiculous things I have ever seen.

Mr. WATSON of Pennsylvania. Will the gentleman yield?
Mr. VESTAL. Yes.

Mr. WATSON of Pennsylvania. I notice in this bill you stop at packages of 5 pounds. Did the committee take into consideration the question of packages of less than 5 pounds?

Mr. VESTAL. That was considered by the committee.

Mr. WATSON of Pennsylvania. There are a great many packages sold of 1 or 2 pounds?

Mr. VESTAL. Yes.

Mr. WATSON of Pennsylvania. The people who buy them ought to be protected, because many are poor, especially in districts where there are a number of laborers.

Mr. VESTAL. That is a fact.

Mr. WATSON of Pennsylvania. They buy 1 or 2 pounds.

Mr. VESTAL. That is true.

Mr. WATSON of Pennsylvania. They are not protected. You are only taking care of the person who is rich enough to buy 5 pounds. Did you take that into consideration?

Mr. VESTAL. Yes; that was taken into consideration.

Mr. WATSON of Pennsylvania. Why was it not adopted?

Mr. VESTAL. I will explain that to the gentleman, I think, to his satisfaction. The first bill provided for packages down to 1 pound, with an exemption clause covering the specialty products that were packed in containers, such as certain kinds of pancake flour and things of that kind that were specialties. Of course, the specialty manufacturers desired that in the bill. Some objection was made, and then the committee authorized the chairman of the committee to introduce this bill as a substitute to the other bill, making it apply only to packages of 5 pounds or more, which leaves out the specialty packages, which are all under 5 pounds. It is true that on the East Side in New York and on the West Side in Chicago packages of flour are sold in 3½-pound containers. A 7-pound package, as I get it from the investigation, is often sold, and then that is split into two 3½-pound packages and sold to the poor people; but the flour is usually weighed out to them, and I can not see where it would affect them at all.

Mr. WATSON of Pennsylvania. Not only flour but poultry feed and a great many products from grain are sold in small packages. I notice that the testimony before the Committee on Agriculture developed instances where a great many packages were slight in weight, particularly those holding 2 or 3 ounces. It seems to me that if you are going to protect all of the American people, you should protect the poor as well as the rich.

Mr. VESTAL. Oh, I believe they would be protected.

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

Mr. VESTAL. Yes.

Mr. ROSE. The gentleman has already made mention of the fact that there are at least three standards now in vogue. Was there not testimony introduced before the committee showing that certain dealers in flour could not be fairly dealt with in contracts for large amounts of flour for the reason that in some States 196 pounds were taken as a standard for a barrel and in other States 200 pounds, and, therefore, those who could deliver 196 pounds were in a position to bid much lower for a large amount of flour?

Mr. VESTAL. That is true.

Mr. ROSE. Will not this bill correct that evil?

Mr. VESTAL. It will. The Constitution of the United States wisely provides that Congress shall have the power to fix standard weights and measures for this country. The several States, or, as I have mentioned, a part of them, have defined by statutes, enacted in the exercise of their police power, varied and conflicting standards of weights and measures for cereals sold in bulk. As I have said, the purpose of this bill is to eliminate the present variations and conflicts in the State standards, whether fixed by statutes or custom, whereby a single and uniform standard of weights and measures for the products mentioned herein will be made effective throughout the United States. It is certain in my mind that the public will be greatly benefited by such Federal statute for the reason that the existing variation and conflict in standards recognized or permitted in the different States results in an increased cost of production, inasmuch as the millers necessarily have to carry a great and varied assortment of containers to meet the different standards and also in the inequitable treatment of

the consumer. I had one letter from a milling concern in which it was said that the passage of this law would save that concern at least \$100,000 a year in containers, because they had to carry such a different assortment of containers.

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

Mr. VESTAL. Yes.

Mr. DUNBAR. In section 7 reference is made to the authorization of the metric standard in that in the standards as fixed they shall be as contained in this bill; yet the authorization of the use of the metric system has never been repealed. If the metric system is authorized and a man should sell flour under that system of measurement, would he be violating the law?

Mr. VESTAL. Oh, I think not.

Mr. DUNBAR. Would the gentleman digress to inform the committee if his committee expects to report a bill authorizing the adoption of the metric system for use in the United States?

Mr. VESTAL. I would say to my colleague that there will probably be a bill of that kind introduced and hearings will be had upon it before the committee.

Mr. DUNBAR. If that bill is introduced at this session and becomes a law it will supersede this act.

Mr. VESTAL. It will not affect this at all, because this is put on the decimal system anyway. This bill puts the sale of flour on the decimal system.

Mr. DUNBAR. But the metric system of weights and measures is entirely different from what we have to-day. If the metric system is adopted we will no longer have pounds or ounces or miles or such measures. All will be changed.

Mr. VESTAL. I think that is a bridge that we can cross when we come to it.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Certainly.

Mr. YOUNG of North Dakota. I would like to ask the gentleman who requested this legislation? Was there any general call for it? Where does it come from?

Mr. VESTAL. The National Millers' Association, the Corn Millers' Associations, and all of the different interests, the Grain Dealers' Association—men who are interested in the production of flour and corn meal and in the sale of the same.

Mr. YOUNG of North Dakota. The idea is that those who make flour and ship it and handle it believe they could do so with greater convenience if the flour was put up in these packages or in these weights.

Mr. VESTAL. That is true, and also they will all be placed upon the same basis. That is, a milling concern in one State, where the standard is 196 pounds to the barrel, selling flour in another State, where the standard is 192 pounds to the barrel, would be placed on an equal basis with others. It would avoid that unfair competition. This proposes to standardize the weights in every State in the Nation so that they will all be on the same basis. I think there is no question but that if this bill is passed it will benefit the consumer for the reason that it is going to relieve the manufacturer of hundreds of thousands of dollars of cost that he has to carry now in overhead on account of the different kinds of containers that he has to keep. Take a miller, for instance, in Pennsylvania. He must keep different containers to sell to the people in Virginia and to the people in the other States surrounding Pennsylvania. If we have one standard they will all keep one size container.

Mr. YOUNG of North Dakota. I want to say to my colleague that the only letters that I have received in respect to this bill have been from dealers, and they are against the bill; that is, from manufacturers.

Mr. VESTAL. On this bill?

Mr. YOUNG of North Dakota. These two manufacturers of flour have written protesting against the passage of this bill. But I want to say, and I am perfectly frank with my friend, that it looks to me, from the statement and from what I can find in this bill, that it is one which the flour manufacturers ought not to object to.

Mr. VESTAL. I think no manufacturer of flour should object to this bill if he wants to deal square in his sale of flour.

Mr. YOUNG of North Dakota. It does seem on its face, so far as the retail trade is concerned, there is a chance of a good deal of juggling with the merchant if he has bags of flour in his store of different weights, because the ordinary man who buys it simply goes in and says, "Let me have a sack of flour," and does not stop to inquire how many pounds are in it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. VESTAL. I will yield to the gentleman.

Mr. CHINDBLOM. Will this bill affect packages for export trade?

Mr. VESTAL. Not at all. I will now yield to the gentleman from Ohio.

Mr. GARD. I want to ask the gentleman if there has been any recognition of the statement made by Mr. Clark, on page 53 of the second section, part 2, wherein he says:

It would seem that we are considering this bill from an entirely different standpoint from what was originally intended, which was to cover the product of wheat flour, in fact, in large sacks and barrels. Later it developed that the corn millers come in.

He said:

In my judgment you will have to abandon this bill and formulate an entirely new bill, because this bill was only formulated to cover wheat flour, and when you add to it you are going to make difficulties for yourself and everybody else, and you are not going to accomplish anything.

What about that statement?

Mr. VESTAL. I will explain that to the gentleman. As stated a moment ago, I believe the gentleman from Ohio asked if these hearings were upon the bill—

Mr. GARD. H. R. 7482.

Mr. VESTAL. That bill, if the gentleman has read it—

Mr. GARD. I have read it.

Mr. VESTAL. Instead of naming flours, hominy, grits, and meals, and all commercial feeding stuffs, simply says, "wheat flour and corn products for human food." It developed in the hearing that corn products for human food would also take in certain sirups made out of corn, and the corn-milling industry that is interested in the making of sirups said that if we pass this bill we would put them into unfair competition with other firms that manufacture sirup out of something else. It was not intended to cover things of that kind, and so, as a substitute to that bill and to get away from that provision of it, this bill was authorized to be introduced, naming the things that would come under this bill.

Mr. GARD. Of course, as to sirups, as the gentleman probably well knows, and probably better than I, the question of weights and measures would be within the prerogative of the committee; but I gather from the two bills that the committee has taken up the question of the measures of dry food.

Mr. VESTAL. That is correct.

Mr. GARD. And limiting it to that.

Mr. VESTAL. The gentleman is absolutely correct.

Mr. REED of West Virginia. Will the gentleman yield for a question regarding the bill?

Mr. VESTAL. Certainly I will.

Mr. REED of West Virginia. If some retail dealer selling to the domestic trade desires a 9-pound package or a package a little smaller than some of the standard sizes designated in this bill, is not there a way under this bill by which he can get such odd-sized packages?

Mr. VESTAL. I think they can weigh out to retail dealers, certainly.

Mr. REED of West Virginia. Could they not get such products in original nonstandard packages under this provision? Could not a miller or dealer pack under some standard of Germany or of France for contemplated foreign trade smaller-sized packages and later change his viewpoint and sell these odd-sized packages for American domestic trade?

Mr. VESTAL. Correct, under certain provisions.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. MANN of Illinois. I notice in section 8 of the bill that as to wheat-flour products that it makes the bill take effect one year after the passage and approval of this act—and I might suggest a bill often becomes a law without approval—and it makes the bill take effect for corn products 90 days after the bill becomes a law. Are not a great many of these corn products packed by people who have to order containers a considerable period in advance under existing conditions?

Mr. VESTAL. I think that is true. I will say to the gentleman I think the reason that was fixed at 90 days is that the Food Administration, when the war broke out, compelled the corn millers to use this basis we have placed in this bill. The corn millers were very anxious to graduate from the Food Administration control to the new decimal principle since the war is over, and they have this as a standard, so they are really on this basis now.

Mr. MANN of Illinois. This would not affect—

Mr. VESTAL. It would not. It would affect to some extent, I will say to the gentleman, some corn millers who, I think, had to go back and use different sized packages from those contemplated in this bill because of the competition. But as a general rule the corn millers are still using the decimal weight as mentioned in this bill, just as they were compelled to do by the Food Administration at the beginning of the war and all through the war.

Mr. MANN of Illinois. I know nothing about it personally except what experience I had in regard to the pure-food law. But frequently the producer of these articles has to order his packages quite a long time in advance.

Mr. VESTAL. That is true.

Mr. MANN of Illinois. Now, if he has his packages, legal at present, he ought to be given a reasonable time in which those packages can be disposed of, and also be given a reasonable time in which to obtain new packages or a new standard.

Mr. VESTAL. That is absolutely true. I want to call the gentleman's attention to page 63 of part 3 of the hearings on that very subject.

Mr. BRAGGS, of Texas, a member of the committee, asked Mr. Husband this question. Mr. Husband is secretary of the National Millers' Association:

Is the time limit specified in section 8 of the proposed revision sufficient to enable the corn millers and others brought within this bill to adjust themselves to it without any inconvenience or expense, particularly to the people as well as to the mills?

Mr. HUSBAND. I am glad you asked that, because I had a letter from Mr. Genung, who was here last week and made a statement in favor of the bill, calling attention to the fact that the National Association of White Corn Millers, of which he is president, feels that they would not like to see those features of the bill which pertain to corn flours and corn meals, hominy, and grits effective at once, because they have been compelled, by reason of competition, to go back to the purchase again of the old-size sacks, the pound sacks and the nines, and the 13 pounds, and whatever the corn-mill packages were before that industry was put on the decimal basis by the Food Administration. They had hoped they might graduate from the Food Administration control to the new decimal principle by reason of this new legislation; but it has been a good while and they have since been compelled to go in and purchase sacks of the old style. Mr. Genung did not specify any time, but some of the others interested in that trade said they thought 90 days would be sufficient for them to work off those corn-products sacks.

Mr. OLIVER. The reasons for requiring a certain standard for the original packages put up by the miller or manufacturer, I think, are very wise and sound, but I am at a loss to understand why those reasons apply to the retail merchant when the established custom in his locality suggests that his customers demand packages different from what you herein provide, and as to which I understand you had information before your committee. Now, what wise public policy is subserved by stipulating what size package a local community shall buy these food-stuffs in from the retail merchants?

Mr. VESTAL. I will say to the gentleman—and I only know from my own experience—I go in and ask for a sack of flour, and I never think about the weight of the flour. Now, that sack may contain 24 pounds of flour; it may contain 24½ pounds of flour; it may contain 12 pounds of flour; and under this bill, if you go in and ask for a sack of flour, it must contain 25 pounds net, or it must contain 10 pounds net, or it must contain 5 pounds net. It seems to me that the consumer is the fellow who is going to benefit by this bill more than anybody else.

Mr. OLIVER. The consumer is protected by existing law against false weights. This bill primarily is intended to provide uniform weights for the original package. That certainly seems to be the main purpose the committee had in mind.

Mr. VESTAL. That is correct.

Mr. OLIVER. Now, in many localities the original package is subdivided for the retail trade, and the local demand largely determines what the subdivided packages shall be, and there are customs prevailing in some sections calling for 12½-pound packages and in others for an 8-pound package. Now, what public policy is to be subserved by forbidding a retail merchant from adapting his sales to a local custom found wise in these localities?

Mr. VESTAL. Suppose a retailer would buy a barrel of flour; he can sell that flour in any size package that he weighs it out in.

Mr. OLIVER. I question it under this bill as drawn. Now, I thought perhaps that the committee might be willing to so modify it as to at least provide that that can be done.

Mr. VESTAL. The committee, of course, is desirous of getting a bill that will benefit everybody.

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

Mr. VESTAL. Certainly.

Mr. HULINGS. I see here in section 7 that the act authorizing the use of the metric system is not repealed, but you forbid the use. Now, I would like to ask if your committee has ever considered, instead of this hodgepodge thing that has been going on all these years, the adoption of the metric system, which is the scientific, plain, easy system that could be understood in any part of the world? Every State now has the right to establish its own standard of weights and measures until it is ousted by action of Congress. Now, do you not think it would be a good time, instead of adding somewhat more to this hodgepodge, if the committee would go to work and consider the adoption of the metric system?

Mr. VESTAL. I would say to the gentleman there will probably be a bill introduced at this session of Congress on that very proposition.

Mr. HULINGS. If that is going to be introduced with any idea of its passing, is not this surplusage?

Mr. VESTAL. I hardly think so. Let us try and correct the present system. With this law upon the statute books the consumer who buys an eighth of a barrel of flour will receive 25 pounds net weight, whether he buys in the State of Maine or California, instead of 24½ pounds or 24 pounds that he now receives.

The manufacturer likewise in packing certain products for shipment knows that every other manufacturer of the same products must pack in the same sized container, containing the same number of pounds. Hence this bill, in my judgment, will benefit both the trade and the consumer.

Now, just one word about the different subdivisions used in the packing of commercial feeding stuffs. Some gentleman asked me that question a moment ago. I do not remember who it was.

Mr. GARD. Mr. Chairman, would it embarrass the gentleman to ask him a question right there?

Mr. VESTAL. Not at all.

Mr. GARD. From my reading of the bill I notice that it applies only to 5, 10, 25, and 50 pound packages, with the establishment of an additional standard of 100 pounds. Nothing under 5 pounds is considered in this bill. Is that correct?

Mr. VESTAL. Yes. Nothing under 5 pounds is considered in this bill.

Mr. GARD. Being interested, as I think we all are, from the standpoint of the consumer, does not the gentleman believe that nearly every consumer, especially those who buy in the large cities, indeed those who buy anywhere the so-called specialized products, are compelled to buy less than 5-pound packages?

Mr. VESTAL. This bill does not prohibit that.

Mr. GARD. It does not prohibit it specifically.

Mr. VESTAL. It does not affect the specialties at all.

Mr. GARD. I find here in the hearings references to Quaker Oats, and Aunt Jemima Pancake Flour, and Wheatena, and Postum Cereal Coffee, and various other cereal foods, the prices of which have recently been advanced in varying degrees, and they do not change the size of the package. Quaker Oats, for example, has been advanced from 25 to 30 per cent; Aunt Jemima from 25 to 35 per cent; Wheatena, 35 per cent. Postum Cereal has advanced, but they do not say how much. Now, as I remember it from the testimony of the representatives of these concerns, they have specially adapted machinery which provides for the packing and the cutting of the packages and the packing into receptacles. They do not want any change.

Mr. VESTAL. That is right.

Mr. GARD. Why is it not of advantage to the consuming public to have standard weights and measures for these cartons which are of such general use by the consumer?

Mr. VESTAL. I am frank to say to the gentleman from Ohio that I think it would be a good thing, but the committee felt that to take those specialties in under this bill would make it impossible to get the bill out and passed by the House. The committee felt that this bill was the starting point upon the proposition, and that if we wanted to take up these specialties later on they could be taken up under another bill.

Mr. GARD. I will say to the gentleman that if you do not get them under this bill you never will, because this is the favorable time for the enactment of such legislation as this. When other important matters come up later there will hardly be any prospect of taking it up again.

Mr. VESTAL. The committee was satisfied after the hearings that really as to the specialty products packed in these special sized packages or cartons it was to the advantage of the consumer not to bother with them. For instance, merchants sell certain kinds of breakfast foods in 8-ounce packages. They sell those in carloads to the Army. They sell them in a certain sized package which is supposed to be sufficient to feed one soldier, and they claim that if that were put into a larger sized package the contents would deteriorate.

Mr. GARD. The hearings developed the fact that one man said packages of corn products sell in 8-ounce cartons and 13 ounces and another of 55 ounces and 20 ounces. Why is it not a good plan to have this regulated by the enactment of a law of the United States? The matter of the consumption of oats and corn products is something which applies to every one of us on the breakfast table every morning. Nearly everybody eats a cereal product.

Mr. VESTAL. That is true.

Mr. GARD. And it is of more immediate consequence to the consumer to have a standard of the thing he uses than to have a standard of the more bulky articles. Does not the gentleman agree with me on that?

Mr. VESTAL. I do not know. The committee, I think, was satisfied, after the hearings, that the public demanded, so far as these special products are concerned, certain sized packages; that is, it would be shown by the sales that the packages which the factories had been putting out for years were about the sizes that were suitable to the consumer, and therefore to change that and to make a different sized package and to compel them to pack in a larger size package might result in the contents deteriorating, and it would cost hundreds and thousands of dollars to change the machinery to make these specialty packages, and it would probably result in a greater cost to the consumer of these different products.

Mr. GARD. The thing that the public suffers from, in my observation, is the desire—if one may use that word correctly; the practice probably is the better word—of persons who sell to the ultimate final consumer of giving short measure and short weight. That is an evil that is recognized all over the country, and people are easily taken in by it, because hardly anyone stops to investigate either the measure or the weight. They must rely upon the standard. Now, if we can rely upon a standard, why is it not the best plan to have the standard apply to the things that are of the most immediate and constant use?

Mr. VESTAL. Of course, these packages must all bear on the outside the net weight. That is compelled under the pure food and drugs act.

Mr. GARD. I understand that. Another question let me ask under section 3. The gentleman is familiar with the bill, and I ask the question for information. Under section 3 is it possible for me to go into a grocery store in my town and buy 4 pounds of flour and have it put into a sack and take it home?

Mr. VESTAL. Yes, sir.

Mr. GARD. I notice from the reading here that it says that it will be "unlawful for any person to sell or offer for sale wheat-mill and corn-mill products, flour," and so forth, which in package form shall not be one of the standard sizes, and so forth.

Mr. VESTAL. That, of course, refers to it in package form.

Mr. GARD. What is meant by "package form"? Does it mean some regular pasteboard container, or a sack or bag such as flour is commonly sold in?

Mr. VESTAL. I do not know whether I am competent to say what that term "package" means.

Mr. GARD. It strikes me that it is a material element, because if it is the intention of this bill to prescribe to the manufacturer or seller the size of the package he manufactures or sells, some steps should be taken to prevent the sale of 3 pounds of flour for 4 pounds to a poor person. That is not provided in the bill.

Mr. VESTAL. Oh, no; but the bill provides that this shall not have any effect except as to packages of over 5 pounds.

Mr. GARD. Yes, in packages.

Mr. VESTAL. They must be over 5 pounds. Now, you can sell 3½ pounds or 1 pound or 2 pounds or 4½ pounds.

Mr. YOUNG of North Dakota. Without any restraint?

Mr. VESTAL. Without any restraint.

Mr. GARD. How about 7 pounds?

Mr. VESTAL. I am of the opinion that they might sell 6 or 7 pounds by weight, unless it is in package form, put up in packages.

Mr. GARD. I know personally that some of the Minnesota millers have packages of flour in 6-pound packages—I think the Ward & Crosby people.

Mr. VESTAL. Yes; that is true.

Mr. GARD. Six-pound packages.

Mr. VESTAL. Those will be eliminated.

Mr. GARD. There will be no more 6-pound packages?

Mr. VESTAL. No more 6-pound packages.

Mr. GARD. They will have to be 5 or 10 pounds?

Mr. VESTAL. Yes; if they are put up in packages or containers.

Mr. GARD. Suppose I am a retail merchant, and suppose I buy a barrel of flour and a man from my neighborhood wants to buy 6 or 7 pounds of flour. Can I sell him that out of the barrel?

Mr. VESTAL. I should think so, without any question.

Mr. GARD. And the third section, you think, would not apply to me?

Mr. VESTAL. I do not think it would.

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

Mr. VESTAL. Yes.

Mr. ANDERSON. I have looked the bill through and I can not find anything in it to justify that opinion. What does the gentleman base that opinion on?

Mr. VESTAL. Section 3 provides:

That it shall be unlawful for any person, firm, corporation, or association to pack, or cause to be packed, to ship or offer for shipment, or to sell or offer for sale, the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, which, when in package form, shall not be one of the standard sizes established in section 2 hereof and bear a plain, legible, and conspicuous statement of the net weight contained therein.

Mr. ANDERSON. A man can not carry away 5 pounds or 50 pounds of flour or mill feed in his coat pocket.

Mr. VESTAL. I understand that; but the package meant here is where the package is put up and labeled "5 pounds." He can not put up a package and label it and sell it for 6, 7, or 8 pounds. If you go in and buy 8 or 9 pounds of flour from a barrel, it can be put in a container and carried away.

Mr. ANDERSON. Then let me ask the gentleman this question: Suppose a farmer goes to a mill and takes his sacks there, as farmers ordinarily do, and he buys 600 pounds of mill feed and they put it up in sacks. Some of them weigh 93 pounds, some 97 pounds, some 84 pounds. Now, under a strict interpretation of this act, sales in that form would be in violation of the law.

Mr. VESTAL. I do not think that is the correct interpretation. Yet this bill is designed to protect the farmer who takes his grain to the mill and in return gets commercial feedstuff, bran, or shorts. My little experience in taking wheat to the mill and getting commercial feedstuffs is that you can not put a hundred pounds of bran in a sack, and so we reduced the weight to 60, 70, and 80 pounds, so as to protect the consumer and see to it that the sack will hold his 80 pounds; that he gets 80 pounds in that sack. If we had left it 100 pounds, they might give him a sack supposed to contain 100 pounds, but which would not contain 100 pounds and only contain 80 pounds. That was the idea, at least.

Mr. ANDERSON. If it happened to contain 83 pounds, it would be sold in violation of this law.

Mr. VESTAL. He would get that much more.

Mr. ANDERSON. I do not think so. I think it would be a violation of the law.

Mr. VESTAL. I am sure it would not be a violation of law.

Mr. DUNBAR. In section 2, to which section 3 refers, the expression "standard package" is used. Now, a barrel of flour is to be of the standard weight of 200 pounds. In selling flour in package form these weights which are prescribed are intended to mean in half-barrel, quarter-barrel, and eighth-barrel lots. That is the standard package; but I do not take it that any man would be prohibited from offering for sale flour not in standard packages in any amount that the customer might wish to purchase.

Mr. VESTAL. I do not think so. Now, just one clause more about the different subdivisions.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. VESTAL. In just a moment. In the subdivisions used in packing the commercial feedstuffs, as was mentioned by the gentleman from Minnesota [Mr. ANDERSON], 60, 70, and 80 pounds are set out so as to take care of the cases where a farmer uses his own sacks in taking the wheat to the mill and buying feeding stuffs. Probably it would be impossible to put 100 pounds of feeding stuff in a 100-pound sack. So the lesser weight was provided for sacks containing commercial feeding stuffs.

Mr. WELLING. Would it mean that a farmer who took 20 burlap sacks to the mill in which to get feed would have to get 60, 70, or 80 pounds in each sack? Suppose a sack would hold 90 pounds or 100 pounds?

Mr. VESTAL. There would not be any reason why he would not buy that; but if the miller was selling the container, the standard must be 100 pounds, but on account of feeding stuffs being lighter in weight the 60, 70, or 80 pound containers are authorized. That is, he could not put out commercial feedstuff in a 100-pound sack when the sack did not contain that much and could not contain that much, and this bill makes it lawful to use 60, 70, and 80 pound containers.

Mr. WELLING. Is it not a fact, known to every man who has had any experience on the farm, that no two sacks will hold the same amount?

Mr. VESTAL. That is correct.

Mr. WELLING. The farmer will go to mill with 25 sacks, and no two of them, if they are filled to their capacity, will weigh the same.

Mr. VESTAL. That is correct.

Mr. WELLING. Now, are you going to compel the miller who sells that feed to use a sack which shall contain exactly 60, 70, or 80 pounds and stop there?

Mr. VESTAL. We are going to compel the miller, if he sells a sack containing 80 pounds, to see that the sack contains 80 pounds.

Mr. WELLING. Suppose the sack contains 95 pounds?

Mr. VESTAL. I do not think there is any reason in this bill why you can not put 95 pounds in a sack and buy it by weight; but if the miller is selling standard packages the standard package must contain 60, 70, 80, or 100 pounds. If it contained more, there would be no objection to it, but it must contain that.

Mr. WELLING. Then, if I go to the mill, I can get a ton of feed in any number of sacks I want to get it in.

Mr. VESTAL. I should think so.

This bill has the indorsement of the Millers' National Federation, American Corn Millers' Federation, National Association of White Corn Millers, the State sealers of Minnesota and of Wisconsin, the National Grain Dealers' Association, the Department of Agriculture, the Department of Commerce, the Bureau of Standards, and hundreds of independent millers from every State in the Union.

In my judgment, it is a very important piece of legislation and should be enacted into law.

I might say here that after the bill was introduced in its present form the Secretary of Agriculture called my attention to section 3 in the bill, and said that probably in its present form it would be a conflict of authority, as the pure food and drugs act is under the control of the Department of Agriculture. This bill provides for the Bureau of Standards having control.

I expect to offer, when the bill is read for amendment, an amendment to section 3 striking out, in line 20, beginning with the word "hereof," the balance of the line, and line 21 and line 22, down to and including the word "therein." The Bureau of Standards believes that the local State laws will take care of any intrastate shipments, and under the pure food and drugs act the interstate shipments will be taken care of.

Mr. GARD. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. GARD. This only applies to packages marked on the back with the net weight. Now, on the question of weight I desire to ask the gentleman this question: Can the gentleman advise me the difference in weight in an 80-pound package, where it is manufactured and weighed and labeled 80 pounds, and what the weight will be, say, 60 days thereafter?

Mr. VESTAL. I can not state.

Mr. GARD. Is there any difference?

Mr. VESTAL. There probably would be a difference.

Mr. GARD. It would be lighter by the drying-out process, would it not?

Mr. VESTAL. Probably so.

Mr. GARD. Nevertheless, it would be sold by the old weight when it left the factory. It would sell for 80 pounds, although it does not weigh 80 pounds, because it weighed 80 pounds at the time it was put up.

Mr. VESTAL. I do not know how that could be remedied.

Mr. GARD. It could be remedied by having the actual weight at the time of the sale. Under this bill he can sell something for 80 pounds of commercial feed which, in fact, at the time of the sale might not weigh more than 75 pounds.

Mr. VESTAL. I do not know, but I should not think there would be that shrinkage.

Mr. GARD. It might be 4 or 5 pounds in an 80-pound sack, might it not?

Mr. VESTAL. It may be, but I should hardly think so. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed one hour and seven minutes.

Mr. VESTAL. I reserve the balance of my time.

Mr. WATSON of Pennsylvania. If the gentleman will yield to me, I want to say that I am in harmony with the gentleman from Ohio [Mr. GARD] in regard to marking small packages, and it is my purpose to introduce an amendment to that effect.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. ASHBROOK] for 1 hour and 15 minutes.

Mr. ASHBROOK. Mr. Chairman, the chairman of the Committee on Coinage, Weights, and Measures for the past hour or more has been endeavoring as best he could—and I may say has succeeded well—in explaining this bill. It is not my desire or intention to take more than a moment of time. I want to say that for a number of years there has been considerable clamor for this legislation. I might say in all frankness and sincerity that I believe the desire for the passage of the bill comes chiefly

from the millers and the manufacturers. I am, however, of the opinion that the people of the country at large are as well advised as to this bill as they are of the general run of legislation.

Mr. TILSON. Will the gentleman yield?

Mr. ASHBROOK. I will.

Mr. TILSON. Is there anything in this bill to which the consuming public could object? In other words, is there anything concealed therein that is liable to be of a disadvantage to the purchasing public?

Mr. ASHBROOK. I will say to my friend that I was about to remark that so far as I have been able to pass upon the bill—and I have given the matter some consideration, not so much as some other members of the committee during the past session, but I have for several years given this legislation some consideration, and it is my honest and humble opinion that there is nothing in the bill that is not in the best interests of the consuming public or the people at large.

I think the standardization of weights and measures is desirable, not only for the sale of food products as included in this bill but also in a general way. I believe that all the States should have the same weights and containers for food products and other commodities, so that if you live in Ohio and you buy in Massachusetts or Connecticut you know that you are getting the same weight that prevails in your own State and that there is no loss by buying in other States.

I was about to say that this committee has had extensive and exhaustive hearings on this bill. It is true that those who appeared before the committee were largely those interested in the manufacture of these products, and so far as I know none of those who represent the consuming public at large appeared before the committee; but, as has been stated by the chairman of the committee, I have never heard of a single protest against this bill or against this legislation.

This bill for several years past has been well advertised in the papers and magazines of the country, so that the public has had advance notice that this legislation was pending. If it was not in the interest of the consuming public it would seem a strange condition of affairs that some member of the committee or some Member of the House should not have received protests against the bill.

So far as I am able to state, I know of no objection upon the part of anyone to the bill. In my judgment, it is good legislation. That was the judgment of the committee. It is a unanimous report of the committee, and I believe the bill should pass.

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

Mr. ASHBROOK. Yes.

Mr. GARD. The gentleman is a prominent member of the committee. Can he tell me by whom the bill was prepared?

Mr. ASHBROOK. The gentleman asks me, and I am not going to give him an evasive answer, but will tell him the truth. I believe it was prepared by a Mr. Husband, who is the head of the Millers' Association of the United States.

Mr. GARD. I note that on page 62 of the hearings, Mr. ASHBROOK is quoted as saying this:

And in this particular case I think it is right and proper that those gentlemen who have the best knowledge of the matter and have the matter in hand should prepare the bill.

It was in that connection that I asked the gentleman who did prepare the bill. The gentleman says that a representative of the milling interests prepared it.

Mr. ASHBROOK. If I am not mistaken that statement which the gentleman reads from the hearings, made by myself, grew out of the fact that the bill as it was first introduced included breakfast foods and small-package cereal foods. Serious objection was raised to their being included in this bill.

Mr. WELLING. Who objected to their being included?

Mr. ASHBROOK. All of the manufacturers of breakfast-food products.

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

Mr. ASHBROOK. Yes.

Mr. PARRISH. In connection with the suggestion that the bill may have been prepared by certain gentlemen, I would like to ask the gentleman from Ohio if it is not true that this bill, almost identical in form, has already been passed by several States in the Union, at least in the State of Texas, and is now a law on the statute books of those States?

Mr. ASHBROOK. That is my understanding, and I would further state to the committee that one thing that influenced me in favor of the bill was not so much the fact that the Millers' Association was demanding it, but the Bureau of Standards has been an ardent advocate of the passage of this bill, and I feel that we ought to give some consideration to that branch of our Government.

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

Mr. ASHBROOK. Yes.

Mr. NEWTON of Minnesota. The gentleman has mentioned the fact, and so also did the chairman of the committee, that there were no protests against the bill. I wish to say that I have received some from certain milling interests in Minnesota, most of which stated certain objections to it in a sort of propaganda form—at least, they were very similar—and the impression seemed to be that this was an attempt on the part of Congress to regulate packages through interstate commerce. When it was explained to them that Congress was exercising its power under the Constitution to establish a standard, and that this would wipe out the present 48 standards in the different States, a great many of the objectors withdrew their objections, although that is not universally true.

Mr. ASHBROOK. I thank the gentleman for his statement, and I would inquire of him whether or not he filed any of these protests with the committee?

Mr. NEWTON of Minnesota. I did not. I sent them the hearings and endeavored to get them to particularize their objections, and in doing so found out what the principal objection seemed to be.

Mr. ASHBROOK. My understanding is that the big milling interests in the gentleman's State are very much in favor of this legislation.

Mr. NEWTON of Minnesota. Very much so. That is true in my own city of Minneapolis.

Mr. BEGG. If this bill becomes a law, can a man who has a barrel of flour in his store sell 7 pounds of it to a customer without becoming a technical violator of the law?

Mr. ASHBROOK. I will give the gentleman my own understanding of the bill. I may be wrong, and I would not want to say that I am right, but my understanding of this bill is that if a dealer has a barrel of flour and he takes out of that barrel a certain amount and weighs out a certain number of pounds, he can do so and not violate the law; but if a miller or a manufacturer puts out flour or feedstuffs in containers, then these containers must conform to this bill.

Mr. BEGG. I would say to the gentleman that I did not so understand the bill. In other words, I did not see anything in the bill that gives that latitude and it seems to me that latitude ought to be given.

Mr. ASHBROOK. I do not see anything in the bill which does not give that latitude.

Mr. BEGG. I can cite the gentleman to the subject matter where it says that anyone who sells in any other quantity than 5 or 10 or any other multiple of a hundred—

Mr. ASHBROOK. Oh, that the standard packages shall be so and so. That is, if a man puts out a bag or a sack or a container of any kind, it must conform to this bill and be in 5, 10, 25, 50, and so-and-so pounds; but if a man breaks a container and he wants to sell to some poor person an odd number of pounds of flour in an ordinary package, if I understand the bill correctly, he has the right to do so.

Mr. BEGG. May I just read to the gentleman a portion of section 3?

Mr. ASHBROOK. Yes; and, if I am not mistaken, the chairman of the committee, who has occupied an hour of time in explaining the bill, is of the same opinion.

Mr. BEGG. The lines to which I would direct the gentleman's attention are these:

That it shall be unlawful for any person, firm, corporation, or association to pack—

And that is what the gentleman stated—

or cause to be packed, to ship or offer for shipment, or to sell or offer for sale—

That is in line with what the gentleman says—

the following wheat-mill and corn-mill products—

And so forth. And it goes on then to name them, in any other than the standard sizes—

Mr. ASHBROOK (reading)—

when in package form.

"In package form" is a package that is put out by a miller is the way I understand it.

Mr. BEGG. I may be wrong, but it struck me that a man could not sell at retail.

Mr. HAUGEN. Mr. Chairman, if the gentleman will yield, I think we should have a definition of what "in package form" really means.

Mr. ASHBROOK. It seems to me that that is plain enough.

Mr. HAUGEN. My understanding is that the courts have defined "package form," but I have been unable to find the court decision.

Mr. ASHBROOK. When the millers ship any of these products they must be in packages to conform to this law.

Mr. HAUGEN. I have in mind a country miller. Say that a farmer goes there with his grain and calls for so much flour, and suppose 78 pounds of flour are ground and put up in a grain sack. The penalty under the circumstances is \$500, and it seems to me that that is an injustice. I take it that no one cares to penalize anyone for selling any other packages than those named in the bill unless they are sold with some intent to defraud.

Mr. ASHBROOK. Well, I might be far from the facts in my judgment, but my belief is that if the farmer goes to the miller with his grain to have it ground and he receives in return a certain number of pounds of flour and other feeds that go with the wheat it is not a violation for him to receive the odd weight; but if the miller sells him a sack of flour, if he puts up a sack of flour to send it out under his brand, then it must conform to the law.

Mr. HAUGEN. I agree with the gentleman, but the bill reads unless it is in 5 pounds, 25 pounds, or 50 pounds it is not in package form, and the penalty is \$500. It seems to me there should be some definition of package form, and it should be made clear that the miller may sell in any package he might see fit providing he gives the net weight.

Mr. ASHBROOK. As a matter of fact, is that a sale when the farmer takes his wheat to the miller and gets it ground and receives in return a certain number of pounds? That is not a sale.

Mr. HAUGEN. In years past it was customary for the farmer to haul the wheat to the mill and have it ground and the miller to take the toll. Now the farmer sells the wheat and goes to the mill and buys the flour and buys it in his own container. It may be a grain sack or a flour sack.

Mr. ASHBROOK. If he buys outright from the miller the miller must sell it in compliance with this bill.

Mr. HAUGEN. Suppose he has not a standard sack? They use a grain sack or any other sack.

Mr. ASHBROOK. But he has scales in his mill and he can weigh it out.

Mr. HAUGEN. But he must have this standard container.

Mr. ASHBROOK. I do not so understand it.

Mr. HAUGEN. According to the bill.

Mr. ASHBROOK. It is the container which contains a number of pounds mentioned in this bill.

Mr. DUNBAR. The package form is referred to in section 2, and in section 2 the meaning of package form is the standard package. Now, the standard weights of packages are to be 5, 10, 25, and 50 pounds, or 200 or decimals of 200, so that while you can not sell a standard package in package form containing any other multiples or decimals of 200, yet you can sell in bulk any amount which you want, because when you are selling in bulk you are not selling in standard packages in package form and you are not setting up a standard package in package form.

Mr. HAUGEN. If the law is to be so considered I have no objection, and I certainly agree with the gentleman that we ought to pass it. However, I think that nobody desires to penalize anybody for selling in any other container than that provided for here.

Mr. ASHBROOK. Mr. Chairman, this discussion of this bill is no doubt very interesting and proper, but when the bill comes up for consideration under the five-minute rule these gentlemen may then have opportunity to express themselves for or against the bill. I promised to yield some time to the Members on this side of the House, and I therefore will be compelled at this time to end this discussion of the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] has 52 minutes remaining and the gentleman from Indiana [Mr. VESTAL] has 9.

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I have requested the courtesy of consuming the time I have asked for the purpose of directing the attention of the House and the country to the present status of the numerous bills that have been introduced in the special session of Congress affecting the interest of our discharged soldiers, sailors, and marines.

I do not know, as a matter of fact, that when the armistice was signed and the soldiers were mustered out of the service and returned to their homes that those who were not wounded and not disabled expected the Congress of the United States to initiate any legislation of any character for their special and

particular benefit, but I do know, and you know, whether the propaganda was incited by the ex-service men themselves or not—and in a large measure it was not—that there have been introduced in this Congress by various Members from various sections some 50 or 60 bills relating exclusively to this particular subject which I am discussing.

Now, early in the special session, upon the recommendation of the President in a special message, and evidently by the assent of the majority leader, what is known as the Lane bill or the Mondell bill was introduced and referred to the Committee on the Public Lands, and after extensive hearings that bill was favorably reported, and has been upon the calendar of the House awaiting action since the 1st day of August last. That bill provides for the reclamation of arid, cut-over, and swamp lands by ex-soldiers. There have been introduced into Congress many bills to provide for bonuses and extra compensation, bills to provide financial assistance to the ex-service men for the purpose of buying either rural or town and city homes, and the combination of all these elements of relief measures have been referred to the various appropriate committees of the House.

Now, gentlemen, what is the net result up to this date? The Mondell bill, as I say, lies dormant, if not dead, upon the calendar. I heard a distinguished Member of the Senate, high in authority in that body, a Republican, say casually in the Senate restaurant, when the President's message came in in connection with the renewed recommendation for the passage of the Mondell bill, that it was idle for the President to make any recommendation in regard to that bill, for it was as dead as a red herring. It seems to be so as far as any action here in this House or any effort of the majority to put it upon its passage is concerned. And bear in mind that is the only bill ready for passage framed in the interest of the ex-service men.

I do not know, in the long run, whether this Congress is going to pass any affirmative legislation for the benefit of the service men or not, but I do say, in justice to them, that this Congress ought to exercise its power and its responsibility either to pass some legislation of that character or to announce to them and the country that it proposes not to pass it. [Applause on the Democratic side.]

Now, I have introduced upon my own authority and without consultation with anybody a resolution which has been referred to the Committee on Rules—House resolution No. 405—proposing that the Speaker of the House shall appoint a special committee of 18 Members, to which committee shall be referred all of these various and sundry bills affecting measures of this character, namely, those providing for rural homes, those providing capital for agricultural development, and those providing bonuses or additional compensation, in order that, if this Congress is going to take any action of any sort, a special committee of that character, appointed in the discretion of the Speaker, shall have an opportunity to consider every phase and angle of the situation in order to bring out legislation that will meet the various contending positions on this question, because no single bill will do it. You take a man that was a soldier, and if legislation is passed providing for rural homes that does not interest him if he is a city man and is not interested in a farm. The Mondell bill, if passed, would only serve to interest a small per cent of the ex-soldiers, because only a few would desire to go off to some strange section to reclaim swamp or cut-over lands for farms, although some would do so.

Many of the men would be glad to waive any claim for further bonus if they could be given an opportunity to borrow money through Government agencies, on reasonable terms, to buy and own their own homes and farms, as is provided in several of the bills which have been introduced, but which seem to be chloroformed in the committees.

The purpose of my resolution—and I urge upon gentlemen the thoughtful consideration of the proposal—is to afford an opportunity for legislation to be brought out, just as opportunity was afforded for the bringing out of water-power legislation by the creation of the special Water Power Committee. It would give opportunity to harmonize all these various schools of thought on special legislation for ex-soldiers, placing all these bills in the hands of one central committee, upon which shall rest the duty and responsibility of finally passing upon this great question.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield? Mr. BANKHEAD. Certainly.

Mr. CONNALLY. I would like to ask the gentleman from Alabama if his resolution applies to that character of legislation pertaining to soldiers only? Do you want to restrict it to soldiers?

Mr. BANKHEAD. Yes, absolutely, to soldiers, sailors, and marines—those who served in the military or naval forces of the United States in the war with Germany. The proposal

is that all those measures shall be referred to this special committee, notwithstanding any general rule of the House to the contrary.

The resolution also provides that all of these bills which have been referred to the Committee on the Public Lands and to the Committee on Banking and Currency and the Committee on Military Affairs and the Committee on Appropriations, or any other standing committee, shall be referred instantly, upon the passage of this resolution, to this special committee, except bills which may already have been reported out or put on the calendar, and I understand at this time there is only one of those—the Mondell bill.

Regardless of the final character of legislation upon these subjects that may be brought before the House for consideration, I submit that it is not fair to the ex-service men of this country, who have been led to believe, very largely by the action of Members of Congress, that we are going to consider and pass legislation of some sort for their compensation or for their benefit, to longer delay definite action. If you let the situation lie as it is, you will never get any practical result. How many of the committees to which these bills have been referred have had any hearings on them? Can the Republican steering committee give any assurance of early action on any of them? They are silent. What disposition do you find here on the part of those responsible and in authority for legislation in Congress to press for consideration any of these bills and either finally pass favorably upon them or reject them? I think it is only fair to the ex-service men and it is only fair to the taxpayers of the country and it is only fair to the Members of this House itself that we shall not further delay some concrete action upon this legislation, but that we shall determine either to put it into effect and to give some affirmative legislation for the relief or compensation of our ex-service men or else, in justice to them, to announce that it will not be the policy of Congress to undertake legislation of that character.

At the proper time I trust that the Committee on Rules will see fit to give this resolution its earnest consideration. It is not offered in any party spirit. It is offered simply for the purpose of undertaking to solve the problem that every one of you has been thinking about every day since you came back to this session of Congress. The Republican Party, of course, is responsible. You have invited the responsibility. It has been bestowed upon you. It legitimately belongs to you, and the country, of course, will legitimately hold the majority responsible for its action or for its failure to act.

I feel sure that the minority here are willing, as Judge TOWNER suggested in his speech yesterday we ought to do, to cooperate in a definite and specific conclusion with respect to this legislation one way or another.

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

Mr. BANKHEAD. Certainly.

Mr. ZIHLMAN. The gentleman in his opening statement, as I understood, said that he had a list of the bills pertaining to the welfare of the soldiers and sailors.

Mr. BANKHEAD. No. I have not a list of all. I inquired at the document room and was informed that there were probably from 65 to 70 bills of various characters.

Mr. ZIHLMAN. You have not a list of the bills?

Mr. BANKHEAD. No; I have not prepared any. I simply desire to call the attention of the House to my resolution and to ask, if it meets your approval, that you give it favorable action if opportunity is presented. [Applause.]

For weeks and weeks it was intimated that the majority here would wait until the national convention of the American Legion met and made recommendations. That excuse no longer exists. That convention has met and acted. We will see how much longer this policy of inaction and indifference shall continue. If you are going to legislate for the benefit of the men who, above all others, have earned the gratitude of this Nation, you should act and act without delay. If you are not going to legislate for their benefit you should have the courage to say so, and thereby settle the matter once for all, so that the ex-soldiers may not further be encouraged to expect favorable action and may make their plans and arrangements accordingly. In justice to them we can do no less.

Such a special committee as I have suggested can and should agree upon legislation fair and helpful to our veteran soldiers and sailors without imposing any undue burdens upon the taxpayers of the country and without being unduly liberal to the men themselves. Let us not longer "hold the word of promise to the ear and break it to the hope."

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] has 43 minutes remaining and the gentleman from Indiana [Mr. VESTAL] has 9 minutes remaining.

Mr. ASHBROOK. I will yield 10 minutes to the gentleman from Texas [Mr. CONNALLY]; but first I will yield to the gentleman from Kentucky [Mr. THOMAS] 20 minutes, providing he makes a good speech. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky is recognized for 20 minutes.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

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. THOMAS. Mr. Chairman, I do not know very much about the pending bill, for the reason that I have not had an opportunity to properly investigate it, but I understand this, like certain horse-show rings at country fairs, is a general-utility debate, and a person can declaim on any subject he may feel inclined to discuss.

I do not agree with the gentleman from North Carolina [Mr. KITCHIN] as to some of the statements he made in regard to this bill. He stated, in substance, that in most parts of this Republic the people are greatly concerned about the number of pounds of food they can obtain under food-administration laws and the kind of sacks they may be permitted to put it in. I beg leave to differ from him. The people are more concerned about ways to obtain sufficient money with which to buy food during these times of the high cost of living than they are about the kind of sacks in which to put it, or whether the lettering on the sacks is in color red, white, or blue.

Mr. BLANTON. Will the distinguished gentleman from Kentucky yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. THOMAS. Yes.

Mr. BLANTON. Under the present mode of selling flour the sacks contain 12, 24, 48, and 96 pounds, and there are numerous sacks, of course, in those denominations now in existence. Now, to pass this bill changes all that and makes all these sacks useless, and that is what the gentleman from North Carolina meant when he said that the people were highly concerned about this bill. Instead of getting stuff in the sacks which are now available, they will not get it at all for a while, because new sacks of all denominations must be provided.

Mr. THOMAS. Well, there may be 12, 24, 48, or 96 pounds in the sacks that the gentleman speaks of, but I doubt very much whether they will weigh that much.

The gentleman from North Carolina [Mr. KITCHIN] talked about this Republican Congress and what it had failed to do in regard to constructive legislation. I beg leave to differ from him again. This is a great Congress, with a large Republican majority, and I say without jesting it contains many able Republican as well as Democratic Members. This House has enacted one marvelous piece of legislation, which will go down in history through all the ages as the most beneficial and far-reaching legislation to reduce the high cost of living ever conceived by the brain of man provided it passes the Senate and becomes law. In fact, it sprang from the brain of the Ways and Means Committee like Minerva from the brain of Jupiter, full formed and perfect and ready to strike down with one mighty and effective stroke the high cost of living, and no one should be so skeptical or so impertinent as to disbelieve that thing will in due season be accomplished because it is to be done by taking the tax off of ice cream and soda water and supplying the deficit by an increased tax on the real necessities of life. [Laughter.]

As a matter of fact, however, in my opinion the gentlemen who inadvertently or otherwise voted for that bill should return to the expectant and awaiting presence of their constituents and duly and humbly apologize for their action and spend a season of repentance in sackcloth and ashes.

In my opinion—and I do not think I am in a minority in this country in that thought—the best thing Congress can do is to settle decisively once and for all the questions of the peace treaty and league of nations and pass the appropriation bills and go home. It would do Congress good to get out of the profiteering environment and mucky atmosphere of Washington for a time and mingle with their constituents and learn their opinions on current matters.

And that would bring a change of living conditions from cold-storage junk and indifferent cooking to the fresh, pure food and good cooking of the countryside. Congress could there mingle with the thrifty sons and fair daughters of the soil and breathe the inspiration of nobler thoughts and loftier ideals. The frost is now on the "pumpkin," the ripened corn is in the crib, the golden wheat is in the bin, the yellow yams

are mellowing and sweetening in the cellar, the succulent persimmon and the toothsome "possum" are now ripened under the cool temperature of frosty, freezing moonlit nights, and all nature is redolent with the perfume of dying flowers and aglow with the varicolored beauty of autumnal forests and the glory and splendor of autumnal sunsets.

And then to contemplate the epicurean richness of a country dinner consisting of country-cured ham; and hog and lye hominy, made only as they know how to make it in Kentucky; accompanied by light, hot biscuits and country-made blackberry jam and other like delicacies; and to crown all, as a final course, a big, fat, juicy "possum," fully made ready for the feast by the fall of several biting frosts upon it and cooked only as an old southern negro "mammy" knows how to prepare such dainty dishes, and the whole fringed with layers of big, tempting, yellow sweet potatoes, exuding sugared sweetness over the luscious marsupial dish in drops of waxen thickness.

Such a dinner is a real and glorious feast, fit not only for a Congressman but for the gods; and after it is over, how pleasant to go to the old log stable and crawl up into the loft as in bygone days and be a boy again, and repose on the new-mown hay as of yore, and be lulled into peaceful sleep by the patter of the rain on the old board roof, and drift away into dream-land unmindful of ambition and the pomp and circumstance and vainglory of the world.

The sooner Congress adjourns to enjoy a well-deserved rest the better off the country will be, and Congress will be benefited mentally and physically, not to say morally.

Mr. Chairman, there is now a great coal strike in this country which is hurtful to the miners and disastrous to commerce and industry. Every legitimate means should be used to avert and settle differences between capital and labor, so that strikes may be prevented and the resultant financial losses avoided, but at the same time capital and the public should keep in mind the fact that the workman is not only entitled to a living wage but is entitled to something to lay by for old age and to tide him over the days when the hand of misfortune may fall heavily upon him.

The district which I have the honor to represent in this House is in part a coal-mining district, and most of the miners belong to the United Mine Workers' organization. In 1917-1918 these miners asked for a raise of wages, but they were refused on the ground that we were at war, and like good citizens they quietly submitted, although they were not then and are not now getting a sufficient living wage to meet the increased cost of living.

After the war was over they again requested a raise of wages to meet the living conditions that confronted them. The miners are loyal citizens. Not an act of disloyalty to the Government so far as I have heard was ever charged against any of them. Over 60,000 of them were in the service of their country as soldiers. They fought for their country with manly fortitude and courage. They never turned their backs to the foe, and their wounds were all in front. Many of them were wounded and crippled for life while others died upon the field of battle and their bodies are buried in Flanders fields—

Where the poppies blow
Between the crosses, row on row.

The miners subscribed and paid for more than \$100,000,000 in Liberty bonds and in addition gave large sums to the Red Cross and other charitable organizations for the purpose of aiding to win the war. All they are now asking is to be treated with fair consideration in the matter of wages. I have seen misstatement after misstatement about miners wages piled one on another like Ossa on Pelion.

Miners, with the exception of day hands, are paid by the ton for mining coal, and I have never seen a statement from any fuel administrator, newspaper, or Congressman which has attempted to elucidate this question as to how much they are paid per ton for their work. Every statement I have seen about the matter is mere assertion and far-fetched guesswork.

I recently received from the vice president of district No. 23 of the United Mine Workers' of America the following telegram:

In behalf of 5,000 miners who have been made slaves by the enforcement of the Lever law may I urge you to use your influence to have this law repealed? Our very souls protest against Dr. H. A. Garfield being given the authority to decide the amount of wages the miners shall receive. We understand he is a stockholder in some large bituminous coal mines and receives profits therefrom. My God, has our Government forgotten the service of the miners during the great World War? Not one disloyal act did any branch of our organization commit. We had more than 60,000 men in military service. We bought more than \$1,000,000 of Liberty bonds, donated liberally to the Red Cross, etc. August 22, 1918, we made an effort to get better wages for the miner, and the Fuel Administrator said no. We were then engaged in war, and for the love of our country we bowed our head in submission and continued to work until war was over, expecting to be given a liberal wage.

Mr. Chairman, in my opinion, if Mr. Wilson had not been sick at the time the attempt was made to arbitrate the strike and had been able to give personal attention to the matter the strike would have been settled, and the men would now be at work.

The assertion is made, not based on facts, that the miners at the time of the strike were receiving exorbitant wages and the public has been diligently educated by interested and profiteering persons to place all the fault for the high price of coal on the miners and operators. Recently a Washington newspaper published an interview with a Louisville party as to the wages miners are receiving in the Birmingham, Ala., coal district. He knew, he said, because he had just returned from a trip to Alabama. He probably made this trip in an auto and is no doubt one of those auto miners who know just about as much about mining as city auto farmers do about farming. This city auto miner most likely never saw a coal mine in his life, and the city auto farmer probably never turned a furrow, yet the one can tell all about mining and the other all about farming and just what things should be done and what wages are paid, by intuition probably, owing to the vastness and profundity of their respective intellects.

The Louisville party, as detailed by the Washington paper, said:

The normal output of that district is 55,000 tons daily and that is what is being produced now—

And he adds—

The miners are already making exceptionally high wages—from \$300 to \$400, and in some cases \$600, per month—

And he further states that 70 per cent of the miners are at work in that district.

If any miners are making such wages, they are contract miners and such sums are their gross earnings, and out of the gross earnings should be deducted the wages of two or three men, as those mines are machine mines and the wages of the helper and loader should be deducted, and when that is done the wage even of a contract miner will fall far below \$300.

In the Birmingham district, which is the Alabama district, according to the United States Bureau of Mines for the year 1918, the latest report available and the year of greatest production, the coal output in that district was as follows:

Number of short tons	19,184,962
Number of men employed	26,221
Average number of days worked	278
Average number of tons mined per man	732

Machine miners and pick miners are paid on a different basis, but their wages are about in amount the same per ton, based on the pay per ton of a pick miner, and that in Kentucky is \$0.7735 a ton, and is probably a little less in Alabama. Certainly nowhere in the world are miners paid a dollar per ton for mining; and admitting they are, then, if they mine 732 tons on an average per man a year at a dollar per ton, their average wages in Alabama for 1918 were \$732 per year, or just \$61 per month, and not \$300 nor \$400 nor \$600 per month as the gentleman from Louisville with such vivid imagination seems to believe, but their wages, based on the actual amount paid per ton for the days worked, is about \$566 per year, or about \$47 per month.

Of course the 278 days the miners worked in that district represents days and parts of days and not 278 full days' work. The smallness of miners' earnings is not only due to low wages, but also due to the failure of railroads to furnish cars to the mines. Of course, miners could earn more if furnished cars by the railroads. According to the highly decorated imagination of the United States Fuel Administrator miners are receiving \$1.50 per ton on an average for mining, so I am informed. That statement can not be substantiated by any earthly facts, because no place do they ever receive a dollar a ton, except, perhaps, in some isolated instances of contract mining. Even if they received \$1.50 per ton for mining in the Birmingham district and mined 732 tons for 1918 per man, the wages for the year on an average would amount to \$1,098, or \$91.50 per month per man, and miners' wages have not increased since 1918, the year of greatest production. They were actually paid per ton about \$0.7735, so the average wages per miner in that district for that year were actually about \$566 per year per man, or a little over \$47 per month, and they are no more now.

The Fuel Administrator states, so I am informed, that a miner can live on \$950 a year, although the Secretary of the Treasury resigned because he could not live on \$12,000 a year. If that be true, then the Fuel Administrator, in the fullness of his great heart and the abundance of his loving charity, is willing, after allowing a miner and his family \$950 on which to merely exist—and most miners have families—to allow him, according to his own statement of the wages per ton received by miners, the further munificent sum of \$148 per year to pay

for the few pleasures he may indulge in or to carry him over the misfortunes that may betide him or his family.

According to the figures of the United States Bureau of Mines the coal production in Kentucky in 1918 was as follows:

Number of short tons.....	31, 612, 617
Number of men employed.....	39, 342
Average number of days worked.....	230
Average number of tons mined per man.....	804

If the average wage paid is \$0.7735 per ton for mining, then 804 tons per man per year would amount to \$623.89 per year, or \$51.99 a month. If any man will show me by the signed scale of wages under which the miners are working that this statement is not correct I will be glad to correct the mistake, but this is the information I have received from some of the parties to the contract.

It is stated that the cost of living has advanced about 79.8 per cent and the wages about 58 per cent. Such estimates are, in my opinion, delusive. As a matter of fact, the wages of miners have not advanced since the war began, and in 1917-18 they were refused an advance on account of the war, while the wages in almost every other industry were advanced on account of the war and the increased cost of living, and the advance in living, as everyone who buys knows, has been in most instances over 100 per cent.

As advertised in the Louisville, Ky., papers, the retail price of coal in that city is:

	Per ton.
West Virginia lump.....	\$7. 00
West Virginia nut.....	6. 50
Kentucky lump.....	6. 50
Kentucky nut.....	5. 50

The freight cost per ton from most, if not all, the western Kentucky mines to Louisville is \$1 per ton, and the maximum price loaded on the railroad cars at the mines is \$2.45 per ton; so the coal is delivered in Louisville at a cost of \$3.45 per ton, leaving to the retailer a gross profit of \$2.05 per ton on Kentucky nut coal and \$3.05 on lump coal.

I do not know what the freight rates from the West Virginia coal fields are, but certainly not more than \$1.50 per ton, and I have no idea it is that much; but at that rate West Virginia bituminous coal is delivered in Louisville for \$3.95 per ton and the lump coal is sold for \$7 per ton, leaving a gross profit to the retailer of \$3.05 per ton on West Virginia lump coal and \$2.55 per ton on nut coal; and yet the coal miner is cruelly and unjustly assailed by the newspapers and the public for the high price of coal. And the prices in Washington City are still higher; but the miner gets the same price per ton for mining the coal that goes to both places.

In addition to this profit, the retailer usually sells 1,800 pounds for a ton, thereby giving 9 tons of coal and charging the same as 10 tons, and making a still further profit of from \$5.50 to \$7 on each 10 tons of coal sold.

The retailers in many instances are the railroads; so the railroads and the retailers are the ones who are profiteering on the public in the cost of coal, and not the miners and operators. The excess over \$2.45 per ton for coal is the gross profit divided between the railroads and the retailers; and in this city, with bituminous coal selling at \$7.90 per ton, that gross profit amounts to \$5.45 per ton, as the coal is placed on the railroad cars at a maximum price of \$2.45 per ton.

Injunction proceedings are pending against a number of miners for alleged violation of the so-called Lever Act. This proceeding is pending under an amendment to the Lever Act which was reported to the House by Mr. HAUGEN, of Iowa, from the Agriculture Committee, August 23, 1919. That bill became a law October 20, 1919. Mr. Lever resigned from Congress, and his resignation was effective August 1, 1919, and he was not a Member of Congress when the bill was reported and passed.

It was never intended by Congress that the Lever bill should apply in such proceedings as the Indianapolis injunction cases. That is a criminal statute and provides a certain named penalty of fine and imprisonment for violation of a criminal law, but it is proposed to circumvent the plain intent of the law and to prevent the trial on a charge for violation of a criminal statute by a jury as all men charged with the commission of criminal offenses are entitled to be tried under the law. In that proceeding the court says one miner shall not furnish money or food to another miner who will not work for the inadequate wages miners now receive. In my opinion that law is the limit of legal oppression. If these miners have violated any criminal law, then they are justly entitled to a trial by a jury as the Constitution of this Republic clearly intends.

The miners and operators are charged with conspiracy to limit the production of coal and thereby enhance the price,

but I do not believe there is any foundation for such charge. The miners want all the cars that can be obtained, because the more cars they get the more work they can obtain and the greater their earnings. The operators want more cars because the greater amount of coal they can ship and sell the more profit they can make. The charge is not reasonable as the price of coal aboard the cars is fixed by the Government. In addition, the operators have for two years or more been pleading with the Railroad Administration to furnish more cars to the mines in which to ship coal.

Why are not injunction proceedings invoked or the criminal laws enforced against the railroads?

The so-called Lever law makes it unlawful and provides a penalty for conspiring to limit the facilities for transporting any necessities or to restrict the distribution of any necessities, or for any person to do so. The railroads and persons connected with them have, in my opinion, beyond question limited the facilities for transportation of coal, and have restricted the distribution of coal cars to coal mines when they could have furnished them. If they did not, why were grass and weeds growing in the bottom of coal cars sent to Kentucky about 10 days before the strike? These cars evidently were not needed by the railroads in the operation of their own coal mines, and were probably hidden away on sidetracks remote from coal mines to prevent the distribution of coal by independent operators in competition with their own mines.

If they have not intended to and have not prevented the distribution of coal, why have they given a better rate per ton by 40 cents from the coal fields of southern Indiana and southern Illinois to Chicago, Cincinnati, and other competitive points than they have to coal shipped from the competitive field of western Kentucky?

I believe the railroad corporations are endeavoring to get control of the entire transportation system of the country and control of all the coal mines and lands, and if laws are not passed to prevent, I believe they will finally succeed; and one method to get possession of independent coal mines is to limit the distribution of cars to the lowest possible number. The Louisville & Nashville Railroad Co., according to the Louisville Courier-Journal, owns mines which produce 1,400 cars of coal per day, which amounts to about 60,000 tons, and other railroads all over the country own or operate directly or through interlocking directorates vast coal properties.

November 20, 1919, a dispatch from Columbus, Ohio, says:

Vigorous protest against the alleged delay of the Louisville & Nashville Railroad in setting cars for the mines of the Hazard field of Kentucky was made to Director General Hines and Fuel Administrator Garfield by B. F. Nigh, secretary of the Michigan-Ohio-Indiana Coal Association.

Complaints of car shortage made to Mr. Nigh from the Hazard field showed that 156 cars were provided, while the mines asked for and were ready to load 500 cars. Coal from these mines is shipped largely to Columbus and Cleveland.

The daily normal capacity in that field is 25,000 tons, and even though but comparatively few mines are in operation that railroad gives as an excuse that its terminals are congested. A scheme worthy of a diplomat. Congest the terminals and tie up the coal cars, and then give as an excuse for not furnishing cars that the terminals, which were no doubt purposely congested, are congested.

In the western Kentucky coal field day hands in mines receive from \$3.56 to \$4.35 per day, and most of them get \$3.56. What gnashing of teeth and wild ululations there would be if the swivel-chair laborers of our cities were confined to such wages!

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The gentleman from Ohio has 20 minutes remaining and the gentleman from Indiana 9 minutes.

Mr. ASHBROOK. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, this is the first time during my association in this House with the distinguished gentleman from Kentucky [Mr. THOMAS] that I have not been able to agree with him on every position he has taken before the House. But the gentleman says that there have been no figures given Congress whatever in regard to the earnings of the coal miners.

Mr. THOMAS. Will the gentleman yield?

Mr. BLANTON. Not now, but later. He says it is merely a guess. Surely the gentleman has forgotten the figures which the gentleman from Virginia [Mr. WOODS] placed in the Record some weeks ago, wherein he showed that in the mines of West Virginia the miners there named by him had been making from \$253.60, as a minimum, per month up to \$547.82 a month.

For the information of the gentleman from Kentucky [Mr. THOMAS] I here insert the said statement made by the gentle-

man from Virginia [Mr. Woods], from page 7589 of the CONGRESSIONAL RECORD for Monday, October 27, 1919, to wit:

Mr. Woods of Virginia. I give the statement, which has been furnished me, as to wages earned for the months indicated for the miners named at the Borderland Coal Corporation mines at Borderland, W. Va.

This is not a union field, but my understanding is that prices corresponding to the union scale are paid. Mining conditions are not exceptional and the miners are not paid higher, or at least not materially so, and the mining conditions are materially no better for the miner than generally prevail in that field. Miners are charged \$2 per month per room for frame houses, most of which have bathrooms attached and are sewerd, and \$3 per month per room for brick houses. They pay for their own powder, which runs from \$2 to \$9; smithing bills, 50 cents per month; furnish their own tools, consisting of shovel, pick, coal auger, and perhaps an iron bar. They are not charged for timber or propping. Single men pay 75 cents for medical attention and married men with families \$1.25 per month.

The miner works as many hours as he chooses and is paid by the ton or car. Their average day is from seven to eight hours, but, of course, during the period shown by the following statement there were quite a number of days in which the miners were not working, owing to car shortage. These cases may be exceptional, but are sufficient to show what can be earned by the steady miner. The list is as follows:

Name	Month	Gross amount	Net amount
Jno. Postuluk	April, 1918	\$254.35	\$240.75
Anthony Zimmerman	do	242.42	237.17
Bill Candill	do	303.03	164.53
B. H. McKee	May, 1918	259.50	172.10
Jno. Zebola	do	276.25	246.25
Bill Candill	do	354.25	236.75
Anthony Zimmerman	do	382.98	287.73
Bill Candill	do	376.74	276.98
Anthony Zimmerman	June, 1918	410.02	282.77
Geo. Bays	do	318.95	183.54
Martin Justice	do	268.20	224.95
Jno. Zebola	July, 1918	262.95	238.95
Thos. Alley	do	279.91	262.16
Bill Candill	do	456.95	318.94
Anthony Zimmerman	do	598.56	344.31
George Bays	do	297.52	203.40
Henry Ratliff	do	293.75	241.51
Martin Justice	do	264.80	180.80
John Zebola	August, 1918	238.20	232.00
George Tice	do	288.30	212.05
Bill Candill	do	400.33	284.70
A. Zimmerman	do	547.82	412.57
George Bays	do	377.08	308.82
Henry Ratliff	do	311.47	250.22
Bill Candill	September, 1918	423.67	252.77
A. Zimmerman	do	438.21	254.31
Bill Candill	October, 1918	365.30	246.57
A. Zimmerman	do	348.46	179.21
Floyd Muncy	November, 1918	275.41	153.66
Bill Candill	December, 1918	257.92	167.04
Mose Burgett	do	257.92	112.37
S. J. Childress	February, 1919	261.02	183.27
Richard Lemaster	do	260.55	205.55
Bill Candill	do	280.54	221.04
Mose Burgett	do	269.88	141.63
Do	March, 1919	291.59	176.34
Bill Candill	do	300.82	239.32
H. E. Booth	April, 1919	266.55	139.95
Bill Candill	do	285.61	221.71
Mose Burgett	do	301.60	157.20
Jake Kosen	August, 1919	253.90	218.85
R. E. McKee	do	283.17	234.42
Jacob Cron	September, 1919	292.36	202.86

The net is after deducting store account, scrip account, powder, rent, lights, coal, smithing, doctor's fee, insurance, and in some instances cash and war campaign fund. These men are not starving.

I have just had a talk with the gentleman from Virginia [Mr. Woods], and he informs me that since he placed the above figures in the RECORD he has ascertained that none of the above named were contract miners, but that the above represents the earnings of the respective individual miners named themselves without helpers. You will note that the amounts in the first column under "gross amounts" are the actual earnings before deducting any expenses, while the amounts in the second column, designated "net amount," are what was left to them out of their month's wages after paying house rent, store accounts, doctor bills, and so forth.

I call attention to the following from the Weekly Digest, published at Washington, D. C., December 3, 1919, on page 25 thereof:

COAL OPERATORS' PAY ROLLS PROVE MINERS WHO WORK WERE PAID \$8.10 TO \$13.05 PER DAY IN MONTH OF 22 WORKING DAYS.

WASHINGTON, November 26.

The executive committee of the bituminous-coal operators of the central competitive field issued the following statement to-night:

The storm center of the mine-wage controversy to date has raged about the question of percentage of wage advance since 1913 as compared with percentage of increased cost of living since the same date. We can prove and, as a matter of fact, have proved by figures submitted yesterday to the public that on the percentage basis of figuring miners have already been offered by the operators far more than they are entitled to. But even more significant than these percentage statements are the figures of actual earnings in dollars and cents.

The following is a list of miners from different parts of the central competitive field showing average daily earnings taken direct from pay rolls:

William Dewarr	\$8.10
Alvin Anderson	8.30
Paul Cases	9.44
Egnot Sessions	8.70
Bruno Eckovich	8.42
John Martin	8.23
Andrew Bagon	8.26
Edwin Brawley	8.11
Jacob Gullick	9.37
Charles Wise	13.05
Charles Krug	12.10
J. W. Sims	13.03
James Eccleston	12.10
Pearl Patton	9.64
Dave Nichols	9.70

Thousands of others showing similar earnings could be added to this list, and we contend that the figures do not indicate an insufficient wage.

The miners allege that they do not have an opportunity to work a sufficient number of days at wages indicated above in order to secure a proper annual wage. To indicate how much cause the miners have to complain in this matter we have selected a mine pay roll which is typical of all others. This pay roll covers a period of one month, during which the mine worked 22 days, and accordingly offered every miner on the pay roll an opportunity to work the full 22 days. There were 175 men employed at this mine that were on the pay roll during the entire month. Out of this number 46 only presented themselves for work on each of the 22 days; 33 were present at the mine on 21 days; 31 for 20 days; 19 for 19 days; 8 for 18 days; 12 for 17 days; 7 for 16 days; 1 for 15 days; 1 for 14 days; 4 for 13 days; 2 for 12 days; 3 for 11 days; 1 for 10 days; 1 for 7 days; 2 for 6 days; 4 for 4 days; 1 for 3 days.

Are those men who refuse to take full advantage of their opportunities to work, and who prefer to loaf rather than to produce coal, entitled to any consideration at the hands of the public? It is for these men who, through their refusal to work, have brought down the average of the miners' earnings, that the mine workers' organization is demanding an increased wage. We say most emphatically they are not entitled to it. If they will work they will earn; if they will not work it is not up to the mine owners or the public to support them in idleness. On every occasion that the mine wage scale has been advanced during the last few years, the number of these idlers has increased, because they were able to earn all they required in a fewer number of days. It is time to call a halt.

Would the gentleman from Kentucky have us believe that we may better accept partisan estimates guessed at by the Secretary of Labor, who was a high official in the United Mine Workers of America at the time he entered the Cabinet, than the undeniable figures from actual pay rolls from the mines of our country?

Senator KING, of Utah, has well said that—

The Department of Labor is so honeycombed with Bolshevism that it is unfit to handle the cases of persons classed as undesirable in this country.

For the same reason we can not give any credence to estimates made by the Department of Labor on earnings of coal miners. The Secretary of Labor almost caused a rupture in the Cabinet of the United States when he sought to defend the lawbreaking, anarchistic leaders of this cruel coal strike at a time when the Government was trying to perfect plans to prevent hundreds of thousands of helpless women and little children from freezing to death.

If the distinguished gentleman from Kentucky [Mr. THOMAS], whom I personally like immensely and whose stand on the floor of this House almost invariably is in behalf of all the people as a whole rather than a particular class, knew as much about the earnings of the miners in his own State as he does about everything else—because he is a well-posted man—or as much as the gentleman from Virginia [Mr. Woods] knows, he could have told exactly what the miners of Kentucky have been earning each month. Ask the gentleman from Virginia [Mr. Woods], who went to a man not a week ago in Kentucky and in talking with a miner he said: "Mr. Preston, how many shots does it take for a day's work to accumulate the coal?" He said, "Three." "How much time does it take you to make the three shots?" "About 35 minutes." "How much time does it take you to load a mine car?" "Twenty minutes." "How many mine cars do you load a day?" "From 8 to 12, at least 10 on an average." "How much do you get for loading a mine car?" "Ninety cents a car." So this Kentucky miner, Mr. Preston, had been working four hours a day and making \$9 a day loading 10 mine cars of coal.

If you would talk with our colleague, the gentleman from West Virginia [Mr. REED], and other gentlemen familiar with the facts, they would tell you that there are mines in West Virginia and other States where the miners are being furnished by the operators with the very best brick houses, more comfortable than the one I occupy in Washington, at a very nominal rent, with steam heat, electric light, with coal at \$1 a ton at their residence, with a garden plot at the back of the house to raise vegetables for the family, with water to irrigate the garden, with excellent school advantages, and an extra fund added to the school fund to get extra teachers.

These operators have built churches, they have built Protestant churches and Catholic churches, giving them free entertainments at least once a week in the way of free picture shows, and

they have done everything on God's earth to make them satisfied, and paid wages from \$150 to over \$500 a month. Those are facts that are staring us in the face to-day. These miners have more money and property than they ever had before in their whole lives or ever dreamed of having.

Down in my district a Texas blizzard has been raging for a week. Women and little children are freezing to death—just what these anarchistic strike leaders have purposely designed—and during the last 10-day recess, instead of going to my home and enjoying my short vacation, I drove an automobile myself from Youngstown and through other parts of the State of Ohio, over 500 miles, driving through Pittsburgh and across the State of Pennsylvania, trying to find out what the real condition of some of these striking miners is. Why, as I came down through Ohio, about the only thing I could see besides strikers, jocularly speaking, were the cards of my good friend the gentleman from Ohio [Mr. EMERSON]. As I came through his district on almost every telephone pole I could see the card posted up—his large printed placard—and you could read it almost a quarter of a block off, "Write Congressman EMERSON, at Washington, D. C., for any bulletin you want. He will send it to you." [Laughter.] In some places the eating houses were designated "The Strikers' Café" and "The Strikers' Hotel."

Now, do the 300 strikes now existing in the United States operate to better the conditions? Can not you see in it the influence—the soviet and Bolshevik influence—not to help the working people of this country but an influence that digs right down at the root and foundation of this Government and is the anarchistic influence that is seeking to disrupt the Government.

Twelve months ago, when I first warned this Congress that labor unions and the American Federation of Labor were dominated by anarchistic influence and that our Government must require all unions to purge themselves of anarchy and disloyalty, I was assailed and bemeaned. If my warning then had been heeded, all of the great suffering now existing in our Nation by hundreds of thousands of helpless women and little children could have been avoided, and the millions of dollars our Government is now spending protecting men who want to work in their right to work without being attacked and killed by striking miners and striking steel workers would have been saved.

After Samuel Gompers has approved of the anarchist William Z. Foster being placed in charge of the steel strike, and has approved of all of his actions, and after Samuel Gompers has approved of the unlawful strike and unlawful actions by coal-strike leaders, and after all of his threats of disobedience to laws should Congress pass them, and his denunciation of Government action, will any unprejudiced person longer contend that he is not himself dominated by Bolshevik and anarchistic influence? Has he ordered the unlawful strikers back to work? No. I hope to God that Judge Anderson will take such action with regard to these \$4 strike leaders whom he has summoned before him because of violation of the injunction that it will make them remember it to the longest day of their lives. I hope also the day will come when I can meet and take Judge Anderson by the hand and say, "God bless you, Judge; you are a man; you are not afraid to do your duty; you are not afraid of these anarchists who place bombs at the doors of people who stand for law and order and good government." Yet he is being execrated and condemned by all labor leaders.

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

Mr. ASHBROOK. Mr. Chairman, I yield two minutes more to the gentleman from Kentucky [Mr. THOMAS] in order that he may address a few well-chosen remarks to the gentleman from Texas [Mr. BLANTON]. [Laughter.]

Mr. THOMAS. Mr. Chairman, I attempted to ask the gentleman from Texas [Mr. BLANTON] a question, but could not obtain that privilege, as the gentleman, when he gets to talking, does not seem to have any terminal facilities. [Laughter.]

I stated that in this miners' wage controversy I had never seen any statement by those opposed to the miners as to wages by the ton miners receive, and I have not. The amount paid miners by the ton has been carefully concealed. They are paid by the ton, and the only correct way to arrive at the amount of their wages is to find out how much they are paid by the ton and the number of tons mined in a month or year and from that amount deduct their expenses in mining that coal, and their net wages in that way can be determined.

The gentleman from Virginia [Mr. WOODS] delivered a speech in the House October 27, 1919, in which he made certain statements as to the wages received for one month by 42 miners at Borderland, W. Va. It is but fair to Mr. WOODS to state the figures are not his, but were furnished to him

by a person in West Virginia whose identity he does not disclose.

The earnings of these 42 miners are approximately the same, and I give only the statement as to the first 12 on the list, which is as follows:

Name.	Month.	Gross amount.	Net amount.
Jno. Postuluk.....	April, 1918...	\$254.35	\$240.75
Anthony Zimmerman.....	do.....	342.43	237.17
Bill Candill.....	do.....	303.03	164.53
B. H. McKee.....	May, 1918.....	269.59	172.10
Jno. Zebela.....	do.....	276.25	246.25
Bill Candill.....	do.....	354.25	236.75
Anthony Zimmerman.....	do.....	382.98	237.73
Bill Candill.....	June, 1918.....	378.74	276.98
Anthony Zimmerman.....	do.....	410.02	282.77
Geo. Bays.....	do.....	313.05	183.54
Martin Justice.....	do.....	268.20	224.95
Jno. Zebola.....	July, 1918.....	262.95	238.95

The net is after deducting store account, scrip account, powder, rent, lights, smithing, doctors' fee, insurance, and in some instances cash and war campaign fund. These men are not starving.

In the speech of Mr. WOODS it is further stated miners are charged \$2 per month per room for a frame house containing two rooms, and from \$2 to \$9 per month for their powder, 50 cents per month for blacksmithing, 75 cents to \$1.25 per month for medical attention.

Let us take the first man on this list, John Postuluk. His gross earnings are stated to be \$254.35 and his net earnings \$240.75, a difference between his net and gross earnings of \$13.60. Then, according to the voracious chronicler who furnished the figures, John Postuluk, if he occupied a two-room frame house at \$2 per month per room; paid \$4 a month rent, and \$2 the lowest amount for powder per month, for blacksmithing 50 cents, 75 cents for medical attention, the total being \$7.25 per month, would have left the magnificent sum of \$6.35 to pay his store account, scrip account, lights, coal burned in his two-room house, insurance, and perhaps the cash he borrowed and war funds he paid, because the statement says this sum of \$240.75 was his net earnings after deducting his store account, scrip account, powder, lights, coal, smithing, doctor's fee, insurance, and in some instances cash and war campaign funds, and this was all paid by the difference between his gross and net earnings, which was \$13.60. If this statement could be true, and of course it is not, John Postuluk and his fellow workmen are exceedingly fortunate to be permitted to work in the mines and live at Borderland, W. Va. It is, if the above statement be true, certainly as goodly and fair a village as was ever kissed by the sunlight of heaven, and, like Beulah land, a land of milk and honey and corn and wine, unexcelled except perhaps by the far away celestial city which the olden prophets saw in dreams and visions. Those who are oppressed by the high cost of living in these strenuous times may now joyfully exclaim of Borderland, W. Va.—

This is the place I long have sought
And mourned because I found it not.

But the facts are that mine is a machine-worked mine and the work done by these men was by contract. It usually takes three men to operate a mine machine, a cutter, helper, and loader, and these earnings were most likely divided between the three, and if the services of the loader were dispensed with then the wages were divided between two men, although the amount was paid directly to John Postuluk, the contractor, who paid his assistants.

Because the miners, after waiting for over two years for a raise in wages to which they are justly entitled, and pleading in every possible way that at least a part of their request be granted, finally quit work rather than submit to a continuance of such hard conditions, a Washington newspaper is moved to declare editorially in the fullness of its wrath that—

The public can bring the miners to a realization that they are in the same boat with all other people by the simple expedient of cutting off their food, clothing, water, mail, and other supplies.

In other words, that paper would drive the miners off the face of the earth if they do not tamely work for the wages the nonproducing part of the public demands they shall receive. It would starve and make naked women and little children if the miners dare call their souls their own and refuse to submit to unjust working conditions. Such a sentiment is unadulterated Bolshevism, and is worthy of Lenin and Trotsky and the soviet murderers of Russia, who starve women and children in order to compel the people of that oppressed and forsaken land to submit to their demands.

There are various kinds of Bolsheviks—the bomb thrower, the poisoner, the parlor Bolshevik, the newspaper Bolshevik,

and others, all of the same ilk and kidney, and all of whom should be deported forever out of this Republic. The Bolshevik who advocates class distinction and oppression by starvation of one class in order to compel it to submit to the unjust demands of another and nonproducing class is just as harmful a Bolshevik as the bomb thrower and just as great menace to the stability of the Government, and the same punishment should be meted out to him as to the bomb thrower.

All these various kinds of Bolsheviks, newspaper Bolsheviks, who advocate the starving of women and children, included, are the unwashed products of anarchistic sentiment, and, like the olden Scottish seers and Roman augurs, claim to foretell most all events with unerring certainty in the advocacy of their diabolical doctrine and promulgate measures which are poison to our civilization and a menace to the liberties of our country. The newspaper which made the above editorial comment advocates more harmful methods than those it condemns in the miners.

The miners stood nobly by our country during the war. Besides leaving a multitude of dead on the battle fields of France, they delved into the mines and furnished the fuel to keep the wheels of our munition factories and all other industries running day and night. They did not hesitate or falter. Had they not been industrious and faithful the fires in every factory in this land would have gone out and the gates would have been closed. The mills would have run slowly or been silent. Every mother's hearts would have been apprehensive and the printed roster of our unfed dead in France would have been much more appalling. Sorrowful faces would have blanched with added terror from one end of this land to the other. Our armies would have melted away. Commerce would have been ruined and wealth destroyed by the billions and this Republic would have become the victim of the greed of Bolshevism and the passion of monarchs.

The baleful gaze of warring millions is now lifted from the red fields of death and battle and the feet of marching armies are turned from the ways of war to the paths of peace, and the coal miners of America deserve as much credit as any other class of citizens for helping to win the victory. [Applause.]

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. Chairman, I desire to call the attention of the committee to a matter that has been pending before the Committee on Foreign Affairs for some time which has attracted considerable attention in the press and elsewhere. That is the question of the return to the United States of the bodies of American soldier and sailor dead buried in France. I want to say that in discussing this matter I trust I shall not be charged with unduly agitating or stirring up any kind of sentiment respecting the matter, because such is not my intention. I am prompted to say what I intend to say this afternoon only by the fact that I am a member of the Committee on Foreign Affairs, which has been conducting a good many hearings upon this subject, and because a good many delegations have appeared before us with reference to the situation.

I have to-day introduced a joint resolution and asked that it be referred to that committee, and I believe if it is passed promptly by the two Houses it will have a very great effect toward persuading the French Republic to lift the present restrictions which prevent the disinterment and return of American soldiers to the United States. The resolution is as follows:

Joint resolution requesting the French Republic to repeal, modify, or suspend the laws, ministerial instructions, and regulations of the French Republic preventing the immediate disinterment and return to the United States of American military dead buried in France, and directing the Secretary of War, upon the French Republic consenting, to take appropriate action to effect such disinterment and removal to the United States of such bodies in cases where requests for such removal are made by the nearest of kin.

Resolved, etc., That the French Republic be, and is hereby, earnestly requested to repeal, modify, or suspend, in so far as same may apply to the bodies of American soldiers, sailors, and marines, the laws, ministerial instructions, and regulations of the French Republic preventing the immediate disinterment and speedy removal to the United States of the bodies of American soldiers, sailors, and marines now interred in France, so that the Government of the United States may remove to the United States the bodies of such soldiers, sailors, and marines, in cases where requests for such return are made by the nearest of kin of such deceased soldiers, sailors, and marines, for burial in the United States.

SEC. 2. That the Secretary of State transmit to the Government of the French Republic a certified copy of this resolution.

SEC. 3. That the Secretary of War be, and he is hereby, directed, upon the French Republic consenting to such disinterment and removal, to take appropriate and necessary action to exhume and remove to the United States with all reasonable speed and safety and with due ceremony the bodies of all soldiers, sailors, and marines of the American Expeditionary Forces who are buried in France and the return of whose bodies to the United States is desired and expressed by the nearest of kin. The Secretary of War is further directed, upon arrival of such bodies in the United States, to make such delivery or disposition of such bodies as may be requested respectively by the nearest of kin.

Briefly, the situation is simply this: Pending hostilities the American authorities and the French authorities undertook to arrive at some agreement as to when American soldier dead lying in France should be returned to the United States. On account of the great troubles of transportation and the vast machinery of our Army in France, the French Government, at the request of the American military authorities, postponed the consideration of any agreement until after all American forces should have left France. It was supposed that at that time discussions would be taken up with a view to arriving at some definite conclusion between the two countries. Recently the State Department and the War Department have taken up with the French Government the question of arriving at some understanding upon the subject. Up to date the French Republic has declined to permit the disinterment and removal of bodies to the United States prior to January 1, 1922. It has been urged by the French authorities that sanitary considerations, transport considerations, and other things were of such a character as to make it impractical to carry out this policy with reference to their own soldiers, and they argue that to permit the United States to disinter their dead and bring them back to the United States would excite the French people to make the same demands upon their own Government. A great many bills have been introduced upon the subject, as well as several resolutions.

The gentleman from Indiana [Mr. BLAND] some time ago introduced a very elaborate measure providing for the establishment of an independent commission and providing for an appropriation of \$50,000,000 and the building up of a machine to carry out this work. The practical difficulties which present themselves with reference to this matter are, first, we must secure the consent of the French Government, and so my joint resolution provides in terms that the two Houses of Congress respectfully request that the French Republic repeal, modify, or suspend its laws, ministerial instructions, and regulations so as to permit the United States to bring back to this country the bodies of such soldiers, sailors, and marines where such removal may be requested by the nearest of kin. The second part of the resolution is a direction to the Secretary of War to proceed with the disinterment, upon the consent of the French Government being obtained, and to bring back to the United States the bodies of those soldiers whose nearest of kin desire and express the wish for that to be done.

The reason these other bills establishing independent commissions should not be adopted lies in the fact that the War Department already has an extensive machinery established for this very purpose. A graves-registration service has been organized for quite a long time and has successfully carried out the disinterment of bodies in isolated graves and centralized them in the great central cemeteries. Therefore if the resolution which I have introduced shall meet with the favor of Congress, nothing further will be needed in the way of legislation to effect the return of the bodies of these soldiers or marines. The graves-registration bureau has already, through the office of The Adjutant General, obtained from a large percentage of the nearest of kin of these soldiers and marines information as to whether or not their return is desired.

And so with this information at hand, and with the other information which the bureau possesses as to the location of the graves and the identification of the bodies, it ought to be comparatively a simple matter, when the French Government consents, to disinter those bodies and return them to the United States. A great deal of discussion has taken place in the public press and on the floor here with reference to propaganda, both for the return of the soldiers' bodies and against the return of the soldier dead. It is a question upon which I take it any propaganda one way or the other is improper. The War Department has been very severely criticized for the statement of the Secretary of War and the statement of Gen. Pershing that the department and Gen. Pershing indulged the hope that the parents and kin of these soldier dead would be content to let their remains rest in France. I do not believe that the expression of that opinion on the part of those functionaries involved any breach of propriety. I take it that the War Department being in touch with this situation and understanding the difficulties involved, nothing improper upon the part of those gentlemen was done in expressing that opinion. Those who favor and have been urging the return of the bodies have very seriously and very bitterly criticized the position of the War Department in that regard. But the Secretary of War has always said that irrespective of the views of the War Department, the War Department had promised to return the bodies of all soldiers whose parents or next of kin requested it and that the department intended faithfully to keep that promise, and I believe that that is true, and it is borne out by the fact that already steps have been taken by the War Department to bring

back the soldier dead from every country in Europe with the exception of France, and with regard to France steps have already been taken to bring back the soldier dead whose parents or nearest of kin have requested it who were buried in those areas of France out of what is known as the "zone of the army." The French consented to the disinterment and return of those bodies. So I take it there can be no question about the good faith of the War Department in carrying out the promise which it made, and for that reason the resolution which I have introduced simply directs the Secretary of War to carry out that policy with reference to all bodies in France, and that is one reason why no independent organization should be set up.

But, my friends, the propaganda on this subject, if such it be, has not been made on the part of the War Department or on the part of Gen. Pershing alone. The Undertakers' Association of the United States has become very much concerned about this, and, much to its shame, it seems that it is taking part in an agitation throughout the country to stir up a sentiment that these soldier dead should be returned. Such an effort to commercialize the sorrow of the mothers and fathers of America should be bitterly condemned and denounced, and so far as I am concerned no condemnation could be too bitter or too severe. I hold in my hand a clipping from a newspaper dated September 21, copied from, I believe, the Star, which is as follows:

WILL URGE UNITED STATES FIGHTERS' BODIES BE BORNE TO UNITED STATES.

ATLANTIC CITY, N. J., September 11.

A demand will be made upon the United States Government by the National Funeral Directors' Association that the bodies of American fallen heroes buried in France be brought home for burial.

At the opening session of the organization's annual convention here yesterday the statement made at the outset of the war that ultimately the body of every American fighting man who made the supreme sacrifice would be brought home for burial was read into the records.

John Moss, national president, of Louisville, in his address declared there is spreading throughout the Nation a universal demand that this be done.

The CHAIRMAN. In compliance with the request of the gentleman the Chair desires to notify him that he has consumed eight minutes.

Mr. CONNALLY. I thank the Chairman. I also have before me here a copy of the Stars and Stripes, a paper published here in Washington by some of the soldiers connected with the publication of the Stars and Stripes of the American Expeditionary Forces. This paper contains an editorial which cites a letter to the trade published in the Casket, in which the writer seeks to make capital of this subject, somewhat in these words:

For nearly every American soldier returned, some funeral director will be called upon to perform the necessary duties of reception and burial.

Then this writer fairly chortles: "Extra business, gentlemen! Legitimate, patriotic, kindly, sympathetic, remunerative extra business."

Perhaps dimly sensing something outrageous in his own jubilation, he hastens to add:

"No increased death rate, no additional widows and orphans—only the final laying away of America's sons in the bosom of their dear motherland."

The editorial in the Stars and Stripes justly condemns this brazen appeal of the writer in the Casket.

Now, Mr. Chairman and gentlemen of the committee, so far as my own personal feelings regarding this matter are concerned, if I had a son who had fallen in France I would prefer his bones be left at rest in that soil which he sanctified by his death. But as to those parents and to those wives back here in the United States who, in their sorrow and grief, may desire that the bones of their loved ones be returned to repose in their family cemeteries or in a national cemetery, I do not believe that the United States ought to hesitate in its efforts to secure the consent of the French Republic that we may bring back whatever may remain of the once strong and healthy soldiers who left these shores to fight the Republic's battles, to deliver them back, poor remains that they may be but yet sacred to the Nation, to those who loved them in life and who grieve for their death. [Applause.] And while I would not stir a sentiment in the heart of the father or mother who is content to leave those remains in France, I would not unduly agitate a desire to bring them back, because there can be no doubt that in some cases serious disappointment may result. Perhaps terrible mistakes may occur, but there seems to be a great demand throughout the country, as disclosed before our committee and in the hearings before that committee, that many parents, many fathers, many mothers, many widows, desire that those remains be returned to the United States; and I take it that if we should act at all we should act very promptly in this matter, because only a few days ago, under a Paris date line, the statement was made that the French Republic had refused the request made

through the State Department a short time ago regarding this matter, and intimated very strongly that if the United States Government should bring pressure to bear the French Government would yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. I yield the gentleman one additional minute.

Mr. CONNALLY. Under these circumstances, gentlemen of the committee, when the French Republic is made to understand the great difficulties which our people will experience in visiting France, of the widespread demand for the return of the bodies of our soldier dead, I do not believe the French Republic will refuse to permit the return, especially if it is backed up by a resolution of both Houses of Congress asking that these restrictions be lifted.

I hope to have a favorable report from the Committee on Foreign Affairs on this resolution within a very few days, and I most respectfully request that those of you who are interested in this subject may cooperate in bringing the matter speedily to the attention of the House. If we can pass the resolution, I am confident that the French Republic will relax its objection and permit the removal to be accomplished.

I thank you. [Applause.]

Mr. ASHBROOK. Mr. Chairman, I will ask the gentleman from Indiana [Mr. VESTAL] to use his time. I have a few minutes remaining and will yield them to him.

The CHAIRMAN. The gentleman from Indiana is recognized for 11 minutes.

Mr. VESTAL. Mr. Chairman, I will yield the remainder of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I am an advocate of standardization and have often spoken in favor of different forms of standardization on this floor. I shall support this bill unless more serious objections are presented than have been brought out in general debate. The contention that because we fix the unit of weight at 100 pounds or the standard barrel of flour at 200 pounds one can not sell any number of pounds except a multiple or certain fraction of this number, as provided in this bill, is not tenable and does not appeal to me. It seems to me that all the bill means is that where a standard bag, package, or container of any kind is indicated it must be at one of these weights, but if a man wishes to buy an odd number of pounds out of a barrel there is nothing in this bill that can possibly prevent it.

I wish to speak about the standardization of another article which is a matter of importance in our industries.

About a year and a half ago, upon my urgent representation, a bill was passed through this House, which later became a law, authorizing the appointment of a commission for the standardization of screw threads. When the word "commission" is used Members of Congress usually prick up their ears and get ready to say unkind things. I think, however, that when the results of the work of this commission are presented it will be found to be in a different class from most commissions that have gone before it.

It was said there would be no expense, or practically no expense, connected with the work of the commission. That promise has been lived up to literally, and although the commission has run nearly a year and a half it has strictly kept to the original representation in that regard.

The membership of the commission consists of the Director of the Bureau of Standards, two Army officers, two Navy officers, and four eminent engineers nominated by the American Society of Mechanical Engineers and the American Society of Automotive Engineers. The commission was appointed September 21, 1917, for a term of six months, which by act of Congress was extended one year, so that the life of the commission, unless again extended, will expire March 21, 1920.

The problem this commission set out to solve was to standardize and simplify screw-thread practice in the industries of the United States. There have been and are many times the number of different varieties of screws actually needed in our industries. Even those described in the same language are not always interchangeable.

The commission has just made a tentative report on its work. I say tentative because it is desired before a final report is made to have the proposed report submitted to the most searching examination and criticism of engineers and manufacturers generally. In my judgment, when this report is made, approved, and promulgated for general use in the industries of the country it will prove to be a monumental work, the effect of which will be widespread and far-reaching. One of the results will be in greatly reducing the number of sizes, varieties, and kinds of screws manufactured. This of itself will be a tremendous saving.

When the report of this commission is generally adopted, hardware dealers may greatly reduce the number and quantity of screws they will have to carry in stock. It will render interchangeable the several parts of machines and other articles manufactured in different factories and in different parts of the country. This will greatly facilitate production in peace as in war. It will enable one factory to produce in great quantities certain parts of articles, while another factory, widely separated, will produce in large quantities other parts. All of these parts may then be brought together in still another place and there assembled. The ability to do this will aid materially in keeping our manufacturing industries abreast of the industrial development sure to follow the war.

Mr. MANN of Illinois. Will the gentleman from Connecticut yield?

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

Mr. MANN of Illinois. What is the standard of measurement? Is it decimal or international?

Mr. TILSON. The standard is worked out in decimal fractions of feet and inches, but so as to be readily translated into the metric system as well.

The adoption of a uniform standard of tolerances in screw threads will increase the dependability of all mechanisms in which screws are used, and among other advantages will add greatly to the safety of travel by rail, by automobile, by steamship, and by aeroplane.

One of the interesting phases considered and reported upon by the commission is screw-thread terminology. It will be a distinct step in advance if in the future the engineer, the manufacturer, and the consumer may use the same language in dealing with this very important subject and if the same terms used in specifications and drawings shall mean the same thing.

The results of the work of this commission will not be confined to the limits of this country. It is sure to take a much wider range. The Screw Thread Commission visited France and England, and there is reason to hope that a uniform standard of screw-thread practice may be adopted internationally. When the work of our commission was submitted to a member of the standards commission of Great Britain, he is reported to have said after examining it for many days that the work had been done with characteristic American speed and British thoroughness.

I shall not now ask to have this report printed as a House document, because it contains a number of tables, plates, and drawings, which would be somewhat difficult and expensive to reproduce, but the report when finally approved and promulgated will be printed as a Government document, and made accessible not only to Members of Congress but to the metal industries generally. I call attention to the matter now, so that the Members of the House who aided in the passing of this bill may know that in so doing they participated in what is destined to be a notable work in American industry.

I can not be unmindful of the fact that when I presented this matter to the House originally, almost two years ago, many Members were kind enough to say that it was largely upon my recommendation that they voted for it, and because of their confidence in me that I would not attempt to put anything through this House that I did not at least sincerely believe was meritorious. I then believed that it would be highly beneficial, and I am more convinced of it now than ever. I have brought it to your attention now so that when the work is finally approved and promulgated you may see what it is for yourselves, and I believe that you will then agree with me that in passing the original bill you participated in a good work. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield.

Mr. SAUNDERS of Virginia. I understand from the gentleman's statement that it is his judgment that if this report is adopted there will be fewer varieties of bolts to be carried in stock by the dealers than formerly?

Mr. TILSON. Yes. The number will be considerably reduced.

Mr. SAUNDERS of Virginia. That would be done by having a standard for the bolts?

Mr. TILSON. Yes.

Mr. SAUNDERS of Virginia. And there will be a uniform standard for all bolts, whether an inch, or half inch, or any other size?

Mr. TILSON. Yes. There will be different classes for different requirements. "A" class may be for fine work, "B" class for medium work, and "C" class for work requiring only a loose fit. There may be an additional class, "AA," perhaps, for very fine work. It is all worked out in formulas which will

provide a sufficient number of sizes, shapes, and varieties to serve all possible purposes.

In accordance with permission granted there is here inserted a letter from Dr. S. W. Stratton, Director of the Bureau of Standards, and a brief summary by him of the work of the commission:

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington, October 24, 1919.

HON. JOHN Q. TILSON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TILSON: In accordance with our conversation the other evening I am sending to you herewith a "Summary of the results of the work of the National Screw Thread Commission," together with some supplementary remarks concerning it. You may modify the form in any way you see fit, or if you desire more detail we would be pleased to extend our statements.

With kindest regards and thanking you for the interest you are taking in our work, I remain,
Very truly, yours,

S. W. STRATTON,
Director Bureau of Standards and
Chairman of the Commission.

Summary of the results of the work of the National Screw Thread Commission, authorized by an act of Congress approved July 18, 1919, and extended by an act of Congress approved March 3, 1919.

A tentative report has been prepared by the commission containing complete specifications, tolerances, drawings, and other detailed information necessary for the production of interchangeable screw threads. It is the most complete guide on the subject of uniform screw threads that has been prepared, and will serve as the basis for any future national and international standardization.

This report, which is based on the best present practice in the arsenals, naval gun factories, and private manufacturing plants of the country, will, when approved by the Secretaries of War, Navy, and Commerce, become the basis for all screw-thread work of the various manufacturing plants under the control of these departments. As far as practicable, it will be used in all specifications for screw threads in proposals for articles, parts, and materials to be purchased by the Government. Many manufacturers have already made inquiries for the report with a view to its immediate adoption.

The need for screw-thread standardization was acutely felt by both manufacturers and the Government in the production of munitions of war. The manufacture of separate parts in different factories in various parts of the country and their final assembly at central points involved standardization and interchangeable manufacture to an extent never before attempted.

It is extremely fortunate that the National Screw Thread Commission was appointed at a time when it was able to participate in and take advantage of the screw-thread standardization that had been accomplished during the war for the manufacture of munitions. The commission has correlated the experience gained by the military departments and has put it into form for public use. The "salvage value" of this experience is of inestimable value to manufacturers and users of screw-thread products.

Not only has the standardization work done by the War and Navy Departments been freely drawn upon in the preparation of the report, but that of the engineering societies as well, which have been of the greatest assistance to the commission.

Public hearings have been held by the commission in various industrial centers of the country for the purpose of obtaining first-hand information on this subject from the manufacturers and users of screw-thread products throughout the country. They have given most valuable information and suggestions in regard to their needs and present practices and have shown great interest in the work of the commission.

The CHAIRMAN. The time of the gentleman from Connecticut has expired. All time has expired, and under the rule adopted for our guidance the bill will now be read for amendment under the five-minute rule. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the standard of weights for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, shall be 100 pounds avoirdupois, and the standard measure for such commodities, when the same are packed, shipped, sold, or offered for sale in packages of 5 pounds or over shall be a package containing net avoirdupois weight 100 pounds, or a multiple of 100 pounds, or one of the following fractions thereof: 5, 10, 25, or 50 pounds, and in addition, but for commercial feeding stuffs only, 60, 70, or 80 pounds.

Mr. WINGO. Mr. Chairman, I move to strike out the following words, page 2, line 2, "but for commercial feeding stuffs only, 60, 70, or 80 pounds."

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

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 2, line 2, after the word "addition," strike out all the balance of the section.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. WINGO. The amendment should really come after the word "pounds."

The CHAIRMAN. Does the gentleman ask unanimous consent to modify his amendment?

Mr. WINGO. Yes.

The CHAIRMAN. Is there objection to the gentleman's request that his amendment be modified in the manner indicated?

There was no objection.

Mr. WINGO. Mr. Chairman, this is not a new question. Every session of Congress we have some proposal that involves the right of Congress under the Constitution to establish standard weights and measures. We have no right to go further. I recognize the necessity as well as the right of Congress to fix standard weights and measures, but not to apply them. There is a very clear distinction between saying that a certain thing shall constitute a pound and that so many pounds of a certain article shall constitute a bushel, and that so many inches shall constitute a yard, and that so many grains shall be a dram and so many drams shall be an ounce and so many ounces shall be a pound—there is quite a difference between doing that and in saying that every bottle of Castoria that is sold shall contain 8 fluid ounces or that every barrel of flour that is sold shall contain 200 units or pounds of the standard weight which Congress has fixed.

Why, gentlemen, if we have the constitutional right to say that there shall be 200 of the standard units or pounds in every package of flour simply because we have the constitutional right to fix standard weights and measures, then having the right to say 36 inches shall constitute a yard, on that same theory we would have the right to say that all the coats manufactured and shipped in interstate commerce should be 40 inches long. It is the same kind of a proposition exactly.

Now, let us see what you have here. Let us get down to my amendment. You have a penalty imposed which provides a fine of \$500 for a violation of this act. The amendment I have offered is to strike out the words "and in addition, but for commercial feeding stuffs only, 60, 70, or 80 pounds." Do the members of the committee who framed this act know and realize that in every township, in every little community, there are little feed mills run by the farmers, where the farmer puts up the feed first in one kind of a sack that he gets and then in another and sells it by the pound? Yet such sales are "package" sales under this act. Oh, yes; the farmer out in Illinois, running his little old gristmill, using his Ford engine to do it, grinding up foodstuffs, uses sacks, and if they happen to contain 50 pounds or 75 pounds or 88 pounds or 101 pounds, for instance, and if he sells it, what does he do? He has committed a Federal offense under this proposed law and can be fined \$500.

Oh, gentlemen, what a miserable, petty business this is when you go into it, trying to say how people shall put up their goods.

You now have a law to make them brand every sack of flour that is sold with the weight, and the law requires a correct statement of the ingredients. That prevents fraud, but this proposal goes further and changes the customary standard sizes. The committee report admits that the standard barrel of flour is 196 pounds, and you frankly admit that you are going to change the standard to 200 pounds. I am in favor of the statute which says you must put on the containers the net weight and the ingredients, but when you come to say that the American manufacturer, whether he be a little farmer, putting his own product into a package to be sold, or whether he be the proprietor of a great milling plant, shall be permitted to sell in interstate commerce packages of only a certain size in a certain shape is absolute folly. Nobody but a crazy socialist would ever favor it if he understood what it meant. It is nothing but foolishness gone to seed, and that is what socialism is. No wonder you have people in this country sore at the Federal Government. The first thing you know you will undertake to standardize clothing, saying coats shall be so many inches long and ladies' skirts so many inches short. You have people who advocate standardizing clothing. You have people who advocate standardizing shoes. You have people who advocate standardizing neckties, making them so wide and so long. You have one darned fool who is advocating that we undertake to have a winter thermometer. Why, it is in keeping with that crazy idea of the conservation of daylight, that daylight-saving law that we tried that was such a joke. Oh, yes; you are going to make this farmer use only 60, 70, or 80 pound sacks in which to sell his feed stuffs. Why, to save his life he could not get them uniform. One sack would weigh a pound or two more than another, owing to the difference of the weather, the dampness that might be in the stuff at the time he packed it.

What miserable business has Congress come to when it goes into petty, little things like that at a time when there is unrest throughout the country, at a time when every man who believes in representative government ought to realize that instead of dabbling in little things like this we should as quickly as we can, consistently with war conditions, take our hands off private enterprise. I am sick of the Federal Government dabbling in such petty business. We have fixed the standard of so many pounds to constitute a bushel of the different grains. That is all right. We require them to label the sack and packages with

what is in it and the weight, so that the purchaser shall not be deceived. That is all right. Say that no one shall put up anything except wholesome stuff and that the container must state what the ingredients are. Go further and prevent the sale of partially filled packages. Such laws are all right from the standpoint of protecting the public health and preventing fraud; but to say that you must use packages of only certain sizes and weights, and if you use one of a different size, though correctly labeled and full, you shall be punished as a criminal is foolish and unnecessary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN of Illinois. Mr. Chairman, I am always entertained and generally instructed by the speeches of the gentleman from Arkansas [Mr. Wingo], though I have heard this particular speech, either from him or from some one else, a great many times since we commenced agitation of the pure-food law in Congress, and afterwards in connection with the passage of various bills fixing standards of measures for various commodities.

The Constitution of the United States provides that Congress shall have the right to fix the standard of weights and measures; not merely the standard of weights but the standard of measures; not merely to say what shall constitute a hundred pounds, if it so desires, but to fix the standard of the measure of the article itself. We have exercised that power in a few cases. I do not now recall which was the first bill that came up, but there was a very strenuous fight over it on the floor of the House a number of Congresses ago. There was afterwards a considerable contest over the lime-barrel bill. There was some contest over the apple-box bill, and I think my distinguished friend from Arkansas made this same speech on the apple-box bill, though I may be mistaken as to the identity of the person who made the speech. That is my recollection.

Nobody has ever heard a single complaint from any source whatever as to the workings of those laws which were passed fixing the standard of measure of various commodities. Before that no one knew what he was getting, and there was constant attempt at fraud and deceit by reason of the variation in the measures which were used in selling and handling these commodities.

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

Mr. MANN of Illinois. Yes.

Mr. WINGO. When the gentleman goes down to the market and buys a sack of flour and it shows on the container the weight—8 or 12 pounds—he can not be deceived about the weight, can he?

Mr. MANN of Illinois. I had charge of the pure-food bill when it was passed and became a law. I first brought into the House in the pure-food bill a provision requiring that the quantity of the contents should be stated on every package containing food. Why, such a howl as went up from a lot of canners and manufacturers in this country has rarely been equaled since. The distinguished gentleman from Arkansas [Mr. Wingo], whom we did not then have the honor of having with us, would have been opposed to that provision if he had been here. After a warm debate the House struck out that provision on the motion of a gentleman who was afterwards Vice President of the United States, and a broad-minded statesman, too, Mr. Sherman.

The House struck it out. I said to the House then, "Whenever you prevent fraud in one direction and leave a loophole in another the people who want to commit fraud will quickly find the loophole; and, though you may strike out a provision for putting on packages the quantity of the contents, there will soon come a time when the men who handle groceries throughout the country will come and demand that we put it on." It was not very long until these same gentlemen who had agitated and succeeded in carrying the agitation by a majority in this House came to me while I was chairman of the Committee on Interstate Commerce and begged me to formulate a proposition which might be put through to put that into the law, and I did it, and it became the law. And nobody has ever complained about it since except those who want to commit fraud. But merely putting the quantity and contents on many packages is not sufficient. I defy any man in this House to tell the difference between a sack of flour containing 40 pounds and a sack of flour containing 35 pounds merely by looking at it. I brought into the House on the pure-food bill an after can of the same article and defied men who were fighting me on the proposition to come and tell which was the larger of two cans by looking at them. When they would come down and pick out the smallest for the largest I would put the cans on the scales and show them that they could not tell.

The person who buys these things buys largely by the looks, and it is a fraud upon him to have one man selling flour in

packages of 40 pounds and another putting up packages of 30 pounds and 35 pounds, or somewhere between, and making the purchaser believe that he is getting the same quantity of flour possibly at the same or a slightly reduced price.

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

Mr. MANN of Illinois. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN of Illinois. The greatest difficulty which was found in connection with putting the net quantity on the containers was the fact that it is impossible to manufacture two containers of exactly the same size. Even when you do it by machinery two containers will not contain precisely the same amount. You can not make two bottles which will contain precisely the same quantity. You can not make two boxes or two barrels or two sacks that will contain precisely the same quantity, and that was the great difficulty.

We finally solved that by putting a provision in the law that variations would be allowed and that tolerances should be fixed by the Department of Agriculture.

This bill provides for such rules and regulations which shall include reasonable variations and tolerances which shall be allowed.

No one has ever complained, so far as I know, about the tolerances fixed by the Department of Agriculture, fixed in connection with the pure-food law, although it covers an almost innumerable number of cases. There is no difficulty whatever in fixing tolerances under the provisions of a bill like this which will safeguard any man who tries or pretends to be honest.

Mr. WINGO. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. WINGO. Will there be any less difficulty in making a 200-pound barrel than a 196-pound barrel?

Mr. MANN of Illinois. Not at all.

Mr. WINGO. How does the gentleman's argument go to the point in question?

Mr. MANN of Illinois. The gentleman from Arkansas was undertaking to say that this would penalize a man on the farm who was trying to put up an 80-pound package if he got a little over or a little under. That was the substance of the argument that I was trying to demolish.

Mr. WINGO. If the gentleman will permit me, perhaps I was unfortunate in using 1 pound, but take, for instance, a gunny sack, and he puts up the mill product to the amount of 94 pounds. Under this provision he would be penalized, for they would not allow a variation of 14 pounds.

Mr. MANN of Illinois. No; and the man would not put it up in a gunny sack in that way. He would only try to do it when he was attempting to commit a fraud.

Mr. WINGO. Oh, no; they do it in order to prevent buying expensive sacks.

Mr. MANN of Illinois. The gunny sacks will be of a certain size.

Mr. WALSH. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. WALSH. Would the gentleman say that we are fixing a standard package of flour by saying that the container shall have 200 pounds when the container itself might be large enough to hold 250 pounds?

Mr. MANN of Illinois. The container, I take it, under this provision will be large enough to hold 200 pounds.

Mr. WALSH. And it might be large enough to hold 250 pounds.

Mr. MANN of Illinois. I do not think so.

Mr. WALSH. I think this language would permit it.

Mr. MANN of Illinois. That sort of a fraud is now being committed. They make a large container and print the contents of the package in small letters, so that the container looks as though it contained a great deal more than it does. They put the weight in letters that do not attract attention. There can be no possible objection, where there is a reason for it, to the Government fixing these standards so that they are universal throughout the country. I am as strenuously opposed as anybody to the Government attempting to regulate the business activities of the country. I do not think that is the duty of the General Government. But we are the only power that can make a uniform standard of measure, and whenever it has been exercised it has been for the benefit of everybody who was either a producer or a consumer. It seems to me that that would be the case by the passage of this bill. [Applause.]

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Mr. Chairman, if I understand the language of section 2 correctly, it would seem to fix the standard package by

stating that the standard package shall be those containing units of avoirdupois weight of 100 pounds and multiples of 100 pounds or the following fractions. You might have a barrel to contain 100 pounds of flour which would be large enough to contain 150 pounds. I do not think you are establishing a standard package by stating that this package must contain if it is sold for a standard package of 100 pounds—

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

Mr. WALSH. Yes.

Mr. GARD. Is the gentleman arguing for illustration, because we have not yet read section 2, to which he refers?

Mr. WALSH. I was simply arguing for illustration. Section 1 fixes the standard weights for certain commodities and the standard measure for such commodities when they are shipped, sold, or offered in packages of 5 pounds or over, but section 2 of the measure fixes the standard package, and I see nothing in that language or in any other language that would permit the required weights which are fixed as standards to be sold in other-sized packages which would be capable of holding more than the required standard, and I would like to have some member of the committee explain whether in selling these commodities in various weights and multiples or fractions of 100 pounds it is permitted to sell them in packages large enough to hold more than 100 pounds or whether the container must be of such size that they will hold the number of pounds, the multiples or fractions of 100 pounds, or the 100 pounds which are mentioned as the size of the standard package.

Mr. TOWNER. Mr. Chairman, I think the same difficulties arise and the same objections apply to this measure as applied to the standard apple barrel and box and all other container laws that we have passed. I think the difficulty arises in the minds of Members because of confusion of thought and because of lack of accuracy and clearness of statement, thereby confusing the object and purpose of the legislation. A man can sell all of the apples he desires or all of the flour that he wants to, and he can sell it in any form that he chooses. This bill has nothing to do with that matter. I think a close examination of the language will show that the object and purpose of the bill is to say that when dealers put on the market and sell in standardized packages the flour or any of the commodities mentioned in the bill the commodity shall be in these different easily ascertainable and identified quantities. For instance, if a man should put, as suggested by the gentleman from Illinois [Mr. MANN], flour in a package containing 35 pounds and flour in a package containing 40 pounds, ordinarily on the market, the purchaser merely looking at the package could not tell whether he was getting 35 or 40 pounds. In order that that fact may be easily ascertained, or as easily as possible, so that there may be no fraud on the purchasers whenever this class of commodities is placed on the market, the requirement is that the packages shall be as they are stated here, so that it can be ascertained whether or not he buys a 5 or 10 or 25 pound package of the commodity purchased.

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

Mr. TOWNER. Yes.

Mr. WINGO. Let us take one of the standard forms sold. A man wants an 8-pound package of flour. It is marked 8 pounds in red letters on the package. He wants a 12-pound package of flour, and that is marked 12 pounds, and the same is true of a 24-pound package or a 48-pound package. Will the gentleman please explain to the House how it is easier to perpetrate a fraud on a man selling a 48-pound package, marked 48 pounds, than it would be if he sold a 50-pound package, marked 50 pounds? Where is there any opportunity for fraud in one that there is not in the other?

Mr. TOWNER. The gentleman asks a question that I can not answer. I could not be frank and say that I could say whether or not there was any difference, but that does not reach the proposition involved.

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

Mr. TOWNER. In a moment. That is not the proposition that is before the committee. The proposition before the committee is, Shall we do as we have done before, make these packages so that these people will understand readily what they are purchasing, so that they will know by the mere appearance of the package, so that it can be always understood, so that when a purchase is made it will be made for a definitely ascertained amount, and that the purchaser can not be deceived either directly or indirectly by concealing the markings or by obscuring them in any way? I yield to the gentleman from Tennessee.

Mr. PADGETT. Along the same line of thought, that there may not be confusion and misunderstanding from looking at the package, I direct the gentleman's attention to page 2, line 2— but for commercial feed stuffs only, 60, 70, or 80 pounds.

Will the buyer looking for a 60 and 70 pound package be able to distinguish them? Can not a 60-pound package be put off on the purchaser as a 70-pound package just as easily as a 35-pound package could be put off for a 40-pound package, which the gentleman illustrated a moment ago?

Mr. TOWNER. I think that that particular portion of the section is subject to that criticism.

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

Mr. PADGETT. It occurred to me that ought to be stricken out.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Is it the gentleman's contention that it can be sold in other packages than these standard packages?

Mr. TOWNER. Yes, certainly; but if a man puts these packages out and sells them as standard packages he would be liable. For instance, the gentleman from Arkansas [Mr. WINGO] told about the farmers not being allowed to sell a gunny sack full of flour or bran, or whatever it may be. Of course, the farmer never attempts to standardize his package nor to sell his goods in standard packages.

Mr. HAUGEN. That is also true of the millers in inland towns.

Mr. TOWNER. Certainly.

Mr. HAUGEN. The bill provides that it shall be unlawful to pack, offer for sale, and so forth, "when in package form." Does that imply a standard package only?

Mr. TOWNER. It implies that if they are to sell in package form that they must conform to the requirements of this law. There is certainly no requirement in the bill that makes a man sell only in package form.

Mr. HAUGEN. Well, flour sold in a grain sack, is that in package form?

Mr. TOWNER. Certainly not.

Mr. HAUGEN. It is only in the standard package?

Mr. BANKHEAD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. BANKHEAD. The custom in my section of the country, and maybe in the gentleman's section also, where the people who own a little gristmill, a corn-meal mill, where they charge a toll for grinding, of course their compensation is based upon the ability to dispose of the toll which they collect.

Does the gentleman from Iowa think that if one of those millers honestly made a mistake in the weight of a package in putting it up to sell in a sack or an available receptacle to him for that purpose that this system of tolerance that Mr. MANN referred to, or allowance that would be made, would protect a man of that sort in a mistake in putting up his package?

Mr. TOWNER. Unquestionably, if it was a slight variation. Let me say to the gentleman that the little man never sells in packages. This law would never apply to him, or very rarely indeed. He does not put it up in packages to sell as packages.

Mr. BANKHEAD. In my section of the country that practice does obtain, I will say to the gentleman.

Mr. TOWNER. It might be possible, of course. I do not know how extensive it might be, but I do not believe the man who is just engaged in the custom-milling business would pretend to sell in standard packages or put anything produced in the mill in standard packages. I do not think he would attempt to do that, and therefore this law would not apply.

Mr. BANKHEAD. Suppose as a matter of fact that they do that in some sections of the country and he puts up a package which shrinks in weight and when checked up by the Government inspector it was found to be 2 or 3 pounds under the standard weight. He would be subject to prosecution, would he not?

Mr. TOWNER. If he should attempt to sell the standard packages, certainly he would be under the requirements of this act, and in that case the shrinkage in weight with a slight variation certainly would not make him liable to the penalty as prescribed in this bill.

Mr. BANKHEAD. It says so in section 3. There is a penalty imposed in section 3—

Mr. TOWNER. Section 5 takes care of that.

Mr. PADGETT. If the gentleman will permit, I would like to get the gentleman's idea of the definition of a package. I want to ask how you can sell bran or ground feedstuffs or any of those things except in a package? Would not any quantity which is sold, whatever that quantity might be, constitute a package?

Mr. TOWNER. I think not, if you have a single package, because that would not be a standard package.

Mr. PADGETT. Why not? The difficulty I have in my mind is to get the gentleman's definition of a package. The gentleman

says "a standard package." Of course, if he puts it in a package and marks it as 50 pounds, that would be a standard package; but suppose that he had flour and that he had just a lot of flour and possibly that would be 410 pounds of flour or 465 pounds of flour. That would not be a sale in bulk, but that he put it in one package. Would not that be a package?

Mr. TOWNER. It would not be a standard package, as the gentleman can easily see.

Mr. PADGETT. You could get him because he did not sell in a standard package?

Mr. TOWNER. Oh, I think the gentleman is imagining a thing that no one would ever by any possibility of twist or turn of interpretation claim can be brought under this law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I wish to ask unanimous consent to extend the remarks I made a few moments ago by printing a short summary of the results of the work of the National Screw Thread Commission by Dr. Stratton, which I failed to ask permission to do at the time I made the remarks.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the manner indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, I make the same request with regard to the remarks I made a while ago.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment as a substitute to the amendment of the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from New Jersey offers a substitute to the amendment of the gentleman from Arkansas, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. HUTCHINSON for the amendment offered by Mr. WINGO: Page 2, line 3, strike out all of line 3 and insert in lieu thereof the words "not less than 100 pounds when packed."

Mr. HUTCHINSON. Mr. Chairman, I have two objects in view in offering this substitute. In the first place, we are talking about reducing the cost of living, and this amendment confines it to bran and middlings or any by-products of a wheat mill or corn mill, to be sold in packages of 60, 70, and 80 pounds. With commercial feeds now, the custom is to sell in 100-pound sacks. By reducing the number of packages you reduce the cost of a ton of feed, and the consequence is that you add \$130 per ton on every ton of commercial feed that you sell by selling 80 pounds to the sack.

Mr. GARRETT. Will the gentleman yield?

Mr. HUTCHINSON. I will.

Mr. GARRETT. Is there not this danger in the gentleman's amendment, that it would prevent the smaller package from being put on the market, and that a very large number of people might not, for financial reasons, be able, conveniently at least, to purchase more than a small package? That has been rather in my thought.

Mr. HUTCHINSON. I do not think this bill will affect any man who takes a bag to the mill and gets 50 pounds of bran because it is not stamped.

Mr. GARRETT. Of course, I know that. But the raiser of poultry in the city, of course, can not go to the mill and get his poultry feed. He may not want to buy in such large quantities as 100-pound sacks. The thing that has been in my mind is whether the bill does not require a package that is too large by making a minimum of 60 pounds.

Mr. HUTCHINSON. The original package must be standard at a certain weight.

Mr. GARRETT. The gentleman construes the act to mean that a retail dealer could break the package and sell in smaller quantities than the package?

Mr. HUTCHINSON. Yes.

Mr. GARRETT. If that construction is correct, perhaps it might meet the objection.

Mr. WELLING. Will the gentleman yield to a suggestion? There is nothing in this language that would prevent the packer from putting up 25 pounds of feeding stuff.

Mr. TILSON. Or 5 pounds.

Mr. WELLING. Or 5 pounds.

Mr. WINGO. That is the object of the bill.

Mr. GARRETT. If I understand, though, the amendment proposed by the gentleman would provide that they could not put up less than a 100-pound package.

Mr. WINGO. That is the object of the amendment.

Mr. WELLING. I think that is the object of the amendment. But as the bill reads he can put it up in smaller packages of 5 or 10 pounds, say.

Mr. BLANTON. Not feedstuff.

Mr. GARRETT. I think the gentleman is correct about the bill. It was the amendment I was addressing myself to.

Mr. BLANTON. Will the gentleman from New Jersey yield for a question?

Mr. HUTCHINSON. For a question.

Mr. BLANTON. Is it not a fact that almost every class of feedstuff that the farmers or stockmen buy is put up in 100-pound sacks?

Mr. HUTCHINSON. Generally.

Mr. BLANTON. And should not be changed.

Mr. HUTCHINSON. And should not be changed.

When a miller makes bran or any feedstuff from corn-mill products, there is a certain amount of moisture in it, and if a man puts up a ton of bran in Minnesota and it is shipped East, or anywhere else, it takes five or six weeks, and a certain amount of moisture dries out of that sack, and it generally runs from 2 to 3 pounds short. Under this bill the man that sells the bran or middling, or whatever it is, is liable to a penalty of \$500, and I do not think that is right. If it is so packed that it contains 100 pounds when packed, I do not think we ought to hold the seller or the retailer or the man that handles it six weeks or two months or three months after that, make them liable under this bill.

Mr. MONDELL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Wyoming?

Mr. HUTCHINSON. Yes.

Mr. MONDELL. This bill relates to a variety of packages and provides the weight that those packages must contain. That weight must necessarily in every case be the weight when packed?

Mr. HUTCHINSON. Certainly.

Mr. MONDELL. If there is to be an amendment of that sort, should it not be an amendment placed in the bill so as to clearly apply to every package and every standard, instead of one package and one standard?

Mr. HUTCHINSON. I have an amendment to that effect.

Mr. MONDELL. That is one provision in the bill, if that is necessary. It does not seem to me that it is necessary. When you say that the package shall contain a certain number of pounds it must contain that number of pounds when the package is filled.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. VESTAL rose.

The CHAIRMAN. Does the gentleman from Indiana rise in opposition to the substitute offered by the gentleman from New Jersey?

Mr. VESTAL. Yes. I wanted to say that I do not believe the substitute ought to be adopted. The standard for commercial foodstuffs is fixed at 60, 70, and 80 pounds, in addition to the other standards authorized, and that was put in this bill after hearings which were convincing to the committee. It was more for the purpose of taking care of these conditions in the West than anywhere else. A farmer in the West, for example—so the committee understood from the hearings—takes his wheat to the mill and uses these same containers again, or desires to use the same containers, in buying feedstuffs. This container in which he takes the wheat to the mill will not hold 100 pounds of feed. Probably it will not hold 90 pounds of feed. The result is that it is deemed advisable to protect the consumer in the amount he shall receive. We fix the standard at 60, 70, and 80 pounds, because it was represented to us that these containers would hold 60, 70, or 80 pounds instead of holding 100 pounds.

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

Mr. VESTAL. Yes.

Mr. WELLING. Is it the purpose of the committee in making these different kinds of packages to say that the farmer when he goes to the mill shall have his feed put up in 60, 70, and 80 pound sacks?

Mr. VESTAL. I think not.

Mr. WELLING. Then why do you put it in?

Mr. VESTAL. If the farmer goes there and they are permitted to put 100 pounds in one of these sacks, suppose they have a number of those sacks filled and turn the filled sacks back to the farmer when he leaves his grain there; they say that contains 100 pounds.

The farmer could not tell whether there was 90 pounds or 100 pounds in the sack. It would not mean that the farmer would have to use the same container that he used in taking his wheat to the mill, but containers of the same kind that might be filled with commercial feed, which he takes in return for the wheat. I hope this substitute will be defeated. It does

not prevent the miller from putting up packages containing 100 pounds, but adds the 60, 70, and 80 pounds that containers used by the farmer may be used.

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

Mr. VESTAL. Yes.

Mr. GARD. I hold in my hand a copy of a law passed on October 22, 1919, which is an amendment to the food-control act, providing for the adequate supply and equitable distribution, and to facilitate the movement of foods, feed, and containers primarily designed for containing foods, feed, and fertilizer, and investing in the President the power to make regulations essential to carry out the purposes of the act. What effect would this bill that we are passing have upon the act I have referred to, or what effect has that act upon the bill we are engaged in passing?

Mr. VESTAL. I can not say. I have not looked into the situation enough to give an intelligent answer.

Mr. GARD. We have the law of October 22, investing in the President the power to make regulations, and the amendment we put in, I will say to the gentleman, was in regard to the container primarily designed or intended for carrying food, feed, or fertilizer. Of course, the container is a very important element in the transmission of food and feed, as the gentleman knows. We have this law, approved on October 22, a little over a year ago, investing in the President the power to make all necessary regulations.

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

Mr. GARRETT. That is the cold-storage act?

Mr. GARD. No. That is the food-control act.

Mr. WINGO. Mr. Chairman, I move to strike out the last word of the substitute.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word of the substitute. The gentleman is recognized for five minutes.

Mr. WINGO. Mr. Chairman, the debate on the substitute has disclosed more fully the trouble and the danger of this bill. What is the custom in the Southwest? There might be a different custom in the Northwest or in the East, but, for illustration, I happen to know that there are different customs existing in some of the States.

Take, for instance, a great State like Texas. That part of it that is fed from one class of mills has a different custom from that part which is fed from another class of mills. There is a different custom in my district from what there is in the other part of the State of Arkansas, because my district happens to be furnished with foodstuffs from mills in Oklahoma City and in certain points in Kansas.

The gentleman from Iowa, Judge TOWNER, is very badly mistaken when he says that in the State of Iowa there are no such small feed mills as I suggested, because I have seen them in the State of Iowa, and one farmer that I know in my district, who I think would be affected, is an Iowa man who moved into my district.

Now, how do these community feed establishments get their sacks? They do not go and buy commercial sacks. They buy from the farmers and from the boys any kind of sacks they can get.

They actually use for one kind of ground feed stuffs fertilizer sacks after they are washed. Now, suppose a man is grinding feed and he grinds up corn and cobs together. He will turn out a lighter product from corn that has a large cob than from corn which has a smaller cob. Yet that miller uses containers, because that is the only way he sells. He does not go and scoop it up and sell it out of a barrel and say, "I will give you so many pounds." He puts it up in sacks. Now, you already have a law that protects the purchaser against fraud. The miller has got to put the weight on it. The farmer is not going to be defrauded any more by permitting him to have a sack that has stamped on it or written on a tag, "90 pounds," than he will if it is 60 or 70 or 80 pounds. The main thing is for the farmer to understand what he is getting, and if it is written or stamped upon the package he is protected from fraud.

I usually listen to the gentleman from Illinois [Mr. MANN] with a great deal of interest. I listened to him to-day. He said I would have been opposed to a certain act which was passed here, which is now the law, to protect against fraud. He is mistaken. I should have been in favor of it. He was making his argument in defense of the present law and he did not answer my objection to this bill.

Well, just take the substitute. If the substitute is adopted and a farmer owning one of these small mills sells a package of this coarse, heavy feed stuff, he will be using an ordinary bran sack, and there is not one bran sack in this country that will hold a hundred pounds of that ground coarse feed stuff.

It may in the gentleman's State, up in the Northwest, where they use a different class of feed stuffs. They will use a more concentrated feed in a cold climate than they will in a mild climate like mine. I should like to see you stuff a hundred pounds of ground coarse feed stuff of the kind that is used in my district into an ordinary gunny sack that they use. You could not do it unless you used a compressor that would burst the texture of the sack. It shows how ridiculous it is to put an arbitrary standard for the whole Nation that will result in fining a miller \$500 if he uses any other standard.

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

Mr. PADGETT. I move to strike out the last four words.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee for five minutes.

Mr. PADGETT. I want to ask a question for information, and I will eliminate everything except the question of shipment. In section 1 it says:

That the standard of weights for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, shall be 100 pounds avoirdupois, and the standard measure for such commodities, when the same are packed, shipped, sold, or offered for sale in packages of 5 pounds or over, shall be a package containing net avoirdupois weight 100 pounds, or a multiple of 100 pounds, or one of the following fractions thereof: Five, 10, 25, or 50 pounds, and in addition, but for commercial feeding stuffs only, 60, 70, or 80 pounds.

Then in section 7 it says:

That this act shall not be construed as repealing the act of July 28, 1866, chapter 301, Revised Statutes United States, sections 3569 and 3570, authorizing the use of the metric system, but such sections shall not be construed as allowing the packing, shipment, or offering for shipment, sale or offering for sale of packages of any sizes other than those established as standards herein.

Now, they use the word "shipment" there, "but such sections shall not be construed as allowing shipment of packages of any sizes other than those established as standards herein."

This law is general and applies to everybody. Here is a man that has 187½ pounds of flour or feed stuff that he wants to ship. Can he ship it from one State into another? Leave out the question of sale and all other questions except the one of shipment; he wants to ship a package of flour containing 187½ pounds. Can he ship it without violating this law and incurring the penalty? This applies to shipping in the alternative as well as sale.

The CHAIRMAN. The Chair will hold that all debate on the substitute and amendment is now exhausted, and the pro forma amendments of the gentleman from Tennessee, the gentleman from Arkansas, the gentleman from Iowa, and the gentleman from Massachusetts are withdrawn.

Mr. BLANTON. Mr. Chairman, I move to strike out the section.

Mr. BANKHEAD. Mr. Chairman, would not a vote on the substitute and the amendment to perfect the section be in order before a motion to strike out the entire section?

The CHAIRMAN. The Chair thinks it would, and the Chair will so hold. The question is on the substitute offered by the gentleman from New Jersey to the amendment offered by the gentleman from Arkansas.

The question was taken, and the substitute was rejected.

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

Mr. HAUGEN. Can we have the amendment reported?

The amendment was again reported.

The question was taken; and on a division (demanded by Mr. VESTAL) there were 12 ayes and 23 noes.

Mr. WINGO. Mr. Chairman, I shall be compelled to make a point of order, not out of resentment, but this is so radical a provision that I think we ought to have more than 35 Members here, and I make the point of no quorum.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9755) establishing a standard of weights and measures for wheat-mill and corn-mill products, and had come to no resolution thereon.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT. Will the gentleman withhold that for a moment and allow me to ask him a question?

Mr. MONDELL. I will.

Mr. GARRETT. I would like to ask the gentleman if he can advise the House what will probably be taken up to-morrow?

Mr. MONDELL. I think the Private Calendar.

The motion of Mr. MONDELL was then agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, December 5, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting statement of contingent expenses, Treasury Department, 1919 (H. Doc. 463); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Acting Secretary of the Interior, transmitting a statement showing for the first four months of the current year the average number of employees in the Secretary's office, the Solicitor's office, the various bureaus and offices of this department, the Alaskan Engineering Commission, and the Territories of Alaska and Hawaii, respectively, receiving increased compensation (H. Doc. No. 464); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting report compiled in office of the Director of the Air Service in compliance with House resolution 190 (H. Doc. No. 465); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting an analysis by ranks and ratings of the pay and allowances of officers and enlisted men of the Navy as reported for the fiscal year ending June 30, 1919 (H. Doc. No. 466); to the Committee on Expenditures in the Navy Department and ordered to be printed.

5. A letter from the Postmaster General, transmitting report on special contract entered into with the Alaskan Engineering Commission for carrying the mails from Seward to Anchorage, Alaska (H. Doc. No. 467); to the Committee on the Post Office and Post Roads and ordered to be printed.

6. A letter from the Postmaster General, transmitting report on a special contract entered into with the Copper River & Northwestern Railway Co. for carrying the mails from Cordova, by Chitina and other points, to Kenecott, Alaska (H. Doc. No. 468); to the Committee on the Post Office and Post Roads and ordered to be printed.

7. A letter from the Librarian of Congress, transmitting annual report as Librarian of Congress and the annual report of the Superintendent of the Library Building and Grounds for the fiscal year ended June 30, 1919 (H. Doc. No. 467); to the Committee on the Library and ordered to be printed.

8. A letter from the Secretary of Agriculture, transmitting statement showing exchanges of typewriters, adding machines, and other similar labor-saving devices in the Department of Agriculture for the fiscal year 1919 (H. Doc. No. 469); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Postmaster General, transmitting report in detail of the department's operations under the terms of the Executive order of March 31, 1917, in response to House resolution 270 (H. Doc. No. 470); to the Committee on Reform in the Civil Service and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting statement of the expenditures of the Coast Guard for the fiscal year ended June 30, 1919 (H. Doc. No. 471); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

11. A letter from the Acting Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department during the fiscal year ended June 30, 1919 (H. Doc. No. 472); to the Committee on Expenditures in the War Department and ordered to be printed.

12. A letter from the Acting Secretary of the Interior, transmitting report in conformity with section 5 of the act of March 2, 1919, in connection with the adjustment of losses sustained in the production of manganese, chrome, pyrites, and tungsten (H. Doc. No. 473); to the Committee on Expenditures in the Interior Department and ordered to be printed.

13. A letter from the Acting Secretary of the Interior, transmitting copy of a report relative to the construction of a bridge across the Salt River near Lehi, Maricopa County, Ariz. (H. Doc. No. 474); to the Committee on Indian Affairs and ordered to be printed.

14. A letter from the Acting Secretary of the Interior, transmitting detailed report of receipts from rentals, extension Capitol Grounds, for the period March 5, 1919, to December 1, 1919 (H. Doc. No. 475); to the Committee on Appropriations and ordered to be printed.

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. 1670) for the relief of the Arundel Sand & Gravel Co., reported the same with amendment, accompanied by a report (No. 478), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10867) granting a pension to Henrietta A. Whitney, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 10871) to provide for the payment of wages to civilian officers and crews, and for other purposes; to the Committee on Appropriations.

By Mr. GREEN of Iowa: A bill (H. R. 10872) to amend section 211 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. BUTLER: A bill (H. R. 10873) to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Hawaiian Islands; to the Committee on the Territories.

By Mr. FORDNEY: A bill (H. R. 10874) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS: A bill (H. R. 10875) to liberalize the provisions of an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended; to the Committee on Education.

By Mr. FESS: A bill (H. R. 10876) to fix second-class postage rates and to provide for a commission to investigate and report upon a proper classification of mail matter and postage charges for the different classes, respectively; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL of California: A bill (H. R. 10877) to authorize air mail service between New York City, N. Y., and the Pacific coast; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: A bill (H. R. 10878) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918; to the Committee on Education.

By Mr. KELLEY of Michigan: A bill (H. R. 10879) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Naval Affairs.

By Mr. GRIGSBY: A bill (H. R. 10880) for the regulation and protection of the fisheries of Alaska, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: A bill (H. R. 10881) for the purchase of a site for the erection thereon of a public building at Seneca Falls, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: A bill (H. R. 10882) providing for pensions for all American citizens who have reached the age of 64 years and who are incapable of manual labor and whose incomes are less than \$800 per annum; to the Committee on Labor.

By Mr. BYRNES of South Carolina: A 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.; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 10884) to provide for an examination and survey of Fernandina Harbor, Fla.; to the Committee on Rivers and Harbors.

By Mr. GOULD: A bill (H. R. 10885) for the erection of a public building at Lyons, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LEHLBACH: Resolution (H. Res. 409) to provide a clerk to the Committee on Reform in the Civil Service; to the Committee on Accounts.

By Mr. MADDEN: Resolution (H. Res. 410) to investigate the charges of educational and administrative inefficiency made against Roscoe C. Bruce, assistant superintendent of schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FESS: Resolution (H. Res. 411) to provide a clerk to the Committee on Education; to the Committee on Accounts.

By Mr. CONNALLY: Joint resolution (H. J. Res. 252) requesting the French Republic to repeal, modify, or suspend the laws, ministerial instructions, and regulations of the French Republic preventing the immediate disinterment and return to the United States of America military dead buried in France, and directing the Secretary of War, upon the French Republic consenting, to take appropriate action to effect such disinterment and removal to the United States of such bodies in cases where requests for such removal are made by the nearest of kin; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Joint resolution (H. J. Res. 253) declaring the war between Germany and the United States to be at an end; to the Committee on Foreign Affairs.

By Mr. KELLER: Joint resolution (H. J. Res. 254) to relieve the present coal shortage and to provide for the uninterrupted production of coal; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BOOHER: A bill (H. R. 10886) granting a pension to Rhoda Button; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10887) for the relief of Robert Clive Wilcox; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 10888) for the relief of Jacob L. Malsberry; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 10889) granting an increase of pension to William Cline; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 10890) granting a pension to Zittle King; to the Committee on Pensions.

By Mr. HARRELD: A bill (H. R. 10891) to remove the charge of desertion against Seth A. Welch; to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 10892) granting a pension to Eva R. Meek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10893) granting a pension to Henriette Borgstadt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10894) granting a pension to William Herbert Fish; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 10895) to authorize the appointment of William Roberts, major, United States Army, retired, in the reserve of the United States Public Health Service; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 10896) granting a pension to Martha L. Elliott; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 10897) granting a pension to Roy C. Murray; to the Committee on Pensions.

Also, a bill (H. R. 10898) for the relief of James Y. Whitsitt; to the Committee on Military Affairs.

By Mr. MCKINLEY: A bill (H. R. 10899) granting a pension to Mary Emma Seabrook; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10900) granting a pension to Emma Bouse; to the Committee on Pensions.

Also, a bill (H. R. 10901) granting a pension to Louisa Gladwish; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 10902) to compensate the firm of Rothwell Bros. for repair work for the United States at Jefferson Barracks, Mo.; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 10903) granting a pension to Flora B. Warren; to the Committee on Pensions.

By Mr. REED of West Virginia: A bill (H. R. 10904) granting a pension to Sarah Lanham; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10905) granting an increase of pension to Elisha Childress; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10906) granting an increase of pension to Emma Swalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10907) granting an increase of pension to Zetta Swalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10908) granting an increase of pension to Jasper Stoops; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting a pension to Sarah J. Parks; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10910) granting an increase of pension to Horace B. Case; to the Committee on Pensions.

Also, a bill (H. R. 10911) granting a pension to Mary Haremaker; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 10912) granting a pension to Alice Victoria Cook; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10913) granting an increase of pension to Nelson Behymer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10914) granting an increase of pension to Lemuel C. Nicolson; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10915) granting a pension to Burton Walters; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

92. By Mr. BACHARACH: Petition of Henry J. McCracken Branch, Friends of Irish Freedom, of Newark, N. J., commending action of those Senators who supported Lodge reservations to the league of nations; to the Committee on Foreign Affairs.

93. By Mr. CURRY of California: Petition of Citrus Heights Friends Church, of Fair Oaks, Calif., protesting against militarism; to the Committee on Military Affairs.

94. Also, petition of Sacramento Parlor No. 3, Native Sons of the Golden West, of Sacramento, Calif., opposing all organizations favoring overthrow of the Government of the United States; to the Committee on the Judiciary.

95. Also, petition of State Association of County Horticultural Commissioners of California requesting adequate appropriation for continuance of grape experimental stations; to the Committee on Agriculture.

96. By Mr. GALLIVAN: Petition of Massachusetts Branch, American Legion, forwarding resolutions adopted at convention held at Worcester, Mass., October 15 and 16, 1919; to the Committee on Military Affairs.

97. By Mr. HULINGS: Petition of E. Richardson Division, 282, Brotherhood of Locomotive Engineers, concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

98. By Mr. JOHNSTON of New York: Petition of Union of Technical Men, New York Local No. 37, opposing antistrike railroad legislation; to the Committee on Interstate and Foreign Commerce.

99. By Mr. KETTNER: Petition of El Centro Post, American Legion, indorsing action of congressional investigation committee; to the Select Committee on Expenditures in the War Department.

100. Also, petition of Cigar Makers' Union No. 332, of San Diego, Calif., relative to Cummins bill; to the Committee on Interstate and Foreign Commerce.

101. By Mr. LINTHICUM: Petition of Women Suffrage League of Maryland, favoring continuance of Women's Bureau in District of Columbia and its establishment in other cities; to the Committee on the District of Columbia.

102. Also, petition of Will Blair, of Baltimore, Md., urging bonus for soldiers; to the Committee on Military Affairs.

103. Also, petition of Walter Green Post No. 14, of Baltimore, Md., concerning radical elements and mob violence in the United States; to the Committee on the Judiciary.

104. By Mr. MCKINLEY: Petition of Champaign-Urbana Typographical Union No. 444, urging Congress to adjust differences between miners and operators; to the Committee on Mines and Mining.

105. By Mr. MADDEN: Petition of sundry citizens of the District of Columbia, presenting statements relative to the charges of educational and administrative inefficiency against Roscoe C. Bruce; to the Committee on the District of Columbia.

106. By Mr. O'CONNELL: Petition of Union of Technical Men, New York Local, No. 37, opposing antistrike railroad legislation; to the Committee on Interstate and Foreign Commerce.

107. By Mr. REED of West Virginia: Petition of Division No. 190, Brotherhood of Railway Conductors, Grafton, W. Va., opposing Cummins and Esch-Pomerene bills; to the Committee on Interstate and Foreign Commerce.

108. By Mr. SINCLAIR: Petition of Carpenters' Union 1176, of Fargo, N. Dak., protesting against the antistrike provisions of the pending railroad legislation; to the Committee on Interstate and Foreign Commerce.

109. By Mr. STEENBERSON: Petition of Minnesota Public Health Association in favor of an appropriation for investigation of the causes, modes of transmission, prevention and cure of influenza, pneumonia, and allied diseases; to the Committee on Agriculture.

110. By Mr. TEMPLE: Petition of Chartiers Presbyterian Church, Canonsburg, Pa., urging an amendment to the preamble of the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

FRIDAY, December 5, 1919.

(Legislative day of Thursday, December 4, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

WILLIAM F. KIRBY, a Senator from the State of Arkansas, and JOSEPH E. RANDELL, a Senator from the State of Louisiana, appeared in their seats to-day.

REPORT OF THE PUBLIC HEALTH SERVICE (H. DOC. NO. 436).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the annual report of the Surgeon General of the Public Health Service for the fiscal year 1919, which was referred to the Committee on Public Health and National Quarantine.

COTTON STATISTICS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, itemized statements showing receipts and disbursements under section 6 of the act of March 4, 1919, for classification of cotton on future exchanges and investigations and quotations of cotton prices at spot markets from March 1 to October 31, 1919, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PURCHASE OF TYPEWRITERS (H. DOC. NO. 469).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement of the number of typewriters and other labor-saving devices purchased and exchanged during the fiscal year 1919, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORT OF WAR MINERALS RELIEF COMMISSION (H. DOC. NO. 473).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the War Minerals Relief Commission relative to the adjustment of certain losses sustained in the production of manganese, chrome, pyrites, or tungsten during a given time embraced in the period of the war, which, with the accompanying paper, was referred to the Committee on Mines and Mining and ordered to be printed.

SALT RIVER INDIAN RESERVATION (H. DOC. NO. 474).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the construction of a bridge across the Salt River, on the Salt River Indian Reservation, near Lehi, Maricopi County, Ariz., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

HOUSING FOR WAR NEEDS (H. DOC. NO. 475).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certain information relative to the housing for war needs, together with a statement showing the receipts from rentals extension of the Capitol Grounds for the period of March 5, 1919, to December 1, 1919, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

FEDERAL BOARD FOR VOCATIONAL EDUCATION.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Board for Vocational Education, transmitting, pursuant to law, an itemized account of expenditures from July 1 to September 30, 1919, inclusive, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

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