

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 14125) granting a pension to George Swager; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 14126) for the relief of James J. Shea; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 14127) granting an increase of pension to Emma M. H. Haas; to the Committee on Pensions.

By Mr. HUSTED: A bill (H. R. 14128) granting a pension to Mary Margaret Horton; to the Committee on Invalid Pensions.

By Mr. KLECZKA: A bill (H. R. 14129) for the relief of Bill Vassel; to the Committee on Claims.

By Mr. LONERGAN: A bill (H. R. 14130) granting an increase of pension to Margaret Moorehead; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 14131) granting an increase of pension to Harry L. Wilson; to the Committee on Pensions.

By Mr. RAINEY of Alabama: A bill (H. R. 14132) granting a pension to Wilburn Doyle; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 14133) for the relief of Erasmus J. Booth; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14134) granting a pension to William H. Waggoner; to the Committee on Pensions.

## PETITIONS, ETC.

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

3698. By Mr. BABKA: Petition of Lodge No. 439, International Association of Machinists, of Cleveland, Ohio, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3699. By Mr. COPLEY: Petition of Private Soldiers and Sailors' Legion, Washington, D. C., favoring bonus of \$500 for ex-soldiers; to the Committee on Ways and Means.

3700. By Mr. CULLEN: Petition of Parents' Association of the Public Schools, Brooklyn, N. Y., favoring increased salaries for postal employees; to the Committee on the Post Office and Post Roads.

3701. By Mr. FULLER of Illinois: Petition of Jackson Bros. & Co., of Chicago, Ill., protesting against the proposed tax on sales of bonds and stocks; to the Committee on Ways and Means.

3702. Also, petition of the Malone Shoe Co., of La Salle, Ill., opposing the passage of the McNary bill, to stamp the price on the sole of each pair of shoes; to the Committee on Interstate and Foreign Commerce.

3703. Also, petition of Friends of Irish Freedom, of Rockford, Ill., favoring the passage of the Mason bill for the recognition of the Irish republic; to the Committee on Foreign Affairs.

3704. By Mr. HERSEY: Petition of George E. Cooper and 17 other residents of Bangor, Me., representing the Private Soldiers and Sailors' Legion of Maine, urging a cash bonus of \$500 for ex-service men, to be paid according to terms of House bill 10373; to the Committee on Ways and Means.

3705. By Mr. JOHNSTON of New York: Three petitions of citizens of New York, favoring increased salaries for postal employees; to the Committee on Ways and Means.

3706. By Mr. LINTHICUM: Petition of Tidewater Portland Cement Co., R. E. L. Russell, and E. F. Kirwan, all of Baltimore, Md., re soldier bonus and proposed sales tax; to the Committee on Ways and Means.

3707. Also, petition of Arthur E. Poultney, of Baltimore, Md., re Senate bill 4089; to the Committee on Interstate and Foreign Commerce.

3708. Also, petition of residents of Baltimore, Md., favoring postal increase; to the Committee on the Post Office and Post Roads.

3709. Also, petition of residents of Baltimore, Md., favoring passage of Mason bill; to the Committee on Foreign Affairs.

3710. By Mr. MONAHAN of Wisconsin: Resolution of Woman's Club, Madison, Wis., favoring the Smith-Towner educational bill; to the Committee on Education.

3711. By Mr. O'CONNELL: Petition of International Wood Carvers' Association, favoring granting of bonus to relatives of soldiers who have died since discharge; to the Committee on Ways and Means.

3712. Also, petition of the Roessler & Hasslacher Chemical Co., of New York, in connection with postal zone rates for advertising matter; to the Committee on the Post Office and Post Roads.

3713. By Mr. RAKER: Petition of National Council of the Friends of Irish Freedom, favoring freedom of Ireland; to the Committee on Foreign Affairs.

3714. Also, petition of the Fishing Gazette, of New York, protesting against the cutting of the appropriation for the fisheries-industry work in the Bureau of Fisheries, and urging adequate appropriation for same; to the Committee on the Merchant Marine and Fisheries.

3715. Also, petition of sundry citizens of Houston, Tex., favoring the passage of House bill 1112; to the Committee on the Judiciary.

3716. By Mr. RANDALL of California: Petition of Private Soldiers and Sailors' Union, of Los Angeles, Calif., favoring the passage of House bill 10373, soldiers' benefit legislation; to the Committee on Ways and Means.

3717. By Mr. ROGERS: Petition of Littleton Post, No. 249, Department of Massachusetts, favoring immediate passage of veterans' beneficial legislation at this session of Congress; to the Committee on Ways and Means.

3718. By Mr. ROWAN: Resolution adopted by the Holy Name Parish of the city of New York favoring the recognition of the Irish Republic; to the Committee on Foreign Affairs.

3719. Also, resolutions adopted by the Central Republican Club of nineteenth assembly district of New York, urging Congress to increase the salaries of postal employees and that this action be taken before Congress recesses; to the Committee on the Post Office and Post Roads.

3720. Also, resolutions adopted by the Republican Club of the thirteenth assembly district of New York urging Congress to increase the salaries of postal employees and that this action be taken before Congress recesses; to the Committee on the Post Office and Post Roads.

3721. By Mr. TINKHAM: Petition of Irving W. Adams Post, No. 36, American Legion, Roslindale, Mass., favoring soldier-bonus legislation; to the Committee on Ways and Means.

3722. Also, petition of national council of Friends of Irish Freedom, of New York, favoring the freedom of Ireland; to the Committee on Foreign Affairs.

3723. Also, petition of Pilgrim Publicity Association of Massachusetts opposing the passage of House bill 12976, for a tax on advertising; to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, May 19, 1920.

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

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

Almighty God, we come to face the new spiritual problems of to-day. While our thoughts will be engaged in the routine matters of our daily task there shall be within us, as in every day, the conflicts, the aspirations, and the decisions of great spiritual events in our spirits. We pray that Thy hand may guide us, that Thy truth may be our law, Thy honor our glory, that to-day we may follow the light of Thy truth as it shines upon our pathway. For Christ's sake. Amen.

## NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., May 19, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS STERLING, a Senator from the State of South Dakota, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro tempore.

Mr. STERLING thereupon took the chair as Presiding Officer for the legislative day.

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

## CALLING THE ROLL.

Mr. KING. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The Secretary will call the roll. The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Jones, N. Mex.	New	Smith, Md.
Calder	Jones, Wash.	Overman	Smoot
Chamberlain	Kellogg	Page	Spencer
Comer	Kenyon	Phipps	Sterling
Dial	Keyes	Pittman	Underwood
Fernald	King	Ransdell	Wadsworth
Gay	Knux	Robinson	Walsh, Mass.
Hale	McCumber	Sheppard	Warren
Harris	McNary	Sherman	Watson
Harrison	Nelson	Simmons	Williams

Mr. MCKELLAR. The senior Senator from Virginia [Mr. SWANSON] and the junior Senator from Virginia [Mr. GLASS] are necessarily detained from the Senate.

The Senator from Arizona [Mr. ASHURST], the Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. PHELAN], and the Senator from Florida [Mr. TRAMMELL] are absent on official business.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on official business. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. FERNALD in the chair). Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. HENDERSON, Mr. KENDRICK, Mr. LODGE, Mr. McCORMICK, Mr. MCKELLAR, and Mr. NUGENT answered to their names when called.

Mr. CULBERSON entered the Chamber and answered to him name.

Mr. ELKINS, Mr. DILLINGHAM, Mr. THOMAS, Mr. McLEAN, and Mr. HARDING entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. STERLING in the chair). Fifty-two Senators have answered to their names. There is a quorum present.

#### COLLECTION OF REVENUE.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting an alternative estimate of appropriations required by the Treasury Department for the expenses of collecting revenue from customs for the fiscal year 1921 in the sum of \$11,800,000 in lieu of the original estimate for this purpose submitted in the Book of Estimates for the year 1921, \$10,300,000, being a net increase of \$1,500,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 9781) to amend section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. YOUNG of Texas managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTLER, Mr. KELLEY of Michigan, Mr. BRITTON, Mr. PADGETT, and Mr. RIORDAN managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. J. Res. 351) extending the provisions of an act amending section 32 of the Federal farm-loan act approved July 17, 1916, to June 30, 1921, in which it requested the concurrence of the Senate.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1699) for the retirement of employees of the classified civil service, and for other purposes, and it was thereupon signed by the Presiding Officer.

#### PETITIONS AND MEMORIALS.

Mr. PHIPPS. Mr. President, I am in receipt of a telegram from the Chamber of Commerce of Colorado Springs, reading as follows:

This body has gone on record as opposing bonuses for soldiers and sailors, especially cash bonuses. It is felt that greater efforts should be made to provide for disabled men and their dependents and for the payment of bills for their care.

I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. SPENCER. I ask unanimous consent to have printed in the RECORD a telegram from former Gov. Hadley, of Missouri, in connection with a letter, which I received this morning.

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

Hon. SELDEN P. SPENCER,

Care of Senate Office Building, Washington, D. C.

Know through personal observation that large and prosperous tungsten industries here are now out of operation, account competition of Chinese tungsten, and that they can exist only with benefit protective tariff as provided by House bill now pending before Senate. I feel this measure is in harmony with the traditions and policy of the Republican Party and necessary for preservation of industry most important to this State.

HERBERT S. HADLEY.

Mr. COLT presented a memorial of the Albanian Society of Lonsdale, R. L., remonstrating against the awarding to Greece of the southern Albanian Provinces of Koritza and Argyrocastro, and praying that a hearing be granted to representatives of Albania, which was referred to the Committee on Foreign Relations.

Mr. KNOX presented petitions of sundry citizens of West Chester, Pittsburgh, and Reading, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of maternity and infancy, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of John W. Jackson Post, No. 27, Grand Army of the Republic, of Philadelphia, Pa., and a petition of Robert Bryan Post, No. 80, Grand Army of the Republic, of Philadelphia, Pa., praying for the adoption of the amendment to the Constitution granting the right of suffrage to the people of the District of Columbia, which were referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Church of the Brethren of Woodbury, Pa., remonstrating against compulsory military training, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pittsburgh, Pa., praying for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 3, Ancient Order of Hibernians, of Patton, Pa., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia Bourse, of Pennsylvania, praying for the enactment of legislation to enable persons who served in the World War and who are disabled or sick in consequence of their service, as well as the dependents of those who lost their lives, to build homes and obtain vocational training, and remonstrating against the granting of a general cash bonus without discrimination, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a petition of the Board of Commerce of Detroit, Mich., and a petition of the Real Estate Exchange of Kalamazoo, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Women's Club of East Lansing, Mich., praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a petition of the Board of Commerce of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. NEWBERRY) presented a petition of Ira D. MacLachlan Post, No. 3, American Legion, of Sault Ste. Marie, Mich., praying for the enactment of legislation granting a bonus to ex-service men, which was referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented a memorial of the Chamber of Commerce of Lansing, Mich., and a memorial of the Board of Commerce of Detroit, Mich., remonstrating against the enactment of legislation to compel shoe manufacturers to stamp the cost of the shoe on the sole thereof, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a petition of Victory Grange, No. 1099, Patrons of Husbandry, of Ludington, Mich., praying for the enactment of legislation granting to farmers the right of collective bargaining, which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 3969) to authorize the Secretary of the Navy to waive the age limit for admission to the United States Naval Academy, reported it with an amendment and submitted a report (No. 608) thereon.

He also, from the same committee, to which was referred the bill (S. 4361) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes, reported it without amendment and submitted a report (No. 609) thereon.

Mr. HENDERSON, from the Committee on Claims, to which was referred the bill (H. R. 3212) for the relief of legal representative of George E. Payne, deceased, reported it without amendment and submitted a report (No. 610) thereon.

Mr. McLEAN, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (H. R. 11398) for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes, reported it without amendment.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 3743) for the relief of W. R. Grace & Co., reported it with an amendment and submitted a report (No. 611) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred an amendment submitted by Mr. FRANCE on the 6th instant, relative to the use of any portion of the public highway fronting any hotel or apartment hotel, railroad terminal, restaurant, theater, or other place of public amusement in the District of Columbia, intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

#### LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the bill (H. R. 14100) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921. The bill is in the exact form in which it passed the Senate before, except for the omission of section 8, the item to which the President objected, and in consequence of which he vetoed the bill. The bill has been passed by the House, carefully checked, and has also received the close checking of the Senate Committee on Appropriations. I ask unanimous consent that without having it read the bill may be placed upon its passage.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. Mr. President, just a word in relation to section 8, which was stricken from the former bill on account of it having been vetoed by the President of the United States.

I am going to offer an amendment to the sundry civil bill to take care of the printing of the 156 Government publications that the Joint Committee on Printing have authorized to be printed. I hope there will be no objection to it on the ground that it is general legislation, because without such an amendment no publications could be printed after June 30 of this year.

I again state that I think the President was misled in his veto of the legislative bill on account of section 8.

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

#### ARKANSAS RIVER BRIDGES.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13665) granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River, between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

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

*Be it enacted, etc.*, That the consent of Congress is hereby granted to Muskogee County, Okla., to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River, at a point suitable to the interests of navigation between sections 16 and 21, township 15 north, range 19 east, near the town of Fort Gibson, in the county of Muskogee, in the State of Oklahoma, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13666) granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River, in section 18, township 12 north, range 21 east, in the State of Oklahoma, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

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

*Be it enacted, etc.*, That the consent of Congress is hereby granted to Muskogee County, Okla., to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River, at a point suitable

to the interests of navigation, in section 18, township 12 north, range 21 east, near the town of Webbers Falls, in the county of Muskogee, in the State of Oklahoma, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

#### LOAN OF TENTS.

Mr. NEW. Mr. President, the Grand Army of the Republic of the State of Indiana are to hold their annual encampment at Bloomington on the 25th of May. They desire the loan of tents and cots from the Quartermaster's Department of the Army. The War Department can not furnish them without the authorization of Congress. The House has already passed a joint resolution loaning them the cots, tents, and blankets. It has not been the custom of the Senate to extend the loan of blankets or bedding, and I have not the authority of the Military Affairs Committee to ask that blankets be included in this joint resolution. With the elimination of the words "and blankets," I report the joint resolution and ask immediate consideration, inasmuch as if it is not considered at this time it will be of no avail.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Senator from Indiana asks unanimous consent for the present consideration of the joint resolution just reported by him from the Committee on Military Affairs. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. The amendments were, on page 1, line 7, after the word "tents," to strike out the comma and insert the word "and," and in line 8, after the word "cots," to strike out "and blankets," so as to make the joint resolution read:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized to loan, in his discretion, to Paul E. Slocumb Post, No. 85, Grand Army of the Republic, Bloomington, in the State encampment to be held at Bloomington, Ind., May 25, 26, and 27, 1920, the necessary tents and cots, as may be agreed upon by said post and the War Department: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to the commander of said Paul E. Slocumb Post at such time as may be agreed upon by the Secretary of War and the commander of said post: *Provided further*, That the Secretary of War, before delivering said equipment, shall take from the commander of said post a good and sufficient security for the safe return of said property in good order and condition, and the whole to be without expense to the United States Government.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of War to loan to Paul E. Slocumb Post, No. 85, Grand Army of the Republic, Bloomington, Ind., necessary tents and cots for use at the State encampment to be held at said city May 25, 26, and 27, 1920."

#### PUBLIC BUILDING AT GASTONIA, N. C.

Mr. OVERMAN. Mr. President, a few days ago, in my absence, the Senate passed the bill (S. 4332) to exchange the present Federal building and site at Gastonia, N. C., for a new site and building, and it was sent to the House of Representatives. I promised some of my constituents that I would not urge the consideration of the bill until they could be heard upon it. I therefore enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. SMOOT. What is the bill?

Mr. OVERMAN. It relates to a public building at Gastonia, N. C. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. McCUMBER:

A bill (S. 4411) granting the consent of Congress to the counties of Pembina, N. Dak., and Kittson, Minn., to construct a bridge across the Red River of the North at or near the city of Pembina, N. Dak.; to the Committee on Commerce.

By Mr. NEW:

A bill (S. 4412) granting an increase of pension to William Walker (with accompanying papers); and

A bill (S. 4413) granting an increase of pension to Otto N. Burge (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A joint resolution (S. J. Res. 199) providing for monthly payment of pensions; to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. KING submitted an amendment proposing to appropriate \$50,000 for the survey of the Green River and its tributaries and the Price River, in Duchesne, Uintah, Carbon, Emery, and Grant Counties, Utah, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM J. JOHNSON.

On motion of Mr. SMOOT, it was

Ordered, That the papers accompanying the bill S. 3360, Sixty-sixth Congress, first session, granting an increase of pension to William J. Johnson, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CLAIMS OF SIOUX INDIANS—CONFERENCE REPORT.

Mr. SPENCER. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims. The House has been kind enough to accept the Senate bill with the single addition of allowing claims arising out of lands to be also presented to the Court of Claims. I ask for the immediate consideration of the conference report.

The PRESIDING OFFICER (Mr. STERLING). The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, 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 disagreement to the amendment of the Senate, and agree to the same with amendments as follows: After the word "funds," in section 1, insert the words "or lands"; and before the comma, in the same line, insert the words "or band or bands thereof"; and the Senate agree to the same.

SELDEN P. SPENCER,  
CHAS. L. MCNARY,  
*Managers on the part of the Senate.*  
FREDERICK W. DALLINGER,  
HARRY L. GANDY,  
*Managers on the part of the House.*

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

TUNGSTEN ORES.

Mr. PHIPPS. Mr. President, as it will probably be impossible for me to be present at the time the Senate takes up for consideration the bill (H. R. 4437) to provide revenue for the Government and to promote the production of tungsten ores and manufactures thereof in the United States, I ask the indulgence of the Senate for a few moments this morning in order that I may express some views relating to that measure.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Colorado will proceed.

Mr. PHIPPS. Mr. President, in considering the provisions of House bill 4437, which is intended to promote the production of tungsten ores and the manufactures thereof in the United States, it should be borne in mind that tungsten is an element having properties which are not possessed by any other metallic substance.

Tungsten has been chiefly useful as a toughening and hardening alloy in the manufacture of steel, and particularly in the production of so-called high-speed steel, which is used for the cutting of various steel products, including munitions of war, automobile parts, and machinery generally. This high-speed steel may be used at such speed and pressure as to render the tool itself red-hot without losing its temper or cutting edge. A tool of this material will perform at least five times the amount of work per hour as may be turned out with the ordinary tool which contains no tungsten. It has been estimated that a saving of \$200 on each automobile may be made by the manufacturer through the use of high-speed tungsten steel tools.

It was found absolutely necessary to use this class of tool steel to turn out guns of all calibers and the various sizes of explosive shells used during the Great War, as without this

particular material manufacturers would have found it impossible to produce these articles at anything like the rate demanded. Tungsten-alloy steels contain from 3 to 18 per cent of tungsten and about 95 per cent of the tungsten consumed in the United States is used in making standard high-speed steel, which contains 18 per cent of tungsten.

Tungsten is also used in permanent magnet steel, valve steel for aeroplane and automobile engines, wireless amplifiers, Roentgen-ray apparatus, spark-plug contact points, electric-light filaments, and in other articles, while tungstic acid and tungstate are used in the dye and chemical industries.

Although never personally interested financially in the tungsten business, I have been in position to note from time to time the development of the industry, particularly in the State of Colorado. The first discovery of tungsten in quantity in the United States was made in the year 1900 in Boulder County, Colo. During the 10 years which followed Colorado produced practically all the tungsten ore mined in this country. From 1910 to 1913, inclusive, she produced 70 per cent of the ores mined in the United States, averaging 929 tons per year for that four-year period. Since 1914 the output of California and Colorado has been about equal.

Under the stimulus of advanced prices and the foreign demand due to the war, the production for the year 1915 in the United States amounted to 2,332 tons. It increased in 1916 to 5,923 tons and in 1917 to 6,144 tons. This heavy increase in output was partly due to the inducement of high prices caused by war necessities and partly to the urgent request of our Government officials for increased production. The mining of tungsten was thus tremendously stimulated and the refining of the raw materials fully established. Without this domestic output our munition plants would have been compelled to slow down their operations to 20 per cent of normal at a most critical stage of the war, and our manufacture of automobiles and other war supplies would have been curtailed to a similar extent.

Mr. KNOX. Mr. President, may I ask the Senator a question?

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

Mr. PHIPPS. Certainly; I yield.

Mr. KNOX. Was the increased production in the last two years caused by the discovery of new fields, or is all the ore still produced in Colorado and California?

Mr. PHIPPS. Partly so, but largely to the development of the mines which had previously been discovered in Colorado and California. The new discoveries I will speak of a little later; they were largely in Nevada and Arizona.

The demand for tungsten led not only to the development of producing mines but also to further discoveries of the mineral in 13 States of the Union and in Alaska. This includes 76 known deposits in California and 42 in Nevada, many of which are not sufficiently opened up to be placed in the producing class. In Colorado, where tungsten was first mined commercially in the United States, there are thousands of acres of tungsten ground, some of which has only been worked on the surface and much of which has never been prospected. Many of these undeveloped properties and much of this unprospected territory would no doubt become productive if the industry is stabilized so as to warrant the investment of capital.

It should be noted that while the increasing demand for tungsten began at the outbreak of the war in 1914, we only increased our output of ore by about 800 tons during the following year; and it was not until the second year that our output showed a satisfactory increase. In the meantime the efforts of Colorado and California miners were supplemented chiefly by those of Nevada and Arizona, where new discoveries of the mineral had been made. The large contact metamorphic deposits of Nevada and Arizona were not developed in time to be of much service during the war. One of these finds, known as the Tungsten Reef Mines, promises to be one of the largest producing properties in this country, and it is probable that in the future both Nevada and Arizona will outrank California and Colorado as producing States.

The Nevada properties have been equipped with extensive mining and concentrating plants, but these were only in operation about two months before the slump in the late fall of 1918. The Arizona property had been provided with a large concentrating plant, which was delivered on the ground, but has not been erected on account of market conditions for the material.

Production in the United States during the year 1918 continued at a high level until the signing of the armistice in November of that year, when a decided reaction set in, caused by cessation of the demand and by heavy importations of foreign ores, chiefly ore from China, particularly that which did not have to be mined but could be picked up from the ground by cheap coolie labor.

Prior to the war Germany was in absolute control of the tungsten refining industries, as very little was being refined in the United States or England. American ores were shipped to Germany, reduced there, and returned to us in the forms of ferrotungsten and tungsten powder.

The heavy importations of foreign tungsten, commencing before the signing of the armistice, resulted in a complete cessation of mining in this country, and, although a year and a half has elapsed since the shutdown, every tungsten mine in the United States remains closed.

These mines, like others, must be kept free of water; and the owners of the properties have all been under the expense of keeping the water pumped out of their mines, waiting until changed conditions will enable them to reopen. In fact, many of them are now wondering whether or not they are justified in incurring this expense, as it is only through relief such as will be afforded by the proposed legislation that they may hope to operate their properties again.

If the industry falls into decay through failure to enact proper legislation and these mines are allowed to fill up with water, it is evident it would take at least two years to bring production up to a tonnage approximating our needs, and during such time we would be dependent upon a foreign supply which might be withheld, as it was in 1914.

The world production of tungsten reached 36,000 tons in 1918, of which over one-half was furnished by Asiatic countries and only about 5,000 tons by the United States.

The present normal need of the United States is variously estimated at from 5,000 to 7,500 tons, and we know that our production for the past year has been negligible.

The lesson of the war demonstrated that, under necessity and with all possible insistence, our output of tungsten ore increased to a point where we were practically self-supporting for our normal requirement, but we should not overlook the fact that discoveries of new deposits have been made to an extent that assures a production beyond that we have so far attained. There seems to be no question but that the mines in the United States can produce annually not only the tungsten needed at present for our own use but any increases which may be required. We can no longer secure an adequate supply of tungsten ore by picking it up from the surface of the ground, but must mine for it by sinking shafts and driving drifts, which entail a large investment for any efficient plant. To properly develop a tungsten mine an outlay of at least \$150,000 is required, and to this must be added a concentrating plant which, for a 200-ton capacity mill, will cost about \$200,000.

Therefore in order to operate a large mining property it is necessary to make a heavy initial investment for development of the mine and the concentration of the ore, as the ore can not be shipped in the state in which it is mined. This is, of course, particularly true in the cases of deposits carrying a very small metallic content. Owners of mining properties are not justified in investing the sums of money necessary to develop and operate their properties, nor can they finance same, unless there is some assurance that they will have a stable market for their output; and the experience of the past 18 months, with all of our available mines closed down and no new deposits being looked for, demonstrates the necessity for a moderate measure of protection to enable this comparatively new industry to develop.

The refining plants which receive the ore from the mines in its concentrated form and transform it into the products such as ferrotungsten for use by the manufacturers of steel are now being closed down, because tungsten is being shipped in by foreign producers in the refined forms, and our manufacturers of high-speed tool steel are also seriously feeling the pressure of foreign competition, as they find their market falling away from them on account of the low prices being quoted by their foreign competitors.

The distribution of Asiatic tungsten has always been controlled by England and Japan, and during the recent war England placed an embargo on all forms of tungsten, which action had the effect of cutting off our supply of the refined product.

Since that embargo was removed, in the latter part of 1918, large quantities of Asiatic and Chilean ores were brought into the United States, and the price of tungsten fell from \$25 per unit to \$7.50 per unit.

The Ways and Means Committee of the House and the Finance Committee of the Senate have had exhaustive hearings, taking testimony from representatives of all branches of the tungsten industry. These witnesses have presented certified or sworn statements, which have been made a part of the record of the hearings held and show the production costs in the United States and in China, and upon this evidence the Finance Committee has worked out the rates of duty which are considered necessary to reestablish and develop the tungsten industry in the

United States. The bill as it passed the House provided for a duty of \$10 per unit on tungsten ore and a corresponding compensatory duty on the manufactured products of tungsten.

The Finance Committee has amended the bill, reducing the rate of duty to \$9 per unit, and has reduced the compensatory duties of the manufactured products in like proportion.

The testimony referred to all goes to show that the tungsten industry can not be maintained in the United States at any lower rates of duty than provided in the bill as amended, and that, with these rates of duty, we are starting on a competitive basis with Asiatic ores.

The Finance Committee has proposed an amendment under which these rates of duty would only apply for a period of three years from the passage of this act, and it is believed that during this trial period the industry will so develop as to enable the mines to produce at lower costs than would prevail at present.

It is very important to this country in time of peace as well as in war time that the tungsten industry be made to supply adequately our needs, so that we may not be dependent upon other countries for our supply.

The production of tungsten has never been a stabilized industry in the United States, owing to price fluctuations, and for that reason it has been difficult to secure the capital necessary for development. It was only during the war period, when prices became high and the needs of our Government for this important metal in our munitions program became imperative, that capital could be induced to develop the industry. The duty provided in this bill will permit the resumption of mining in this country, will stabilize prices for the product, encourage the investment of capital for the development of tungsten mines, and within a short period the United States will be, so far as its supply of tungsten is concerned, industrially independent.

#### RESTRICTION ON FUNERAL DONATIONS.

Mr. DIAL. Mr. President, in addition to the troubles we have during our lifetime, I have read in the newspapers recently an item which indicates that our executors, administrators, heirs, and assigns are likely to have some trouble with our bodies after we are dead. The item to which I refer reads as follows:

#### URGE UNION-MADE COFFINS—SAN JOSE CARPENTERS PROPOSE TO AMEND BROTHERHOOD CONSTITUTION.

A proposal that members of carpenters' unions must be buried only in caskets bearing the union label was received at labor headquarters here yesterday. The proposal comes from Local Union 262, at San Jose, Calif., and is in the form of an amendment to the constitution of the United Brotherhood of Carpenters and Joiners of America. It reads:

"No members, legal heirs, or wife's legal heirs will be entitled to funeral donation unless the deceased is buried in a coffin or casket bearing the label of the United Brotherhood of Carpenters and Joiners of America."

Mr. President, I call this fanaticism run mad. It does seem to me that people's bodies should be allowed to rest in peace.

#### REGULATION OF COLD STORAGE.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate on the bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods, to regulate shipments of coal-storage foods in interstate commerce, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GRONNA. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of South Carolina conferees on the part of the Senate.

The PRESIDING OFFICER. The morning business is closed.

#### THE MERCHANT MARINE.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed with the consideration of House bill 10378, the shipping bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

#### PAY OF POSTAL EMPLOYEES.

Mr. CALDER. Mr. President, before the Senate begins the consideration of the shipping bill, I wish to make a few observations on another subject.

The other day the Postmaster General called my attention to the fact that during the past 10 months the postal business in the city of New York increased 37 per cent over the business of last year, and that in the city of Chicago it increased over

50 per cent. This statement, and the fact that perhaps, like other Senators, I am receiving numerous resolutions passed by business organizations throughout the State of New York, and letters by the mail bag full, prompt me to call the attention of the Senate to a very serious condition affecting the Postal Service of the country.

With as much emphasis as possible I wish to direct the attention of the Senate to the alarming condition now confronting the Postal Service. Something must be done and done quickly if a complete breakdown is to be averted, if, in fact, such a condition is not now hard upon us. From every part of the country comes practically the same depressing story of delayed mails, unreliable, infrequent, and abandoned service, congestion of mails for varying periods in terminal and city post offices, and insufficient and inefficient help to man the service. All kinds of expedients are resorted to in an effort to keep the mails moving, but the older and experienced employees are slowly losing heart, and that fine spirit of enthusiasm which formerly gave the people such an efficient mail service has almost entirely vanished.

Complaint is general and it burdens every mail. The business people of the country are aroused over conditions in the Postal Service and they are insistently protesting and petitioning to Congress for relief. They want service and they are not getting it. They know that the business of the country must wait on the mails. A penurious postal policy under existing conditions is the most dangerous economy conceivable, because for every dollar now withheld in failing to provide proper postal facilities means a loss amounting to thousands of other dollars in delayed and dislocated business processes. Generally speaking, we agree that increased production is the most pressing need of the hour, yet it is an idle fancy to expect production to increase or business to go full speed ahead with a broken Postal Service. This is the prospect now facing the people unless appropriate steps are at once taken to restore the Postal Service to something of its former efficiency.

What is the matter with the Postal Service? What is responsible for existing conditions? Answering my own question, I will state that it requires high-grade employees to specialize in postal work, and to-day, with the post office offering less wages than paid ordinary labor, there are precious few employees of any kind that can be induced to enroll in the Postal Service. From 40 to 60 cents an hour holds out little attraction for high-grade men when on every hand 75 cents an hour and more is being paid unskilled labor. Moreover, it takes years to train expert postal workers. This indispensable class of employees are resigning by wholesale, and postal officials are now compelled to accept whatever labor they can recruit, most of whom leave the service long before being qualified to perform their work efficiently. In consequence, the service suffers in exact proportion to its dearth of competent help.

Demoralization in the Postal Service is not confined to any particular part of the country. Practically the same conditions prevail everywhere. The Postal Service was at one time regarded as an attractive field of employment. Now, under present conditions, it is being shunned. As a case in point, two civil-service examinations in the Brooklyn post office held April 10 and 24, 1920, brought out a total of 6 applicants for the position of city letter carrier and 36 for post-office clerks. A few years ago a similar examination would have attracted hundreds of applicants. On May 1 the Senator from Wisconsin [Mr. LENROOT] read to the Senate a protest from the business men of Milwaukee, Wis., calling attention to disquieting service conditions in that city. On March 29, 1920, the Senator from Ohio [Mr. POMERENE] submitted a detailed statement to the Senate showing the distressing service conditions prevailing in a number of Ohio cities, which he explained were due to the great exodus of competent men from the service and the impossibility of securing others in their stead on the basis of present postal salaries. Postal conditions in the State of Michigan are even more aggravated, according to reports coming from that section, and the Chamber of Commerce of Detroit has repeatedly protested against the wretched service accorded the patrons of the Detroit post office.

An inquiry covering the entire country would only give further proof of how sadly the service has suffered, and this condition, bad as it is, continues daily to grow worse. It is a serious situation.

It is the duty of Congress to give this subject their immediate attention. The people are entitled to an efficient Postal Service. The postal employees are entitled to a living wage. We can not have one without granting the other. The postal employees are not responsible for the 40 to 50 per cent wage reduction that they have suffered in the past few years, on account of the advancing prices, but that they have suffered such a reduction

none will deny. Now, with no prospect of relief in sight, they are being forced out of the service because of more inviting inducements in civil industry and because of their inability to live upon their present salaries. The workers are the chief sufferers now; but if present conditions in the post office are permitted to continue, it will be the people and the service that will be the greatest losers in the end.

A great deal has been said in Congress during the present session regarding the inability of the Government to successfully compete with private industry in the matter of wages. This is a serious admission, and whether true or not the Government, at least, can not expect to operate a great business like the Postal Service without paying its employees not only a living wage, but one that will somewhat approach the prevailing wage standards in ordinary civil occupations. If the Government can not so manage its affairs as to do this, we may as well resign ourselves to an appalling breakdown in the Postal Service.

It is a sad commentary on the Government to see it laying down principles of employment to be scrupulously followed by employers in private industry and yet signally failing to observe these same principles itself. Through proclamation of the President on April 8, 1918, governmental approval was given to the principle of "the living wage" in the following declaration:

1. The right of all workers, including common labor, to a living wage is hereby declared.
2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort.

Postal employees are skilled and specialized in their particular calling. They are trained workers. In the light of the proclamation of the President, they, nevertheless, not only fail to receive a living wage according to all accepted standards, but their compensation in many instances has actually fallen far below the danger line of subsistence. Remaining in the Postal Service is with them no longer a matter of choice, but they are literally driven from its ranks by the force of economic pressure. It is this state of affairs, the low wage rate in the Postal Service and all the consequent evil that follows in its wake, that is responsible for the present demoralized service conditions. This is a situation that is bad for business, worse for the people, and utterly unjust to the employees. There is but one remedy that will fit the needs of the occasion, and that is to increase the salaries of postal employees at once, and in such measure as will attract and hold sufficient competent employees to properly man the service, and restore to such employees some part of the heavy wage reduction they have already suffered. This is the policy that should be followed. An increase in postal salaries should be granted at once. It will be false economy to do otherwise.

Mr. President, in view of the fact that there is every prospect that the express service of the country is on the eve of breaking down and July 1 confronts us, unless something is done to bring about a more contented condition on the part of the men engaged in the service, my own judgment is that the Nation will be in sad distress in this important branch of our Government in the very near future.

Mr. PHIPPS. Mr. President—

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

Mr. CALDER. I yield.

Mr. PHIPPS. I would like to call the Senator's attention to the remarks of the senior Senator from Michigan [Mr. TOWNSEND], the chairman of the Committee on Post Offices and Post Roads, which he will find in the RECORD of the proceedings of last Monday a week. In that statement the Senator from Michigan explained that the Postal Salaries Commission have concluded their hearings, which were most extended, held in various leading cities of the country; that they have had the assistance of an advisory committee in collecting the information and in making findings based upon the information; and that the commission are holding sessions daily, working on schedules which they propose to recommend as the new basis for salaries.

It is well known by the employees of the Postal Service that it would not be possible for any further increases which may be granted them in salaries to take effect earlier than July 1 next, and it is the disposition of the commission to recommend, in the event Congress is unable to decide before July 1 on what advances, if any, shall be granted, that when granted they will date from July 1.

The fact is apparent that there has been a widespread propaganda, evidently put forward by some people who are opposed to the operations of the postal department, and for other reasons,

stirring feeling among the communities, particularly in the large cities. One proof of this propaganda lies in the fact that the letters the members of the Postal Commission are receiving are almost identical in form, and that the publications given out by the various newspapers are along the same general lines, and in many cases are printed word for word in the different newspapers and periodicals of the United States. The fact remains that the commission have been exerting their best efforts to reach conclusions and make recommendations to Congress covering an increase of salaries, and that the recommendations to the Congress will be that July 1 shall be the date for such increases in salaries recommended by the commission.

Mr. CALDER. Mr. President, I want to thank the Senator from Colorado for the information contained in his statement. I know that the Postal Salaries Commission are working diligently, but I felt, representing as I do the great State of New York, in part, on this floor, that I ought to add my word to what has been said on the subject. In the city of New York and other great cities of that State the condition of the Postal Service, because of the lack of competent men, brought about by the fact that there have been a great number of resignations and the inability of the department to fill their places with other competent men, has made the situation very serious indeed.

The Senator from Colorado speaks of propaganda. Unquestionably there is propaganda. I am receiving an average of 500 letters a day on the subject. But, Mr. President, these letters do not come from men who are easily influenced by the request of some one interested. They are from the great business organizations of the State, including the Merchants' Association of New York, the board of trade of all the leading cities of my State, all joining in the request that these postal employees shall be properly compensated.

A business man must meet competition in his undertakings, and also in the employment of labor. Everyone knows that the farmer and the manufacturer must pay their men in accordance with the prevailing rate. That is not the case with the Government, and particularly with regard to the Postal Service.

Mr. McKELLAR. Mr. President—

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

Mr. CALDER. I yield.

Mr. McKELLAR. In addition to what the Senator from Colorado [Mr. PHIPPS] has well said on the subject, I might add that the Postal Salaries Commission has virtually completed its work. It has tentatively agreed on a revision of the pay schedule of the Post Office Department. I see no reason why that report can not be gotten out and made to the Senate by the end of the week, and I believe that there will be no dissent upon the part of any Senator.

As the Senator knows, that commission is composed of five Republicans and five Democrats—five Members of the House and five Members of the Senate. Apparently there will be no material disagreement among them. I see no reason why its report can not be put immediately into effect. I believe the report will commend itself to the Senate and the House, and I see no reason why it can not be enacted into law at the present session, before recess or adjournment, and I think that ought to be done. I think it is one of those matters which ought to be disposed of now, and I want to say for the Democratic side of the Senate that we members of the commission and the members who are not members of the commission will help in every way we can in enacting this legislation into law before the recess.

If the Senator from New York [Mr. CALDER], with his accustomed activity and his great interest in everything that pertains to the welfare of his State and the country, will get busy with those who are in charge of legislation on the other side of the Chamber I have no doubt that this very worthy measure as reported out by the commission will be enacted into law before we adjourn. There is no reason in the world why it can not be done. I think the report of the commission will meet the approval of the postal employees and of the country.

Mr. CALDER. Mr. President, I thank the Senator for his illumination of the subject. I know that the Senator from Tennessee and the Senator from Colorado have worked diligently on this subject; I know they realize how important it is; and I hope they are correct in their statement that the matter will be disposed of so that the increases may take effect the 1st of July. I shall join them and do everything in my power in that direction.

Mr. McLEAN. Mr. President, I merely want to inquire of the Senator from Tennessee [Mr. McKELLAR] or the Senator from Colorado [Mr. PHIPPS] if this commission expects to present a bill covering this subject?

Mr. PHIPPS. That is the intention of the commission. Perhaps I am a little more conservative than my collaborator on the commission, the Senator from Tennessee [Mr. McKELLAR], in his statement that it may be possible to report out a measure this week. I think he is perhaps a little optimistic, but it is the desire and the hope of the commission, and they are working to that end, that a bill may be reported so that it may receive consideration before a recess is taken.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Wisconsin [Mr. LENROO] to the amendment of the committee. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 25, where the committee proposes to insert a new section, section 25, the Senator from Wisconsin moves to strike out the first paragraph, with the exception of the numerals designating the section, in the following words:

That the owner of a vessel documented under the laws of the United States and operated in foreign trade shall, for each of the 10 taxable years while so operated, beginning with the first taxable year ending after the enactment of this act, be allowed as a deduction for the purpose of ascertaining his net income subject to the war-profits and excess-profits taxes imposed by Title III of the revenue act of 1918 an amount equivalent to the net earnings of such vessel during such taxable year, determined in accordance with rules and regulations to be made by the board: *Provided*, That such owner shall not be entitled to such deduction unless during such taxable year he invested, or set aside under rules and regulations to be made by the board in a trust fund for investment, in the building in shipyards in the United States of new vessels of a type and kind approved by the board, an amount, to be determined by the Secretary of the Treasury and certified by him to the board, equivalent to the war-profits and excess-profits taxes that would have been payable by such owner on account of the net earnings of such vessels but for the deduction allowed under the provisions of this section, or unless such owner, with the approval of the board (to be given only if because of the smallness of the amount involved the board deems it best for the interests of the United States), applies such amount on any mortgage indebtedness due to the United States for the purchase of ships.

Mr. JONES of Washington. Mr. President, I desire to notice just for a moment some of the suggestions made by the Senator from Wisconsin [Mr. LENROO] with reference to the first paragraph of the section which is now under consideration.

The Senator from Wisconsin informed me yesterday afternoon that he had made all the address he desired to make on this particular amendment and that he would be to-day in a very important committee meeting. He will probably want to be here when we come to a vote, but he asked me to go on with the bill yesterday afternoon so that he could conclude his remarks upon it. So I do not think that it is necessary to send for him, because it would take him out of the committee meeting, and I think he would prefer not to have that done.

The Senator from Wisconsin suggested that this would work a discrimination against the coastwise shipping. As I suggested last evening, the coastwise shipping has a monopoly now. I do not think there could be any greater discrimination than they have against all other shipping. In fact, I do not think it would be any discrimination against them at all, because, as I said, they have a monopoly already.

Furthermore, this applies to the ships engaged in foreign trade. Those ships are not usually suitable for the coastwise trade. Of course, those in the coastwise trade between points like New York and New Orleans, or New York and Galveston, would be suitable for the ocean trade, but as a general rule what we ordinarily term coastwise ships are not suitable for that trade, and those engaged in the ocean trade are not suitable for the coastwise trade.

The Senator suggested that this provision is unscientific. I do not know but that we are prone to use too much science in the getting at matters of this kind. It may be unscientific, but I think it would be effective. However, one thing is certain. These shipowners would not be exempt from the excess-profits taxes unless they put those excess-profits taxes into new ships. It is the purpose of the section to get new ships built. If new ships are not built, then their excess-profits would go into the Treasury of the United States.

That, Mr. President, is a little bit different from the subsidy proposition that we have had presented for many years. One of the great objections I have had to those bills was that they were not so framed as to insure the building of new ships, even though we paid a subsidy. The subsidy might go to ships

already built, and it would be in such case a pure gift to the operator of the ships. What I have always insisted upon in matters of this kind, in trying to aid American shipping, is to do something that would give us new ships. That is what we want.

The Senator from Wisconsin made what was to me a very strange suggestion, and that was that we should take this money and put it into a fund to build ships for persons who did not get large excess-profits taxes. In other words, he seemed to desire a sort of penalization on business capacity, on business success, and business energy. I can not look at it in that way.

With reference to the provision regarding depreciation, the purpose is to place our ships, in the matter of operating capital, as nearly as possible upon a par with foreign competitors. I do not think we ought to look so much at what might be done under the power given the commission, as at what a commission, constituted as this commission would be composed, is likely to do. It is composed of the Secretary of the Treasury, the Secretary of Commerce, and the chairman of the Shipping Board, men not only of high personal standing and ability but men occupying high and responsible positions. In my judgment their sole purpose would be to do exactly what the provision of law indicates that we want done, and that is not to give our people an undue advantage, not to write off all the capital cost of the ship, but to so allow depreciation each year as to put them upon a parity with their competitors.

That is all that is desired, that is all that is sought, and that is all that is indicated in these paragraphs of the section; and, in my judgment, is all that the commission would do. The testimony shows that while our Treasury Department allows 3 per cent depreciation per annum, the general rule in allowing depreciation on ships is 5, 6, 7, 8, or 10 per cent per annum. The Shipping Board has adopted a rule with reference to the sale of Government ships allowing 10 per cent depreciation one year, 9 per cent the next year, then 8 per cent, and 7 per cent, and so on. This is left to the discretion of the board, so that they can meet the practices of other countries. If we were to fix a definite amount, say 10 per cent or 9 per cent a year, then all the other countries would have to do to put their ships above our ships or give them an advantage over our ships would be to allow a depreciation of 12 or 15 per cent.

It was suggested on yesterday that we ought not to offer this inducement to build ships; that it would be a precedent for similar legislation in other lines of industry and work. I think the Senator from Idaho [Mr. NUGENT] rather suggested an idea like that. In the way I look at it, I can not see very much difference from what we do with reference to agriculture every year. We have already this year passed a bill calling for some thirty-odd million dollars for agriculture—to do what? To aid agriculture; to aid the different activities in agricultural lines. I am heartily in favor of action along that line, and the Senator from Idaho is no doubt in favor of action along that line.

But what is this? Shipping, so far as we are concerned, is a new industry in this country. It is just in the beginning of its development. We have a great many ships built, of course, now, but they were built by the Government and with the money of the Government. What we are seeking to do is to maintain that shipping in a prosperous condition and, if possible, under the American flag, and to put such conditions about it as will lead to its further development and its maintenance. Everyone wants that. The sole purpose of this provision is to aid in that, just as we desire to aid agricultural pursuits and the agricultural industry. In my judgment, the people of the country are just as heartily in favor of legislation of that kind at this time as they are with reference to the encouragement of agriculture. The people of the country do want an American merchant marine. They want it to be composed of the very best kind of ships. They are willing to have us do now whatever is necessary to accomplish that purpose. The committee looked at it in that way, and there was practically no division of sentiment as to our desire and our purpose to do whatever might be necessary to build up an American merchant marine.

I will say that the proposition did not strike me favorably at first. I did not like the idea of exempting any particular line from the payment of excess-profits taxes, but the more I studied the proposition, the more I considered the situation that confronts us, the more I was impressed with the great objects that we want to accomplish, and the more I became favorably inclined toward this as one of the ways, as one of the means, as one of the aids to bring about the great thing that we all desire.

For these reasons in general I am in favor of this section. I am not going to take further time, but have simply stated these general propositions.

Mr. NUGENT. Mr. President, I desire to move an amendment to the amendment proposed by the Senator from Wisconsin [Mr. LENROOT]. I move that all of section 25, the committee amendment, be stricken out.

Mr. JONES of Washington. I doubt if an amendment of that kind would be in order. Of course, if the amendment of the Senator from Wisconsin should be agreed to, then the Senator from Idaho could move to strike out the remainder of the section.

Mr. NUGENT. I apprehend a vote can be taken on my motion, and if my motion fails, a vote can then be taken on the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair is of the opinion that the motion of the Senator from Idaho is not in order.

Mr. NUGENT. Then I desire to discuss the proposition briefly.

Mr. KING. A parliamentary inquiry. Is the ruling of the Chair based on the theory that the proposed amendment is in the third degree removed?

The PRESIDING OFFICER. That is one reason.

Mr. KING. The reason I suggest, and to which the Chair assents, is, it seems to me, scarcely tenable. We are considering the section as an amendment to the original bill. I do not, therefore, understand that the amendment offered by the Senator from Idaho is in the third degree removed.

Mr. THOMAS. The entire section as reported from the committee is an amendment, and, consequently, it is an amendment in the third degree.

The PRESIDING OFFICER. The Chair thinks the Senator from Wisconsin has a right to perfect the amendment, and the amendment offered by the Senator from Idaho would not be in order on that account. The Chair thinks, also, that on the other ground stated the amendment would not be in order.

Mr. NUGENT. Mr. President, I am in entire harmony with the views expressed by the Senator from Wisconsin [Mr. LENROOT] on yesterday in support of his amendment. The first paragraph of section 25 of the committee amendment provides that the owner of a vessel documented under the laws of the United States and operated in foreign trade shall be exempt from the operation of the laws imposing excess-profits and war-profits taxes.

I am utterly unable to understand why that discrimination should be made in favor of the owners of the vessels engaged in foreign trade and against the owners of vessels engaged in coastwise trade. It appears to me that the services performed by the men who are engaged in the foreign trade and in the coastwise trade are of equal value so far as the well-being of the country is concerned. It appears to me also that this is a gross discrimination in favor of the man engaged in foreign trade, and that the committee amendment so providing should not be agreed to.

I am opposed to the first paragraph of section 25 for another reason. It exempts the owners of ships engaged in foreign trade from the payment of excess and war profits taxes provided they invest the amount that they would be obliged to pay under the laws imposing the taxes mentioned in the construction of new ships. It appears to me that there is no reason for that discrimination, which is solely in favor of the shipowners. No such exemption is provided by law for men in this country who are engaged in any other business or occupation or calling.

I know of no reason why the shipowners should be the beneficiaries of this legislation as against all other classes of our citizens. Under this provision the profits of the shipowners are capitalized. That is about all there is to it. In other words, in very large measure this paragraph of section 25 provides for that which the people of the country generally are bitterly denouncing—that is, the stock-dividend proposition—and every man knows that the people of the country are bitterly resentful against the payment of these stock dividends, which relieve the men who are the recipients of them from the operation of the income-tax law.

It is contended in support of this amendment that it is a matter of vital necessity that new ships be constructed. I am in accord with that view, but there is no reason that I am aware of, no valid reason, why all men who construct new ships should be shown discrimination and relieved from the payment of taxes that all other people in the country are obliged to pay. I am utterly opposed to the adoption of the first paragraph of section 25 of the committee amendment for the reasons stated.



## LEAGUE OF NATIONS.

Mr. McKELLAR. Mr. President, I desire to call the attention of the Senate and of the country to an article by Raymond B. Fosdick, published in the New York World of May 16, and reading as follows:

LEAGUE OF NATIONS BUSY UPON MATTERS VITAL TO WORLD PEACE PROGRESS—BACKED BY NEARLY EVERY STATE IN EUROPE, ASIA, AND AFRICA, ALL OF SOUTH AMERICA AND CANADA, IT HAS BEEN A GOING CONCERN FOUR MONTHS, ACTIVELY FUNCTIONING, ALTHOUGH IDEA SEEMS TO PREVAIL HERE THAT IT DOES NOT EXIST.

(By Raymond B. Fosdick, former undersecretary general of the League of Nations.)

Most people around the country seem to think that the League of Nations has not yet been born. These speak of it as a theory, an academic proposition, and seem to assume that until the United States adheres to the compact there is no league of nations. Color is given to this belief by the statement of such men as Senators JOHNSON and BORAH, who are stalking up and down the country arguing the advisability of "killing" the league.

Nothing could be further from the facts than this impression. The League of Nations has been born and is a going concern. It is no longer a fancy, a project, or a plan. At this moment it actually exists, is actively functioning and is supported by nearly every nation in the world.

It includes Asia and Africa as well as Europe—the Western Hemisphere as well as the Eastern Hemisphere. It has drawn to itself Canada to the north of us and all of South America on our southern boundary. Outside of Russia and the Central Empires of Europe, Roumania and Jugo-Slavia are the only important countries that have not yet come in, and their accession is now merely a matter of weeks. China's accession is included in the Austrian treaty, which will shortly be signed.

The League of Nations came officially into being on January 10, 1920. This date is vitally important, and it must always be borne in mind in any discussion of the league. Obviously it would not be reasonable to expect the league to begin to function immediately as a fully developed organization. A certain space of time must be allowed to secure personnel, make and approve plans and set the machinery in operation.

What, then, has the league done to date? It has now been in existence for four months. What has it to show in the way of positive results? Has it really done anything at all?

The following statement, based on the latest available information, is an attempt to answer these questions. It is prepared without flourish or adornment, in tabloid form, simply setting forth the facts as regards the present state of the league:

## 29 STATES ARE MEMBERS NOW; FOUR HAVE ASKED ADMISSION.

Membership as of March 20, 1920: The following 16 States are members as having signed and ratified the treaty of Versailles: Belgium, Bolivia, Brazil, British Empire—Canada, Australia, South Africa, New Zealand, India; Czechoslovakia, France, Guatemala, Italy, Japan, Liberia, Panama, Peru, Poland, Siam, Uruguay, Greece.

All of the 13 States, neutral in the war, which were invited to join the league, had done so, namely: Argentina, Chile, Colombia, Denmark, Netherlands, Norway, Venezuela, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland.

The following 10 States have signed, but not yet ratified the treaty of Versailles (Mar. 20): United States, Cuba, Ecuador, Haiti, Serbo-Croat-Slovene State, Hejaz, Honduras, Nicaragua, Portugal, Roumania.

I stop here long enough to say that in spite of all the statements of the opponents of the league for the past 15 or 18 months that the United States might be associated with Haiti and Hejaz, we find that three of the most prominent countries now outside of the league are the United States, Haiti, and Hejaz. I continue to read:

China abstained from signing the treaty of Versailles, but will join the league by ratifying the Austrian.

This is a remarkable statement in view of the fact that we have been asked not to ratify the league because it injured China. I continue to read—

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

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

Mr. McKELLAR. I will yield in a moment, as soon as I complete the reading of the article:

The following four States, not mentioned in the covenant, have asked to be admitted to the league: San Marino, Luxemburg, Iceland, and Georgia.

## FOUR COUNCIL MEETINGS.

The council: A small executive body of nine men representing the five great and four small powers and serving as a readily available conference ground of the nations has held four important meetings. In every instance so far the unanimity which is essential before any recommendation can be made to the powers has been attained. The meetings were:

January 16, at Paris: Organized the council and appointed the Saar Basin frontier commission.

February 11, at London: Accepted Switzerland's accession to the league, adopted the rules of procedure of the council, appointed the Saar Basin governing commission and the high commissioner for Danzig, accepted the obligation offered in the Polish treaty for the protection of minorities, approved plans for the organization of the permanent court of international justice, for freedom of communication and transit, and for the international health office, and summoned the international financial conference.

Mr. BORAH. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. McKELLAR. I shall be delighted to yield as soon as I have finished the reading of the article. I am nearly through.

March 13, at Paris: Approved plans for sending a league commission of inquiry into Russia and took the first steps for the prevention of typhus in Poland.

April 9, at Paris: Answered the request of the supreme council that the league take a mandate for Armenia with the statement that it would assume a general oversight, but did not have the necessary force to administer the territory directly.

## NEXT MEETING'S BUSINESS.

The next meeting is scheduled for Rome on May 17, to approve plans already drawn for the accession of new States; the convening of the assembly; the permanent secretariat; the budget of the league, including its apportionment among the members, its audit, and the monetary unit in which it shall be collected; the constitution of the permanent armaments commission; the appointment of an international statistics commission; the report on freedom of communications and transit; the repatriation of ex-enemy prisoners in Siberia; reports on Central European relief and typhus in Poland; the Washington labor conference; and the registration and publication of all new treaties between league members.

The assembly: A meeting of three representatives of all members of the league, competent to discuss any matter affecting world peace, and the final repository of moral authority in international relations will be held some time in 1920, the date to be announced within a short time. Already the agenda is being made ready.

The secretariat: A permanent trained international staff chosen for special knowledge rather than for nationality and entrusted with gathering information, preparing plans, and carrying out recommendations has been organizing during the past year and now has a staff of about 100 men. It is located temporarily in London pending the establishment of the league at its permanent seat, and it is divided into sections corresponding with its work, as follows:

Legal, mandates, international health, transit, international bureaus, political, administrative commission, economic, public information, and financial.

## LONG-SOUGHT HIGH COURTS.

The permanent court of international justice: In a sense the long striven for world supreme court for the peaceful settlement of international disputes was given its start, fittingly enough, as the first important business of the league, when at the council meeting of February 11 an organizing committee of 12 of the most famous jurists in the world was appointed, namely, Elihu Root, of the United States; Akidzuki, of Japan; Altamira, of Spain; Devilaqua, of Brazil; Descamps, of Belgium; Drago, of the Argentine; Fadda, of Italy; Fromageot, of France; Fram, of Norway; Loder, of Holland; Phillimore, of Great Britain; and Vesnitch, of Jugo-Slavia. Pending their convening, a special committee of experts has brought together all the pertinent data and prepared a general scheme, so that it is hoped the final plans may be ready within a few months to present to the assembly.

The International Labor Conference held its first session in Washington in October, 1919, and approved six draft conventions for the 8-hour day and the 48-hour week; the protection of women in industry by forbidding night work, and allowing mothers six weeks off with full aid both before and after childbirth; for the protection of children in industry by accepting 14 years as the minimum age of employment and forbidding night work for those under 18; and for the restriction of unemployment by dissemination of information and the establishment of unemployment offices and insurance. Besides this are six recommendations seeking to make industry less dangerous to health and employment less precarious. All these decisions are purely recommendations to the various nations, without any authority except their own moral justice and binding only when written into law by each nation's voluntary acceptance.

The international labor office is now pretty fully organized, with Albert Thomas, of France, as director general and a governing body of 24 representatives of Government, labor, and capital in the most important industrial States. It has held several meetings, begun assembly and publication of world labor data, and called another international conference to meet in Genoa in June on the subject of seamen's labor.

International health office, to bring together in common association the various national and semiofficial agencies seeking to improve health, prevent disease, and mitigate suffering throughout the world, is being organized now in London in conferences between representatives of the league, the Red Cross, the office internationale d'hygiene publique, and others.

Disarmament: The permanent commission called for in the covenant to draw up recommendations for the reduction of armaments, for the interchange of information on armaments, and for the removal of private profit in armament manufacture is to be constituted at the next council meeting. The small States especially are insistent on this subject.

## FREEDOM OF TRANSIT.

Freedom of communications and transit: A permanent commission has been set up to carry out the special duties prescribed in the peace treaties to assure freedom of transit, especially for the new States, on certain most vital rivers which have been internationalized—namely, the Rhine, Danube, Elbe, Niemen, and Oder—and on certain railroads connecting different States. A world conference is soon to be called in order to work out plans for the greatest possible sharing in the great highways of nature and for the prevention of embittering discriminations between States.

Minorities: The league has definitely accepted the responsibility offered it in the special treaty with Poland to assure protection to racial, religious, and linguistic minorities in that country, and will shortly accept similar responsibilities in treaties with Czechoslovakia, Roumania, and Jugo-Slavia. Already certain infractions of these treaties are being threatened, with the result that data is being collected in case action is needed.

## SAAR VALLEY AND DANZIG.

Mandates: With 13,000,000 natives of the former German colonies and possibly large blocks of the former Turkish Empire placed under the guaranty of the league, the special treaties defining the terms under which these territories are to be administered by more advanced nations have been drawn up and are ready for approval. Also the permanent mandates commission, which is to receive the annual reports of States accepting mandates, and see to it that the terms are carried out, is outlined ready for appointment.

The Saar Valley: A vitally important coal district with 650,000 people is now being administered directly by a governing commission appointed by the league. This commission was appointed by the council February 13, consisting of Rault, of France; Alfred von Boch, of

Sarrelouis; Maj. Lambert, of Belgium; Count de Moltke Hyttfeldt, of Denmark; and Waugh, of Canada. It assumed its duties February 26, with a proclamation to the people notifying them of their administration by the league, and will continue in office until the plebiscite 15 years hence decides the permanent fate of the district.

Danzig: A vitally important seaport, German in character, but essential to Poland as an outlet to the sea, has been created by the treaty of Versailles as a free city under the protection of the league. It is being administered by Sir Reginald Tower as high commissioner on behalf of the league. He has drawn up plans for a constituent assembly, called an election for this month, and laid plans for a permanent constitution.

The international financial conference called by the council meeting of February 11 will be held in Brussels in May. The invitations, together with a detailed questionnaire as to taxes, budgets, debts, export figures, and the like, went out some time ago to all Governments, and it is expected that information and recommendations of the most important character will result.

The commission of inquiry on Russia authorized at the February council meeting has been appointed, but there is some uncertainty as to its reception by the Soviet directors.

The official journal began publication in February with an issue containing the covenant, the minutes of the first council meeting, the documents of accession of five neutrals, a report on the international labor conference. A special edition is being arranged for treaty publication.

The budget of the league has been drawn up, providing \$600,000 for the organization period through March 30, 1920, and about \$2,500,000 for the first fiscal year, a negligible sum when divided among the nations of the world. Already over half the money called for has been paid in, so that the league has an excess of funds. Canada, for instance, has contributed \$64,000 as her share. At the present rate of expenditure the league can run for five years on what it would cost to build a single modern battleship.

Mr. President, I have read this splendid article, giving an exact account of just what the League of Nations has done up to date, for the information of the people of this country. It does seem to me that there has been so much misinformation given about the matter that the facts ought to be stated, and they are very clearly and succinctly stated in this article; and that is the reason why I read it.

While I am on my feet I may say further that the pertinent, strong fact shown here is that all the other great nations of the earth are taking part in this League of Nations, and they are taking part in world affairs, while the United States is sitting back and losing its place, its first place, among the nations of the earth. We are being relegated to the rear, while the other nations move forward in this time of great upheaval in the world. What we ought to have done was to ratify this treaty and take our place at the head of the table, instead of sitting back with Hejaz and Haiti.

Mr. BORAH. Mr. President, I am entirely familiar with the articles which have been written by the gentleman from whom the Senator from Tennessee has been reading. He has been busy in that work ever since he retired as assistant secretary of the league. But I get some comfort out of the supposed discomfiture of his article by reading this morning that the State of Georgia differs from Mr. Fosdick. Nothing Mr. Fosdick can say will disturb me while such news as that from Georgia is coming in. The Senator from Tennessee should have read this article yesterday before the convention in the State of Georgia met and repudiated the league. Perhaps it might have had some effect in that part of the country.

Mr. MCKELLAR. Mr. President, let the Senator not shout before he gets out of the woods. I will guarantee that Georgia next November will stand by the league, and the Senator knows it.

Mr. BORAH. It is perfectly safe to make a prophecy six months ahead; but I am discussing now a fact, a thing which is in existence this morning. It is probable that the State of Georgia will go Democratic, and in that way I presume the Senator will get comfort out of the fulfillment of his prophecy. But I venture to say the men who represent it will carry some definite and ample instructions. The South has been right on this matter from the beginning.

Mr. MCKELLAR. Yes, sir; because, after all, it is the votes that count at the election.

Mr. BORAH. Yes; but I venture to say now that the San Francisco convention will not indorse the position of Mr. Fosdick.

Mr. MCKELLAR. The Senator is talking about something in the future about which I can not say, but I believe it will. It is just a matter of opinion as to whether the Senator is a better judge of what the Democratic Party is going to declare for at San Francisco or whether I am. I do not claim to be a prophet; I do not know what it is going to declare for; but if I happen to be a member of that convention, I know exactly where I shall stand.

Mr. THOMAS. Mr. President—

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

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

Mr. THOMAS. During the discussion of this important subject it was not only contended but iterated and reiterated that

the United States was an indispensable member of the league; that they could not get along without the United States. From what the Senator has read from the facile pen of Mr. Fosdick, it would seem as though the league was functioning splendidly. Under the circumstances, I will ask the Senator whether it does not prove that the league can get along so well without us that there is no need of further considering our entry into it or our remaining out of it?

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

Mr. BORAH. I yield.

Mr. MCKELLAR. All I can say in reply to that is that I think the league is getting along well, just as Mr. Fosdick says. I think it will get along better with a great nation like the United States taking part in it; and I know the United States will get along better, will be more prosperous, will have a better and a more permanent place in the world, by taking her proper place, which is at the head of this league.

Mr. THOMAS. Mr. President—

Mr. BORAH. I yield.

Mr. THOMAS. I have no doubt that the Treasury of the United States offers a great temptation to the rest of the world, which has been so anxious to organize this league; and I have no doubt that if the United States did identify itself with the league, the financial accession to the scheme would be so tremendous in its character and proportions as to make us the most welcome of all the guests sitting around the international table.

Mr. BORAH. Mr. President, as a matter of fact, this theoretical league about which Mr. Fosdick is writing has not exercised any influence at all upon the European situation. It has been supplanted, and its powers practically nullified, by another organization which has taken place, known as the supreme council, and which is the only organization in Europe that is functioning effectively.

There is before me an editorial which states this matter in as effective a way, I think, as it can be stated, and states it so briefly that I will read a paragraph from it.

On the same day that the council of the League of Nations was formally inaugurated at Paris another governing authority, having its seat in the same city, namely, the supreme council, took effective steps to render null and void article 11 and article 17 of the covenant and inferentially articles 12 to 16 as well by announcing a material modification of the partial blockade which has been maintained against Soviet Russia.

Is Russia at war with anybody? If the answer is in the affirmative, as it must be, then, under article 11, the situation is a matter of concern to the whole league, calling for wise and effectual action to safeguard the peace of nations. Is Russia, which is not a member of the league, at war with Poland and Roumania, which are members? If the answer is in the affirmative, as again it must be, then, under articles 12 to 15, Russia should be summoned to the bar of the league for arbitral proceedings, and in the event of her refusal to accept such adjudication an automatic boycott should, under articles 16 and 17, be declared against her.

Instead of a boycott, automatic or other, or any intimation of one, we have the raising of the blockade.

By the council instead of the league.

Could anything be more contradictory or absurd? Evidently the council of the league is content to play second fiddle to the supreme council. The supplies which, owing to the policy devised, fertilized, and hatched out by Lloyd-George, will now go to Russia will strengthen its present rulers in their war against Poland and Roumania and enable them, if they are so minded, to undertake fresh aggressions elsewhere.

The whole proceedings show the powerlessness of the league to prevent threatened wars or to bring existing wars to an end. And this is the body, ideally conceived, which was to bring as if by magic peace to a war-worn world. This is the body to the Constitution of which the greatest and most independent Nation on earth was to give its adhesion without the dotting of an "i" or the crossing of a "t." A little more of such experience, and it will no longer be a question of accepting it, even with reservations. It will be a question of rejecting it in toto, of repudiating it, of refusing to have anything whatever to do with it.

It is better that enlightenment should come now than when it is too late.

Mr. MCKELLAR. From what does the Senator read?

Mr. BORAH. I think that is from the New York Sun, but I have not the date and I am not sure of the paper.

I did not take the floor, however, to give any considerable attention to the article of Mr. Fosdick. I would much rather hear a speech from the Senator from Tennessee. I call attention, however, to the fact that there are a great many internal conditions in Europe about which the people of the United States ought to be informed in connection with this very subject matter which the Senator from Tennessee has been discussing.

The great moving power behind the league from the beginning has been international finance; and, as the Senator from Colorado has just stated, if it were not for the great material resources and the Treasury of the United States, all interest upon the part of Europe in having the United States join the league would cease. The entire campaign now is conducted not for the purpose of having the United States join the league with a

view of preventing war, because no one any longer believes that this League of Nations, based upon military force and organized for the purpose of holding in subjection hundreds of millions of people, is going to prevent war. It is a thoroughly war-organized machine, and the reason why they are interested in having us join the league at this time is not the ideal reason once promulgated, that it would prevent war, but because the Treasury of the United States and the taxpayers of the United States are essential to the prosecution of war in Europe and to the maintenance of the imperialistic schemes of European nations. That is the power which is now behind the League of Nations, and it is the only power left that has any virility or any capacity to secure results, and that power will be the same if we enter the league, whether we have reservations or whether we do not. There is not a reservation adopted nor has a reservation ever been proposed that has the slightest effect upon the power of international finance to control the league in the interests of their scheme in case we should once enter the league.

I read a few days ago in the New York Sun the following:

PARIS, May 19.

That French efforts still are as persistent as ever in trying to obtain American cooperation in any scheme to improve foreign-exchange conditions is shown by the wide attention being given by French newspapers to a plan proposed by Henry French Hollis, formerly United States Senator from New Hampshire, and Mr. E. Vian, an engineer of Chicago, who is now engaged in port reconstruction in Havre.

Paul Hossier, a member of the Chamber of Deputies, devotes half of the front page of his journal, the Premier Nouvelle, to a discussion of the Hollis scheme, which is put forward with the contention that it will certainly effect the desired results. As usual, an American consortium is essential to its success, and leading American industries and financiers are expected to provide the working capital of \$4,000,000,000, or about 64,000,000,000 francs, according to the present rate of exchange.

Half, or perhaps three-fourths, of this capital is to be used to purchase raw materials and industrial and agricultural machinery, which is to be disposed of to French industrialists and farmers at an exchange rate of 8 francs to the dollar. The novelty of the scheme lies in the fact that the remaining capital is to be used for the purchase of francs in the open market for the benefit of the consortium, as Hollis believes that speculation on such a large scale would immediately throw the exchange rate down to 10 francs to a dollar.

WOULD NOT BUY OUGHT.

Again, the French would not be expected to buy the machinery outright, merely paying a tax for its use, this to be applied toward the amortization of the initial outlays by the American groups.

Mr. President, I call attention now to an article over the signature of Robert Dell, formerly a correspondent of the Manchester Guardian, upon the nature of the situation not only in France but, as could be shown, in Europe generally that we are expected to deal with by entering into closer relations with those nations through the League of Nations.

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

Mr. BORAH. I yield.

Mr. McKELLAR. The Senator speaks of the financial difficulties, especially with regard to exchange rates. Does not the Senator believe that if, by adjustment and arrangement, the rates of exchange could be bettered—if I may use that word—so that we could sell our goods to Europe more readily it would be advantageous to the people of America?

Mr. BORAH. Yes; but it is not necessary to sell the independence of the United States in order to get a lower exchange.

Mr. McKELLAR. No one believes that, I am sure. We do not want to sell the independence of the United States at all. No one is proposing to do it; it can not be done.

Mr. BORAH. Of course it can not be done; that is now quite evident.

Mr. McKELLAR. But that is no reason why we can not correct what is manifestly wrong now, and that is that the financial situation between the countries of Europe and this country is such that we can not sell our goods to European countries.

Mr. BORAH. Mr. President, I am thoroughly in favor of restoring the commercial and business relations between this country and every European nation. I am thoroughly in favor of invoking the ordinary economic rules and industrial conditions which produce beneficial effects. I am simply opposing what some require as a prerequisite to our doing that, that we surrender a portion of the independence and the sovereignty of this Government to the domination and control of a foreign tribunal.

Now I read. This is an article dealing with the financial and industrial conditions in France.

But it has been aggravated—

This condition has—

by the insane financial policy of every successive Government since the beginning of the war. On the one hand the national expenditure has risen steadily every year since August, 1914; on the other hand no effort has been made to increase the national revenue in the same or anything like the same proportion. The only method by which enor-

mous sums of money can possibly be raised is the method that has been adopted in England, in America, and in Italy—that of imposing a heavy income tax, especially on large incomes. To this the wealthy classes in France have obstinately refused to consent, and, as no Government is more completely under the control of the capitalist classes than that of France, no Government has dared to defy them. There is now an income tax, but its rate is absurdly low; it is neither properly enforced nor properly collected, and it yielded last year only about 250,000,000 francs, whereas the income tax in Great Britain yielded 2,359,000,000. In the same way the excess-profits tax, which yielded in Great Britain last year £290,000,000, produced a trivial sum in France, because people were allowed to evade it as they evade the income tax. It has to be said that had a French Government called on the rich to pay during the war they would immediately have demanded peace at any price. It was possible to continue the war only by humoring every class of the population. Even indirect taxation was not greatly increased during the war.

Mr. President, there are more wealthy men and more men of vast wealth in France to-day than at any time in its history. We have suffered from profiteering in this country. We are now asked to take part in underwriting and bracing a situation in foreign countries which is being brought about and made serious by virtue of the profiteering which is going on in those countries. This exploitation of the people, this extortion which is planting the seeds of revolution everywhere, has no greater hold anywhere than in France. Yet we are asked to tax our own people in order that those in France who have escaped their just proportion of the burden may continue to escape.

I have no doubt the American people are perfectly willing to perform any duty which devolves upon them as members of the human family to ameliorate suffering anywhere, but the time has come, Mr. President, when the American people should let two things be known, that they do not propose to underwrite a situation in Europe which is based upon a profiteering system such as characterizes a portion of that Continent; and, secondly, that before the American people undertake to feed and clothe Europe, Europe must settle down and go to work. The people of Europe have shown no disposition to work, to save, to produce, and to stop their eternal contentions. Scarcely a day but some one enters a plea for some people in Europe, and yet Europe is showing little willingness to help herself.

The consequence was that only a very small proportion of the expenditure during the war was raised by taxation and all the rest was borrowed. The taxation barely met the normal expenditure of the country, and all the cost of the war remains to be paid. Even the interest on the loans was not paid out of taxation, nor any considerable fraction of it. And the greater part of the money borrowed was borrowed at short term; by far the greater part of the addition to the national debt caused by the war is floating debt. M. Klotz introduced the desperate expedient of resorting to a reckless issue of forced paper currency to meet expenditure; it has been continued ever since and still continues. From August 1, 1914, to the end of 1918 the national expenditure was 147,000,000,000 francs, of which only 15.5 per cent was raised by taxation. Of the remainder, 37.6 per cent was raised by loans at long term (consolidated debt), and 46.9 per cent by loans at short term, paper money, etc. In 1919 20.6 per cent of the expenditure was raised by taxation, but the deficit only 11 per cent was added to the consolidated debt and 68.3 per cent to the floating debt. From the beginning of the war to the end of 1919 the proportion of the national expenditure raised by taxation was 16.6 per cent; 26.9 per cent is represented by consolidated debt, and 56.5 per cent by floating debt. During the same period England raised 35 per cent of her expenditure by taxation, and Italy—a far poorer country than France—30 per cent.

This year it is proposed to raise about 35 per cent of the expenditure by taxation; but, as was the case last year, nearly all the new taxation proposed is indirect. Indirect taxation in France is already carried to straining point. It is one of the causes of the appallingly high prices, which are making it difficult for persons with small incomes to live at all. According to a return published by the British food ministry, the increase of food prices in March over those of July, 1914, was 133 per cent in Great Britain, 190 per cent in Paris, and 201 per cent in other French towns. Twenty-five francs in Paris now go no further than 8 shillings in London in buying food. People that live at all well have to spend 25 francs a day per head on food alone. A family of four persons living very simply, never eating meat more than once a day, and generally exercising the most severe economy, must spend 250 francs a week on food. Salaries and wages have not risen in anything like the same proportion as prices; for instance, the wages of a railway porter in Paris district are 110 francs a week. One of the principal new taxes now proposed is a tax on the turnover of all wholesale and retail traders, except bakers, which is estimated to yield about 4,200 million francs. Like the "luxury tax," which it replaces, its yield will probably be disappointing; in any case it will seriously hamper trade and will fall on the wretched consumer in the form of still higher prices. Although the financial situation is desperate, and there is no longer any question of obtaining support for the continuance of the war, the Government still refuses to tap the only fruitful sources of revenue; it will do anything rather than tax the rentier—the owner of unearned income. And the rentier class, with the whole social order crumbling under its feet, still obstinately refuses to be taxed. Last January, when the present Government came into power, that typical organ of the grande bourgeoisie, the Temps, actually proposed the abolition of the income tax, small as it is. Avarice carried to such lengths becomes insanity.

It reminds one of the days of Louis XVI, when Turgot asked him to permit the levy of a tax upon incomes and upon the great estates, and he proposed that his minister of finance should do so; but the powerful influence behind the property interests of the country declined to be taxed, and the result was that the income tax was not laid on and the great estates

were not taxed, and the second result was that the King of France lost his head.

Mr. President, I am not one of those who stand in opposition to aiding the people of France or to aiding the people of Europe. I believe the American people are perfectly willing to share their loaf of bread with any person on earth who is hungry. I never want to see that disposition changed in the slightest. But it is utterly impossible for the American people to feed Europe under the system of finance and under the industrial system which Europe is now maintaining or under which she is operating. If we undertake to do it there will be only one result—instead of relieving Europe and instead of bringing about a condition of affairs such as we would like to see in Europe, the reflex action will visit us, and we will be in a condition no better than the European countries at the end of our effort. If those people want to commit suicide by keeping up their present system of taxation, of finance, of profiteering, of contention and strife, it is not within our power to prevent it. But if they will put their house in order, if they will settle down and go back to work, the American people as a people will help them.

There is another feature to this situation in France to which we may well give our attention. This article says, "But it is in military expenditure that the greatest reduction could and should be made. In the second year after the armistice France is spending on the army nearly three times as much as the whole national expenditure before the war." This is very interesting in view of Mr. Fosdick's article from which the Senator from Tennessee has been quoting. If the league is in existence and is operating all over Europe, it does not seem to have very much effect upon the question of armaments. It only proves, as I have often said, that this league means greater armaments than Europe ever saw before.

Further, the writer says, "This is the result of aggressive militarism and vainglorious imperialism, with the country on the verge of national bankruptcy, the general staff dreams of a French hegemony in Europe and Marshal Foch aspires to emulate Napoleon. Although the French colonial empire was larger before the war than France could conveniently manage and so badly administered that nearly all the colonies were run at a loss, it has now been increased. Syria is in revolt against French domination like Egypt against British, and if France wants to keep the country she will have to conquer it. It will be another Morocco." In other words, a part of our duty would be to help conquer Syria and to help conquer Egypt. Part of our duty would be to pay the expenses of this aggressive militarism and to hold those subject peoples in subjection.

In closing this article the writer says, "Nobody can help France so long as she has her present rulers and the present policy continues. A foreign loan would be poured into the bottomless pit of military expenditure or used to relieve the rich of the small amount of taxation they now pay." This article is fully supported by other facts gathered in other quarters, and the truth is that the rich are escaping taxation in France and expenditures for militarism is increasing every day. Can we be expected to enter into a copartnership with such a situation? These things would be none of our business as a Nation and we would not discuss them if it were not for the fact that it is seriously urged that we shall financially underwrite the situation and politically police the whole country of Europe.

Mr. KING. Mr. President—

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

Mr. BORAH. I yield.

Mr. KING. Does not the Senator distinguish between loans to Governments and loans for the purpose of establishing credits in Europe under which and with which raw materials may be purchased in this country?

Mr. BORAH. Exactly; but the final effect, in my judgment, is just the same. If they are not going to adopt a system of revenue in that country which will fairly tax those who are able to pay, which will place the burden upon those who should bear it, it is utterly impossible for us to carry our program to a successful conclusion. It is difficult enough for us to carry our own burdens in this country under the profiteering system which we have. We certainly can not take on another system from other countries.

Mr. KING. I agree with what the Senator says, and particularly his criticism of the fiscal system which has been employed and is now being employed in France. But I had particularly in mind when I addressed my question to the Senator the situation in Serbia, in Czechoslovakia, in the Jugo-Slavic territory, and, indeed, in Poland. Those countries are very much in need of products of which we have a surplus, and they will be very glad to purchase them. I do not pretend to state

the character of it now, but it is quite likely that they can purchase, if some governmental assistance were rendered, large quantities of our surplus products, to the advantage of those in this country who have those products and, of course, to the ultimate advantage and the immediate advantage of the people of those countries.

Mr. BORAH. We have a surplus in this country of natural or material wealth, but just now it is not "get-at-able," even in our own country, owing to our transportation system and other conditions.

Mr. McKELLAR. Mr. President—

Mr. BORAH. I will yield in a few moments. At the expense of repeating, I am not opposed to any humanitarian system which will take care of the situation, provided Europe puts herself in a position where we can help her successfully.

Mr. Davison, of Morgan & Co., advises the Congress of the United States to at once appropriate \$500,000,000 to feed the people of Europe. An easy suggestion. But it is not so simple when it comes to performance. In the first place, I do not know where we get the authority to appropriate \$500,000,000 and tax the people of the United States to raise money to use for that purpose.

If we can, through taxation, transfer money or property from a citizen of the United States to a citizen of some other country because that citizen is in need, then have we not the power to transfer, through taxation, the property of Morgan & Co. or other men of vast wealth to the hungry and unclothed of our own country? May we not lay on a tax which will take all incomes over a hundred thousand dollars and utilize it to feed and clothe the unfortunate, the hungry, and the naked? In this coming winter I fear that the poor will go hungry and ill clothed. Shall those who are so fortunate as to possess great wealth urge the Congress of the United States to appropriate \$500,000,000 to feed those people and raise it by a system of taxation which would in effect be a mere transfer of one man's property to another? Many people reading Mr. Davison's suggestion to Congress may exclaim, "A Daniel come to judgment." There are other advocates of that system in this country besides Mr. Davison, although I believe Mr. Davison and those people have not been supposed to be in close touch.

What will \$500,000,000 do in the way of regenerating and rehabilitating Europe if Europe continues to refuse to go to work and continues to operate under its present financial and economic system? It will have no more effect than the \$100,000,000 which we appropriated a few months ago. It perhaps at the time saved a few people from immediate want, but it was purely transitory in its effect. It passed over in a few days. Europe, it is claimed, is in a worse condition than ever, although we were assured that \$100,000,000 would start them on the way to permanent recovery. If we appropriate \$500,000,000 or a billion dollars and take it to Europe under present conditions, in six months from now under the same policy the condition in Europe will be precisely what it is now or worse. Certainly we will be in worse condition.

What I am insisting upon is not that we shall not do our part, for we have always done it, we have never turned a deaf ear to those in want, we have never refused the call of humanity, and we never will do so. But it is worse than idle to talk about the taxpayers of the United States or the people of the United States feeding for all time to come those in Europe who refuse to produce or settle down and go to work. It is a task which would ruin us and would not save them. No one can save Europe except Europe; others can help if they help themselves, not otherwise.

I yield to the Senator from Tennessee.

Mr. McKELLAR. I agree entirely with what the Senator from Idaho says on this subject. I think it would be entirely idle. I agree with him about the taxing systems in European countries, or many of them. They are on the wrong basis. But how can we help them if we pursue a policy of isolation such as the Senator has said, in this body, that he has stood for?

Mr. BORAH. The Senator from Idaho has never stood for a policy of isolation, nor has any other man of real sanity in the United States. That is one thing which the advocates of the league seem to fear more than all others, that the United States will shirk some part of the responsibility and renounce the leadership which they say fate and circumstance have imposed upon her—retire, as suggested by the Senator from Tennessee, into her so-called isolation. Perhaps no word of mine can carry consolation to the Senator from Tennessee or any of the advocates of the league; but, after all, how groundless the fear, how utterly it misreads American history, and how utterly it misconstrues national aspirations.

Isolation? Selfishness? Seclusion is one thing, a thing which the American people as a people have never known, a

thing which Washington nor any other statesman ever taught. But the uncontracted volition, the untrammelled and unpawned freedom of the people to determine for themselves in every crisis and in the face of every confronting situation what it is their duty to do and what is in the interest of humanity and civilization to do, is another thing, a thing which, I venture to say, regardless of what the Senate may do, the American people will never surrender.

Mr. KNOX. Mr. President—

Mr. BORAH. I yield to the Senator from Pennsylvania.

Mr. KNOX. May I ask the Senator whether the suggestion of isolation is not pretty effectively disposed of when we look over the roster of 5,000,000 men and the accounts of \$30,000,000,000 for the peace of the world?

Mr. BORAH. Indeed it is. But I wish to pursue a little further the idea that because we are opposed to surrendering the control of our affairs to a European tribunal, therefore we either have pursued or will pursue a policy of isolation. It is not isolation. It is simply retaining the power upon the part of this Republic to judge for itself in every emergency, as the facts are presented and as they arise, what it shall do.

Selfishness? When have we been selfish? When have we refused the call of humanity? When have we turned a deaf ear to those who are pleading for their independence, except at Versailles? What other nation ever gave of its treasure and its blood to purchase the freedom of oppressed and helpless people and then gave them the freedom thus purchased with our sacrifices, as in the case of Cuba? For nearly 150 years this Republic has exerted a world-wide influence for peace, for liberty, for justice, and for humanity, and it will continue to exert that influence, and if need be it will measure up to the sacrifice and the obligation when the hour comes.

Mr. BRANDEGEE. Mr. President—

Mr. BORAH. I yield.

Mr. BRANDEGEE. Will the Senator explain how we would be in any better position than we are at present to relieve the distress of Europe by contributions of money and credits if we had a delegate sitting in the council of the league?

Mr. BORAH. Of course we could not do anything more than we would do now, because I presume that even the most earnest advocate of the league, even the Senator from Tennessee and Mr. Fosdick, would not be in favor of giving the council power to appropriate money.

Mr. BRANDEGEE. For us?

Mr. BORAH. For us. So he would have to come back here. In that particular there would be no difference in the situation. But those who advocate that we must either surrender some of the vital powers of government or that we must be charged, and successfully charged, with selfishness, with narrowness, with isolation, with being a hermit Nation, overlook the entire history of the United States and overlook the fact that there is no safer tribunal to pass upon humanitarian movements or upon propositions which involve aid to the human race than the men and women in whose keeping has been intrusted this Republic.

No appeal has ever been made to them in vain, and, in my judgment, no appeal ever will be made to them in vain, and while they are doing their duty as a member of the family of nations, in my humble judgment, they will retain unto themselves, uncontrolled and unhampered, the power to decide it for themselves. Europe need have no fear, if Europe will put her house in order and do those things which Europe can do—settle down and go to work instead of continuing war over boundary lines and conditions which do not concern us at all—that undoubtedly the people of the United States will lend every assistance possible.

But, Mr. President, looking at the situation in Europe for a moment now, let me read a statement from a former distinguished Democrat. He may be a Democrat still, although he is no longer in the Cabinet. Speaking of trade relations, what possible reason is there why we should not resume trade relations with Russia? The thing from which the world is dying is economic evils, and we have no remedy for economic evils except political remedies. You can not always cure economic conditions or evils by the applying of merely political remedies, and it is an economic condition of affairs in Europe with which we have to deal, and to it we must apply like remedies.

The treatment which Russia has received at the hands of the Allies for the last two years has been contrary to all sound principles, so far as trade relations or economic conditions are concerned. I am not speaking now about the political situation in Russia. In the first place, we established a blockade and now we propose to refuse to establish trade relations with Russia in any form whatever. What is the result? I read a paragraph from Mr. Redfield:

Not only is the Russian problem around our necks—it is on our feet also. Russia is one of the world's great sources of supply of calf skins. The want of this supply is reflected in the price of leather and of shoes. We have been and still are running the great leather and shoe industries with a large part of their raw material cut off because we can not get it from Russia.

Thus seated, let us say, at our domestic board with our families around us and with the Russian problem adversely affecting our heads and our feet—literally touching us from head to foot—think you we have finished with the matter? Not so—there is more to follow. The price of the bread upon our tables, the cost of our food, is affected directly by the absence of the Russian food supply from the markets of the world.

Here is one great source of raw material in the world, a great source of supply for food and those things which are so essential now to bring living within the reach of every citizen, and it is cut off, it is isolated. We have refused to trade with them. Why? Because we do not like the political situation in Russia, because the political conditions there are offensive to the American people, or I presume to most of them. But if we are going to continue to apply political remedies to industrial and economic conditions in Europe, we may expect to see a continuance of economic conditions which now prevail in Europe. So far as I am concerned, I think it is no less than a blunder which, as Napoleon said, may amount to a crime for us to refuse to restore trade relations with Russia. Europe is suffering from conditions brought about by unwise policies, by policies based not upon sound finance or business rules, but policies born of political ambition, of fear, of imperialism, of hatred, and of vengeance.

Mr. THOMAS. Mr. President—

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

Mr. THOMAS. Would the Senator resume trade relations with Russia if to do so involved the necessity of the recognition of the Lenin government?

Mr. BORAH. I do not believe that is inevitably involved; I do not believe that is a necessity.

Mr. THOMAS. It was announced three or four days ago that Lenin had imposed that as a condition.

Mr. BORAH. I know that that has been announced, and the opposite has been announced also.

I have no desire to take any step which will establish or aid the things for which Mr. Lenin and Mr. Trotski stand, not even in Russia, and certainly not in this country, or anywhere else. Nevertheless, Mr. President, I recognize it to be the right of the Russian people, if they see fit to do so, to establish a soviet form of government; and I am perfectly satisfied that the manner in which we have been dealing with Russia has been a substantial aid to Lenin and Trotski. One of the purposes we had in appropriating \$100,000,000 was to feed Bolshevism out of Europe. It was said that if we could feed those who were hungry, if we could clothe those who were naked, if we could dispose of the discontent in Europe by satisfying the hunger, that of itself would end Bolshevism. If that be true, then, certainly the best way to get rid of Bolshevism in Russia is to establish trade relations which will enable those people to take care of themselves, to build up a stable and sane democracy, and to dispose of the conditions which at this time prevail. On the other hand, if we can not end Bolshevism in that way, or if we can not end the soviet theory of government in that way, then it must be that the people of Russia are determined to have that kind of a government. If the people of Russia are determined to have that kind of a government, so far as I am concerned, whatever the responsibility of the declaration may be politically, I am willing for the people of Russia to have it.

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

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

Mr. BORAH. I yield.

Mr. KING. Does not the Senator know that, notwithstanding the lifting of the blockade and the efforts made by many European countries to develop trade with Russia, it has been absolutely unavailing, first, because Russia had no products to dispose of; and, second, because Lenin and Trotski have insisted that before any trade should be carried on it should be under the direction of the soviet government, and that the soviet government should have the right in those countries with which it traded to carry on the propaganda for the disorganization and destruction of their governments?

Mr. BORAH. My information with regard to Russia leads me to believe that our trade relationship with Russia is not hurting Lenin and Trotski at all; and neither is the suffering, which now is almost universal in Russia, a condition which affects those who are particularly known as the Bolsheviks or those in control of the Government. The people who are suffering and dying in Russia are the common people, the masses, men, women, and children, who are not responsible in any way

for the condition which has been imposed upon them by their leaders, if I am correctly informed. But what are we going to do? Are we going to refuse to establish trade relations with Russia until the soviet form of government fails or until Lenin and Trotski utterly fail? I see little indication of their failing. They have the largest and most effective army to-day, outside possibly of one nation, on the face of the earth. They could not sustain it at all if the people were not in sympathy with the things for which they are standing; and the argument which they are using upon the masses of the people to make them support them is the relationship which the other nations bear toward Russia. They are convinced that the other nations propose to bring Russia to a condition where the old Czar régime will be restored. That is almost a universal belief among the Russian people, that England and France and now the United States—although that formerly was not true; at least, they did not think it was true—that these countries propose, through one method or another, to restore the old régime in Russia. The Russian people, if I am correctly informed, do not propose to have that. They are willing to suffer anything before they will suffer that. I do not blame them, for as cruel and inhuman and indefensible as the Lenin and Trotski government is, compared with the suffering, the barbarity, the cruelty, and the indescribable wrongs of the last 150 to 200 years of the reign of the Czars, I do not blame the Russian people for at least wanting to try some other kind of a barbarous government. The Russian people are oppressed by their present rulers, no doubt, but they seem unwilling to take one step back to the old system, and I can well understand why they feel that way.

So I say, Mr. President, knowing full well that it will be said that I am in favor of the soviet form of government, that I am in favor of restoring trade relations with Russia. I am in favor of it upon humanitarian grounds and also upon business principles. I do not believe it would require recognition of the soviet government. But I repeat that the people of Russia have a right to establish their own form of government, and if they are going to have that form of government we have got to trade with them at some time.

Now, Mr. President, I know that the establishment of trade relations alone will not redeem Russia. I know there is vastly more to be done. I know her limited supply of gold and her condition generally will make it impossible for her to get more than a limited benefit from the establishment of trade relations. But it is the first step. It is the step of justice. It is the step of common sense and Christian decency, and therefore I am in favor of taking it. And let me say further and a little more explicitly, that if I had to advise the Russian people I would certainly advise them against their present rulers and against the kind of government for which their present rulers stand. In any event, we do not want it in this country, and I have no fear of our having it. Nevertheless I insist that we can not deny Russia the right to establish her own system of government. Mr. Pitt, prime minister of England, said he would not trade with France or recognize the French Government because it was an "armed system" which, if once recognized, would uproot and destroy all stable governments and all orderly and regulated liberty. Mr. Fox replied to him in a speech which has never been excelled in the English tongue. But Mr. Fox was not so conclusive against Mr. Pitt as the logic of events. The French people in their own way, through turmoil and strife, through bloodshed and suffering, and along the path of revolution and by the guillotine, established their system of government. It was worked out into a reasonable, sane, and stable republic. I have no doubt that the future form of government in Russia, which we all hope will be more stable, more sane, will nevertheless be worked out along the path of sovietism. What it will cost in suffering Heaven alone knows. But we do not help the situation by our present course.

To conclude, I repeat that I would establish trade relations with Russia. If this involves a recognition of the soviet government, to that extent I would recognize it. I would do it upon the theory and the hope that that would be one way by which to uproot and destroy Bolshevism in Russia, and, secondly, that the Russian people have a right to establish their own form of government, whatever it may be. I understand, of course, perfectly the criticism which I invite by this statement. But I believe it is the wise course and I believe time will prove it to be the just and humane course.

#### PROFITEERING AND THE HIGH COST OF LIVING.

Mr. KENYON. Mr. President, I should not take the time of the Senate away from the shipping bill if there seemed to be any immediate prospect of its passage. I understand that the steering committee has decided that the shipping bill, the Army appropriation bill, and the bill for a woman's bureau in

the Department of Labor, and possibly one or two other bills, shall be passed, but that they deny any place in the legislative program to the bill for the regulation of the great packer monopoly, the only bill pending here that really affects the cost of living to the people of this country. That being the situation, and there being the remainder of the session for the consideration of the appropriation bills and the bill of the Senator from Washington, there seems to be no hurry in our deliberation; and I shall proceed very leisurely to discuss a subject which, I think, is of tremendous importance to the American people, and which was discussed yesterday by the distinguished Senator from Massachusetts [Mr. WALSH].

I wish, however, to say in passing that I do not subscribe to the program of the steering committee. I do not recognize the right of any small assembly of men on either side of the Chamber, after bills have been reported from committees to the Senate, following full discussion and consideration, to say that such bills shall not be considered by the Senate except as they may say; and I serve notice now in my humble way that I shall strive, as other Senators who are interested in the bill to which I refer shall, to bring it up at every opportune moment from now until the close of the session. We are not asking anyone to vote for the bill, we are merely asking that it have its day in court.

Mr. LODGE. Mr. President—

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

Mr. KENYON. I yield.

Mr. LODGE. I hope the Senator does not mean to misrepresent anything.

Mr. KENYON. I do not.

Mr. LODGE. No place was denied to any bill; no committee of which I have any knowledge has any right to deny anything of the kind; but it was the opinion of the steering committee, which was appointed in the usual way, that it was the duty of the Senate now, as a recess is certainly approaching and also the 1st of July, first to dispose of the great appropriation bills. Of course, if the Senate is going to vote with the Senator from Iowa to lay them aside, we will all accept that decision; but it was the feeling of the steering committee that the great appropriation bills ought to be disposed of and that the shipping bill now pending, which has been before the Senate for some days, should also be disposed of. The committee has no power to deal with anything except the order of the business; and that is what they recommend. All they can do is to make recommendations to the Senate. They deny no place to any bill. It is for the Senate to take up any measure it sees fit; and if the Senator wants to ask the Senate to take up his bill, he can ask that that be done, and we will have a vote.

Mr. KENYON. Mr. President, it is not my bill. It is a joint bill reported by the Senator from North Dakota [Mr. GRONNA].

Mr. LODGE. The bill of the public, or whatever the Senator chooses to call it.

Mr. KENYON. I understand perfectly well that the steering committee can not deny a place to bills, but I understand full well just how the matter is brought about and nobody is deceived by it at all.

Mr. JOHNSON of California. Mr. President—

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

Mr. KENYON. I do.

Mr. JOHNSON of California. I have been very much interested in what the Senator has said, and therefore I wish to direct an inquiry to him. There is a bill of some moment that has been pending for a long period of time and was pending during the last session. It is of moment, of course, only to employees of the Government who are in minor positions of employment, and perhaps for that reason there has not been the consideration given to the bill that might be given if they were not minor employees. I refer to the minimum wage bill. Do I understand from the Senator that that bill has been pocketed by the steering committee?

Mr. KENYON. Mr. President, I have talked to some members of the steering committee about that bill. We reported it from the Committee on Education and Labor. I doubted if it would ever see daylight in the Senate. It is the bill of the Senator from California and of Representative NOLAN. It deals with a humane question, namely, the question of a living wage for Government employees. That bill, like the packer bill, the Senator must understand, is not denied a position, but it is never reached by the steering committee. They do not deny a bill a place, but they never reach it. I hope the Senator will endeavor to bring that bill up; and if he does, he will have my support.

Mr. JOHNSON of California. If the Senator will yield for a moment, I simply give notice that I will endeavor to bring the bill up. I realize, as the Senator does, that the endeavor may be in vain, just as he says the effort may be in vain in respect to the particular bill in which he is interested and in which all the country is interested as well; but I will make the motion, and I will ascertain exactly whether or not a bill of the character to which I have referred can come up before the Senate or whether it is to be relegated to the obscurity to which it has been condemned by the steering committee.

Mr. LODGE. Mr. President, if the Senator from Iowa will allow me a moment, there has been no pocketing of any bills by the steering committee. The minimum-wage bill was not suggested by anyone, so far as I have heard; it was never mentioned in the committee.

Mr. KENYON. I will say to the Senator that I have talked to members of the committee about it, and I have been led to believe it would have a place on the legislative program.

Mr. LODGE. I shall be very glad to see it have a place.

Mr. JOHNSON of California. I will try to give the Senator the opportunity.

Mr. KENYON. We shall endeavor to see that it has a place.

Mr. LODGE. I was simply trying to say as a member of the committee—I am not its chairman—that we attempted to pocket no bill. We tried to arrange the necessary business of the Government so as to get the great supply bills out of the way, and then it is for the Senate to say what they will take up next.

Mr. KENYON. Let me say then—

Mr. LODGE. If the Senators do not want to do that, if they do not want to pass the supply bills before the 1st of July, all power is in their hands.

Mr. KENYON. The shipping bill was reported to the Senate from the committee on the 4th day of May, I think, and is now before the Senate. The bill in regard to the packers was reported on the 4th day of February, and never has had a chance to see daylight in the Senate. The minimum-wage bill, in which the Senator from California is interested, was reported to the Senate at least a month, if not two months, ago.

Mr. THOMAS. Mr. President—

Mr. JOHNSON of California. If the Senator—

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. KENYON. I yield first to the Senator from Colorado.

Mr. THOMAS. I merely wish to say that when the Democrats were in charge of congressional legislation they stayed here until September and October of every year and disposed of practically everything on the calendar. Speaking only for myself, I am willing to continue to do so.

Mr. KENYON. I now yield to the Senator from California.

Mr. JOHNSON of California. I merely wish to remark in response to what has been said by the Senator from Massachusetts, that if there is no disagreement in respect to the consideration of the legislation suggested there is then a very easy and a very ready mode by which the legislation may be brought before the Senate, and, accepting what the Senator from Massachusetts says, of course, we will all unite in bringing the particular bill in which I am interested before the Senate at a very early date.

Mr. LODGE. Mr. President—

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

Mr. LODGE. My opinion is that it is the duty of the Congress to dispose of the supply bills necessary to carry on the Government before the 1st of July. I shall vote to take those up in preference to everything else in order to get the business of the Government done—the necessary business to carry it on. The shipping bill, which has occupied the attention of one of our committees for a whole year, which is a House bill, and a bill of very great importance, I think ought to be disposed of now. After that it is open to any Senator to suggest any bill that is before the Senate, and let the Senate decide what they want to do. In fact, they can set aside the supply bills if they want to.

Mr. SHERMAN. Mr. President, if the Senator will refresh his memory, this measure has been before the Senate for three or four years in some form or other.

Mr. KENYON. Not that I know of. I think not.

Mr. SHERMAN. I can turn to the RECORD. It was not then embodied on paper; but the general principle, the disembodied spirit of it, was floating about this Chamber quite frequently.

Mr. KENYON. Oh, it has been here in speeches made by the Senator from Illinois and by myself and by others.

Mr. SHERMAN. Oh, certainly.

Mr. KENYON. It has been in Congress for 20 years.

Mr. SHERMAN. Both the Senator and myself knew precisely what we were alluding to, too. There was no misunderstanding, I am quite sure.

Mr. KENYON. Possibly not.

Mr. SHERMAN. No; and so there is now no particular discrimination that I can see by the steering committee against this bill. I have had measures here eight years, off and on, that I was desirous of reaching, but I have not got to them yet. A person must be possessed not only of patience but of a very sublimated quality of it; and I will say to the Senator that if he expects to get this bill up and pass it without discussion at some length, he will exceed my most sanguine expectations, if I retain my health.

Mr. KENYON. I knew when the Senator returned a few days ago that it would be impossible to pass the bill without extended discussion, and we welcome extended discussion by the Senator. The only thing we are asking is to have it come up. The Senator does not object to that, does he?

Mr. SHERMAN. Well, I do not know. I will see about that when I get to it.

Mr. KENYON. I wanted to hear the Senator discuss it.

Mr. SHERMAN. The Senator will probably be gratified if it comes up.

Mr. KENYON. I have no doubt we will.

Mr. President, perhaps now we have cleared the atmosphere a little on that subject. The opportunity will be presented to the Senator, I will say, to vote on taking it up many times between now and the Chicago convention. But I rose more particularly to make a few observations with relation to the speech of the Senator from Massachusetts [Mr. WALSH] on yesterday.

I am very much in accord with his suggestions, except that I think possibly the Senator from Massachusetts placed too much blame upon the Republicans instead of placing the blame where it might more properly be placed, upon the Democratic administration; but it was a courageous address, and will challenge the attention of the country to present conditions. I express my appreciation, as a humble American citizen, to the Senator from Massachusetts for striking out boldly as he has on these questions.

Mr. President, the Senator has touched the question above all others in which the American people are vitally interested at this time, and that is the high cost of living. They have the somewhat mistaken idea that Congress can do everything to help in righting it, and Congress is blamed because it does not act. The people do not seem to realize that there are certain fundamentals entering into the high cost of living which can be remedied only by the people themselves. The situation can be helped by the people wearing their old clothes and their old shoes, as many are doing; and no one need be ashamed of patches on clothes or shoes. They are badges of honor, and it is a time of essential sacrifice and already the failure of the people to buy is having some effect on prices. Prices are being reduced all over the country. A few weeks ago Wanamaker & Co., the leading merchants of the Nation, cut prices 20 per cent. That has been reflected throughout the country. I do not think the prices were cut so much because of any great moral purpose as because the people were stopping buying, and they could not carry on their business so successfully. But the need of more production is at the base of our trouble, and there is no apparent prospect of more production.

There will be less farm acreage this year than for many a year. Farmers can not secure labor, and the people may as well understand that farm products will continue to be very high. Some day, when those in the cities realize that they are entirely dependent upon what the soil produces, there may be a movement back to the farm; but the whole trend now is toward the cities. There are many organizations of city folks who never did a day's work on a farm in their lives, and whose organizations consist almost entirely of letterheads, advising the farmers how to farm. If many of these organizations would dissolve and go to work on the farm, it might help the situation. There can be no real solution of this problem of production unless the question of farm labor is solved, and there seems to be no solution of it. The most important question for every American person is not the League of Nations, but the question of three meals a day, or possibly two. If present conditions continue, we are facing a world famine in a few years, and we may as well realize it. Hungry stomachs will begin to drive people back to the farms, and that day is not far distant.

I do not want to spend much time, however, in a discussion of that proposition. It is so absolutely plain that all except those who will not see can understand it. Of course there are many other fundamentals in this question of the high cost of

living—the expansion of our credits, the extravagance of our people—and those things possibly may not find a remedy; but there is one phase of the high cost of living that can be remedied that was discussed by the Senator from Massachusetts [Mr. WALSH], and that is profiteering.

I know that people differ and economists differ as to the amount of the increase of the cost of living by profiteering. I read the views of one eminent economist the other day who stated that it was not over 5 per cent. Others have stated that it was 50 per cent; but certain it is that profiteering has entered into the high cost of living.

Mr. GRONNA. Mr. President—

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

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

Mr. GRONNA. I regret to say that I have been absent this morning because of a meeting held by the Grain Corporation. I want to emphasize what the Senator has just stated with reference to labor. There was present at this meeting a Mr. McDowell, from North Dakota. He stated that 75 per cent of the school children had been taken out of the schools—that is, 75 per cent of the boys, and some of the girls—in order to get the work done. In North Dakota we have a compulsory educational law, and parents who wish to keep their children out of school have to furnish affidavits to the principal of the school, so that it is an easy matter to keep account of it. The situation, so far as labor is concerned, is extremely serious; and, if the Senator will permit me, Mr. McDowell made another statement. He said that the cost of putting in 1 acre of wheat was \$13, just for the seed and the labor, up to the present time. I simply want to say that to emphasize what the Senator has so well said.

Mr. KENYON. I am much obliged to the Senator; and that illustrates the theory, at least, of this agricultural proposition which the people of this country do not seem to realize.

As to the movement of city people going back to work on the farm, I do not know how successful that may be. Most city people know nothing about farm life. The majority of them would be an incubus rather than a help, and I doubt if that furnishes much of a solution. It will only come about when the time of hungry stomachs arrives, and people will be forced to go back and raise the necessary things.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. KENYON. I do.

Mr. McCUMBER. Let me ask the Senator if he does not really think that it will come when you can make as much money in farming as you can make in the regular lines of city business, and that people will go where they can get the greatest remuneration for a given amount of expended energy? If they can make as much upon the farm as they can in the cities, and have the same opportunities, they will naturally go to the farm; and the very fact that all of our efforts are to increase wages all along the line in our cities, and allow greater earnings to such an extent that the farmer can not compete with them, is the real cause of driving the people to the cities from the farm.

Mr. KENYON. Yes; that is true as a theory, of course, but, notwithstanding that, suppose the day comes of a shortage of food—and, according to the Secretary of Agriculture, if he is correctly quoted, that shortage is near at hand. I saw a statement the other day that our production from the farms this year would be not over 72 per cent of what it had been before. Now, if it comes to the hunger point they are not going to wait for equal conditions on the farm. They will go where they can get something to eat. Of course, these ideas of making farm life more attractive are splendid—having community centers and taking the moving pictures and the lectures to the country. That is fine and that must come in the natural order of things, but I am afraid we shall have serious trouble before those problems can be worked out.

Mr. McCUMBER. I think the Senator will have to agree with me that it would be impossible for a person, because he was hungry in the city, to go out and buy a farm and take the time necessary to raise a crop on it before he had anything to eat.

Mr. KENYON. He could not buy the farm, but he would be willing to go there and work, would he not?

Mr. McCUMBER. So I do not think that rule would apply very well. We might possibly get some people there to work for a less amount of money, and that is the only way in which the Senator's argument would be applicable. The whole trouble to-day, and the trouble that has existed right along, it seems

to me, has been that the remuneration in the cities is so much greater than upon the farm that it is driving all of our young men and young women from the farm to the cities.

Mr. KENYON. Yes; there is no doubt about it. When a boy getting \$40 a month and his board on the farm can go to the city and get seven or eight dollars a day, and only work eight hours a day, you can not keep the boy on the farm.

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

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

Mr. KENYON. I do.

Mr. SHERMAN. The cause is basically deeper than equal compensation. If the compensation on the farm were precisely what it is in the cities a large portion of the population is of such a morbid instinct or habit of life that you could not take a dweller in the city out on the farm and make him stay. There are not enough cigar stores, not enough grafonolas, not enough confectionery establishments and ballet dancers to suit their habits of life and modes of thought.

Mr. KENYON. And pool halls.

Mr. SHERMAN. And pool rooms, I am sorry to say, which are worse than any of the others, not even excepting the last I named; and until that is changed and until their natures are bred differently we will not get them to leave the city and go on the farm. I have seen it tried.

I unwittingly insulted a friend of mine who was temporarily in search of remunerative compensation, to use the language of my friend from North Dakota, by suggesting that if he were out of work and money and wanted three meals a day I knew where I could get him a very remunerative place on a farm, and he flushed in the face and said he was no "rube." When I find a man of that sort, Mr. President, who has some conscientious scruples about being called a "rube" I would rather see him hungry a while; it would do him good.

Mr. KENYON. He will be willing to become a "rube" when he is hungry.

Mr. SHERMAN. Yes; rather than to be hungry.

Mr. KENYON. That is the trouble in the country; we have not enough "rubes," as the Senator speaks of them.

Mr. SHERMAN. Yes; we need a good many more of them. The basic difficulty with the dweller in the city begins there. Of course, compensation, as the Senator said, has something to do with it, but the other is a much deeper cause of the evil.

Mr. KENYON. Mr. President, I was diverted a little from my remarks, and am glad I was. I think we got down to a fundamental of the great trouble in agriculture—the difficulty and impossibility of securing labor on the farm.

But I want to go back to this profiteering question. I believe it is safe to say that approximately one-half of the increased cost of living is due to profiteering, and that can be demonstrated by figures. The people are tired of it. They are cursing the profiteer; they are damning Congress because it does not do something, although they are not clear just what Congress should do or could do; and there is a spirit of hate developing in this country, as the Senator from Massachusetts pictured yesterday, which is ominous. Is it any wonder there is discord, unrest, discontent among the people when they observe the shrinking purchasing power of their earnings, when they read of the tremendous profits that patrioteers have gathered to themselves during and since the war, and with what unction they wrap the flag about them and denounce everyone who questions their right to rob the American people as Bolsheviks, pro-Germans, and creators of unrest?

I have heard the suggestion made since the speech of yesterday that that kind of a speech on the floor of the Senate creates unrest among the people. The way not to have unrest is to keep quiet and be plundered, according to the theory of some people.

These gentlemen who seem to think the right of plunder belongs to them and that the American people are the legitimate objects of their plunder had better wake up. They had better not sleep on while the ominous rumblings of the oncoming storm can be heard by all except themselves. To me it is amazing that men seem to believe they can continue to plunder and despoil the great American people and get by with it. They are the most shortsighted of all the citizens of the Republic. They are likewise the most harmful, and are producing more Bolsheviks in this country than all the Bolshevik propaganda could do. They are making people hate their Government, and to-day the profiteering of the patrioteer is the real menace of the Nation, the greatest national curse. Some of these profiteers and patrioteers are among our strongest talkers for Americanizing of this country. No one needs Americanizing as much as they do. They are just as much traitors to this country as was



Benedict Arnold, as they are undermining the very foundations of the Republic and they are destroying the hope and confidence of people in this Government.

Out of this war has come the demon of greed. This is evidenced by blue-sky promotions going on all over the country—stocks representing nothing but wind. In all the towns of the country can be found smooth gentlemen selling these stocks to the unsophisticated, and aided in so doing by some of the prominent citizens of the community. The people of my State, it has been estimated, have been robbed of at least two hundred millions in blue-sky promotions. I assume the same ratio holds in other States. Some of these robbers are leaders in the community, some of them leaders in churches, loaning their names to such schemes and helping in the wholesale robbery of the people. Compared to the patriot and the blue-sky plunger the highway robber is a Christian gentleman, and compared to men occupying high positions in churches and communities who pray with their mouths and profiteer with their hands the hold-up man is entitled to a high seat in the synagogue.

Greed is the curse of the American people. Nearly everyone seems to be trying to get while the getting is good. The jail is too good for the profiteer who is robbing his fellow man, but even jail sentences are novelties. There have been speeches made on this floor and otherwise on profiteering—and, of course, speeches can not solve the question—but they may help to arouse public conscience, and public conscience once aroused will brook no further trifling with this subject.

We have passed an amendment to the Lever Act under which some of the profiteers at least could be prosecuted. That act is limited to excessive profits in necessities. And necessities is construed in rather a limited way. However, shoes, clothing, and foodstuffs would be covered by the term "necessaries." And as to those things the Department of Justice had better marshal its energies.

Senator CAPPER on the floor of the Senate a week or so ago set forth some startling figures as to profiteering.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Washington?

Mr. KENYON. I yield.

Mr. JONES of Washington. Before the Senator leaves what he has just been referring to, permit me to say that I received a letter this morning from one of my constituents which portrays a situation that is very bad, and yet she presents her story in such a considerate sort of way that it appealed very strongly to me, and if the Senator will permit, I think I shall read an extract from the letter, and ask the Senator whether or not he can give me any suggestion, or whether there is any idea that he can suggest which I can convey to this lady which will give her any comfort. I know the Senator has given this matter a very great deal of thought and a great deal of study. This lady writes as follows:

What change can a family with five small, hearty children, the father possessing only a moderate (in these days almost meager) income, hope to see in the sugar situation, so that in the coming months we may have the fresh fruits so necessary to the small child's diet? I think everyone was prepared for a certain condition of reconstruction and readjustment, and I am not inclined to be unjustly critical of anyone nor to anticipate trouble. My children's ages range between 1 and 9 years, and I am learning how carefully a mother has to watch the diet and how necessary certain of the simpler food elements are in the children's proper development into good, healthy, happy citizens. Sugar is one of these vital elements, and its use with the fresh fruits in the home canning one of the most necessary combinations. At the present prices of sugar we can not do this canning, and the expenses nowadays staggering to a small home will only be greater in working out substitutes for this expensive food.

Is there any way in which plain, everyday citizens can make a protest effective? I understand that there is not really a shortage of sugar. I dare to hope that there may be some way in which the wrong condition may be made right soon, affecting as it does so seriously the homes and the welfare of children. I have no "political influence," but I have many earnest friends. Can you—will you suggest anything we can do?

Is there anything the Senator can suggest which we could do? Is there anything that Congress can do to meet a situation like that? Or have we done all we can do, and does the responsibility rest somewhere else?

Mr. KENYON. Mr. President, I think we have done all we can do. We enacted into law, as the Senator knows, a bill introduced by the Senator from Oregon [Mr. McNARY], under which it was felt this situation might be remedied, that we might purchase a part or all of the Cuban sugar crop and handle it. It has not been done. Sugar is going on up, and there seems to be no prospect for any reduction in it. We have exported large amounts of sugar to Britain. It seemed to me we should have possibly placed an embargo on sugar at the time.

Mr. THOMAS and Mr. SHERMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. KENYON. I yield first to the Senator from Colorado.

Mr. THOMAS. I think yesterday or the day before the papers announced that the Attorney General had made the statement that the Cuban sugar crop had not been purchased under the offer which was made some time last fall, I think, because of lack of congressional authority. From what the Senator just said, I apprehend that a statute was enacted under which the purchase could have been made.

Mr. KENYON. I think there is no doubt but that it could have been made under the McNary bill. I yield to the Senator from Illinois.

Mr. SHERMAN. Does the Senator recall any instance in which the administration has availed itself of legislation by Congress to help the private consumer? I will admit that the Government has at times been able to buy, especially during the war, under these powers delegated to the Executive or the departments at more reasonable figures.

But has the private consumer been benefited in the purchase of what are denominated necessities by the action of the Government under the powers conferred in the Lever Act? We know they have not in the case of sugar.

Mr. KENYON. I would not have eloquence enough to convince the consumer of sugar that we had, but it may be the Senator from Illinois, being more eloquent, could convince him.

Mr. SHERMAN. Or the consumer of canned goods or any of the necessities? Under these powers has the Government relieved the private consumer in the matter of price, except at rare intervals, when they were selling surplus stocks not needed for the Army and Navy?

Mr. KENYON. I have not been able to discover it.

Mr. SHERMAN. Nor have I. I have vigilantly searched for it, too.

Mr. McCUMBER. May I ask the Senator from Iowa if he has discovered any action on the part of the confectionery manufacturers shutting down their factories when the private family could not get enough sugar for their coffee?

Mr. KENYON. I have never made an investigation of the confectionery factories. Possibly the Senator could enlighten us in that regard.

Mr. McCUMBER. I have never heard of any of them closing, and I think they are all still doing business, as they were doing business when the private individual could not buy half a pound of sugar to use in his family.

Mr. SHERMAN. May I interrupt the Senator again?

Mr. KENYON. I am very glad to yield. We are in no hurry. We have until adjournment time.

Mr. SHERMAN. Confectionery does not come under the head of necessities. It is not included under the Lever Act.

Mr. KENYON. But sugar would come under the head of necessities.

Mr. SHERMAN. But it is manufactured into something that is not indispensable to life. It is a mere luxury or convenience.

Mr. KENYON. It is said to be almost indispensable in dry communities.

Mr. SHERMAN. That is because of the autointoxication that might follow if a person's system were right.

Mr. KENYON. I was diverted again, Mr. President, and return to my subject.

These figures presented by the Senator from Kansas on two occasions in the Senate were rather startling.

The April issue of the Searchlight, a paper published in Washington, devoted to telling the truth, which entitles the Searchlight to a unique position in journalism, on April 1, 1920, contained an article by Basil Manly on the same subject, pointing out some of the enormous profiteering.

Recently Mr. W. Jett Lauck, before the United States Labor Board, has presented a most complete analysis of the situation as to profiteering. Mr. Lauck is one of the best students and clearest, conscientious thinkers on this subject to-day in the American Republic. His presentation is worthy the consideration of every thoughtful man and woman.

Senate Document No. 259, sixty-fifth Congress, second session, is a veritable mine on the subject of profiteering. This document is a letter from the Secretary of the Treasury in response to a Senate resolution of June 6, 1918, and has been printed and the matters therein made public since July 5, 1918.

On August 21, 1919, the Federal Trade Commission reported on the leather and shoe industry of the country. I might say that possibly the Federal Trade Commission is not entitled to consideration. A resolution was introduced in the Senate on the 20th day of October, I think it was, of last year for an investigation of the Federal Trade Commission, because it was full of socialists. We were told and the author of the resolution at the time suggested that so many other departments of the Government were filled with socialists that from

time to time resolutions would be introduced investigating that question in other departments. That was about the 20th of October. I would be glad if any Senator could rise and inform me what the committee has done under that resolution that passed the Senate in relation to the investigation of the Federal Trade Commission. It happened at a time when the Federal Trade Commission had made a report on the packers of the country or was suspiciously close to that time.

Seven months have passed. I have tried to find out what the committee or the subcommittee have done in the investigation of the socialistic tendencies of the Federal Trade Commission and the Bolshevism that we were told existed in that body. It is certainly dangerous to have that matter going on any further without some investigation. Nor have I been able to find any other resolution for any other department of the Government introduced by any Senator to investigate their socialistic proclivities and tendencies.

This report of the Federal Trade Commission—

Mr. WALSH of Montana. Mr. President—

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

Mr. WALSH of Montana. I desire to state to the Senator that there is a bill pending here, introduced by the Senator from Wyoming [Mr. KENDRICK], with which the Senator from Iowa is familiar, that has not yet had consideration by the Senate. It may be that the investigation to which the Senator has referred is being deferred so that it may go on contemporaneously with the consideration of the Kendrick-Kenyon bill.

Mr. KENYON. The Senator was out of the Chamber when I commenced. That is what led to this whole discussion, but this bill for the regulation of the packers, that has been considered by the committee for almost a year and reported unanimously to the Senate on the 4th day of February, can not secure any hearing or any place from the steering committee of the Senate.

If the resolution of investigation is to fare the same way, it will be a long time, but I am under the impression that the parties behind the resolution of investigation might have more influence in securing its report to the Senate than those of us who favor the packers' bill.

This document has been public property since August 21, 1919, with all of this profiteering made public. I must dissent from the criticism of the Senator from Massachusetts of the Republicans for not doing something on this subject.

The Department of Justice has the law, they had all these public matters, and it was their duty to prosecute the profiteers. In the committee hearings investigating the two situations testimony was introduced by one of the assistant attorneys general that there had been three people sent to jail for profiteering, but they were none of the big profiteers. A few of the big profiteers landed in jail would have a restraining effect upon future robberies by these national pirates.

These prosecutions seem to have amounted to practically nothing. I think one of the reasons why a certain candidate for the Presidency, running in the primaries without organization or without money, has received such a tremendous vote is because of the feeling that he would do something as President to smash the profiteers; that he is the friend of the average, everyday folks.

It has seemed to me, and I do not want to be critical, that the Attorney General could have done vastly more by enforcing this law if he had not been so interested in running for the Presidency.

From these various documents made public I want to place in the RECORD a few observations and quotations.

#### SHOES.

The Federal Trade Commission in its report, after an analysis of the retail price of shoes, says:

Taking into consideration all the circumstances, the high prices of shoes in 1917 and 1918 can not be justified. Leather manufacturers, shoe manufacturers, and retail shoe merchants all made unprecedented profits.

On this subject in Mr. Lauck's argument is found the following:

Four of the large shoe manufacturing companies of the country publish their financial reports in Moody's Manuals. These reports show an increase in net profits from \$4,800,000 for the years 1912-1914 to \$10,000,000 for the years 1916-1918, an increase of over 100 per cent.

The astounding thing about the shoe industry is the proportion of the price which goes into the various margins, especially when this is contrasted with labor's share of the price. In 1914 all the labor from the hide to the finished shoe absorbed less than one-sixth of the price paid by the consumer, while in 1917 this share of labor had decreased to one-ninth. On the other hand, the profit items in 1914 absorbed nearly one-half the price paid by the consumer, or nearly three times the total labor costs, while in 1917 the profit items amounted to approximately three-fifths of the total price, and to over five times the total labor costs. The question as to who is responsible for

increased cost of shoes can be quickly answered when we realize that of the \$3.50 increase in the price of a pair of standard shoes labor received 15 cents, while the margins of the various manufacturers and merchants absorbed \$2.75. Very obviously, if the various profiteers had been satisfied with the old margin, the price of shoes need not have advanced very seriously.

Mr. HARRIS. Mr. President—

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

Mr. KENYON. I yield.

Mr. HARRIS. The Senator from Iowa is familiar with Senate joint resolution No. 146, directing the Secretary of the Treasury to furnish the Senate with the profits tax and income tax from the report for 1918. The Senator also knows that I tried for months here, and he aided me, to get that joint resolution before the Senate, but failed. It has been sleeping in the Committee on Finance. If the Senator will yield to me for a moment, I would like to make a motion to bring the joint resolution before the Senate, and show just what the profiteers are making and what have been their profits the last few years. If Congress will do nothing to reduce the high cost of living, we should at least let the people know the enormous profits of the profiteers. I do not believe there will be any discussion upon it if the Senator will allow me to make the motion.

Mr. KENYON. If there would be no discussion of the matter, it might be considered. The Senator from Washington has charge of the proceedings this afternoon, and I am speaking on his bill.

Mr. HARRIS. Would the Senator from Washington be kind enough to yield for that purpose? I think he favors the joint resolution.

Mr. JONES of Washington. I have no objection to the joint resolution to which the Senator from Georgia refers, but it is my recollection that there are some Senators who have opposed it, and if he were to call it up there would probably be a call for a quorum. I think the Senator can get it up to-morrow morning in the morning hour.

Mr. HARRIS. Then I will not press the request at this time.

Mr. KENYON. Has the Senator found any opposition to bringing up his resolution?

Mr. HARRIS. I have not found any opposition in the Committee on Finance to bringing it up. Several did object to its being considered without going first to the committee. It has been in the committee three months and a half.

Mr. KENYON. That is a short period of time for a resolution of that character.

On page 7 of Mr. Lauck's printed presentation he sets forth a table showing the increase in net income and percentage earned on capital stock of corporations in specified industries during the period 1916-1918, as compared to the years 1912-1914. This table shows an enormous increase in the present net income. For instance, certain basic-metal industries—57 in number, the subject of the study—that had an average net income in the first period, 1912-1914, of \$172,729,194, had increased their net income for the period of 1916-1918 to \$590,138,605. The average annual net income of 19 clothing companies, which in 1912-1914 was \$19,033,503, had increased for the period of 1916-1918 to \$55,172,311. In the fuel, light, and building industries, involving such commodities as coal and coke, petroleum products, and building material, the average annual net income had increased for the same period from \$100,242,419 in 1912-1914 to \$246,703,996 in 1916-1918. So that there was a grand total of the particular corporations, the subject of the study, from an average annual net income of \$438,663,427 in 1912-1914 to \$1,234,359,688 in 1916-1918.

Mr. PITTMAN. Mr. President—

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

Mr. KENYON. I do.

Mr. PITTMAN. What was the gross increase of capital in those various companies?

Mr. KENYON. Very slight, if any at all.

Mr. PITTMAN. I do not wish to interrupt the Senator, but I will say that I can conceive that the business increase might also bring a greater amount of net increase in profits.

Mr. KENYON. Yes; but these studies of Mr. Lauck show that on practically the same capital the net income had increased in the proportions that I have given.

Mr. PITTMAN. Is there any place where we could obtain, with regard to the various companies on which the Senator bases his computation, the amount of increase in their capital?

Mr. KENYON. I think so. I think the information might be obtained from Moody's Manual, possibly, but if the Senator from Nevada will secure from Mr. Lauck his report to the War Labor Board he will find it is all set out.

Mr. PITTMAN. I merely wanted to have the information for the purpose of computation.

Mr. KENYON. I understand. I am proceeding on the theory that the capital of these concerns has remained practically the same.

Mr. Lauck says concerning the table to which I have referred:

The outstanding fact in this table is simply stated. The corporations listed—including all with incomes of \$1,000,000 or over in any one year in so far as they are listed in the financial manuals—earned during the years 1916-1918 an average income of nearly \$1,250,000,000 a year, or nearly 24 per cent on their capital stock. This appears to be nearly three times the average for the prewar years 1912-1914, and the figures for production, where these are available, show conclusively that these increased profits were not due to increased production.

Of course, that is an important element.

They were due in large measure to the fact that the corporations took a larger proportion of every dollar spent by a purchaser. This fact will be shown conclusively in another part of this study. Here it is sufficient to note that for the three years 1916-1918 the annual profits of these corporations averaged approximately \$800,000,000 more per year than during the three-year period preceding the war, 1912-1914.

This is a startling fact. Basing our calculations upon the reported net corporation income as shown in the income-tax returns these corporations represent about one-sixth of the total corporate income of the United States. If these other corporations did as well as those of which record is available, and there is reason to believe they did, then the combined corporations of the country earned approximately \$4,800,000,000 more per year during the three war years 1916-1918 than during the three prewar years 1912-1914.

A total of \$800,000,000 means \$40 per family of five throughout the Nation. A total of \$4,800,000,000 means \$240 per family of five throughout the Nation. Consider that each family of five paid as a toll, not to so-called legitimate profits, but to excess of war profits over prewar profits, \$240 per year, and one gains an idea of the total burden which profiteering meant to the country. Yet it is a conservative estimate of what actually happened, and it must be remembered that this huge figure does not represent the whole profit, but only the part in excess of the prewar level.

These seem to be facts that can not be disputed and they are startling. It perhaps is not out of place to suggest that these figures do not tell the exact truth, because there has been every kind of device invented to conceal profits.

The Government in many instances has been cheated out of enormous sums, some of which have been paid back, but, as I understand, the gentlemen who have robbed the Government in some of these instances have not been tried in the courts. I wonder why. In due time we shall probably know.

The commodities that the average, everyday people have to buy—clothing, shoes, food, and other necessities that enter into their daily existence; building material, if they have homes; iron and steel, crockery for their kitchens, bedding for their beds, medicines—all have been the vehicle through which the robber profiteers have been adding more to their already swollen incomes.

I think Mr. Lauck does not go high enough in his figures, because I believe it can be demonstrated that the average American family of five has during the period from 1916 to 1918 been fleeced out of at least \$900 per year because of corporate profiteering in the things that a family must have. Yet certain people in the country wonder that there is unrest and discontent!

Senate Document No. 259, to which I have referred, has furnished much evidence to the country of profiteering and is further evidence that income-tax returns should be made public. Why not? If men in communities in retail business are robbing their fellow men, as they are doing, they would hesitate if their fellow men knew the extent of their robberies. As the Senator from Massachusetts argued yesterday, by making public income-tax returns, which some of us have tried to bring about here many, many times, we could be advised of just the extent to which we are being robbed.

Mr. SHERMAN. Mr. President, will the Senator yield on that point just for a moment?

Mr. KENYON. Yes.

Mr. SHERMAN. We had last summer and through the late autumn an investigation as to prices in the District of Columbia. It was repeatedly demonstrated that retail dealers in various articles of family necessity made all the way from 50 to 200 per cent. That is known here in Washington. A man who had \$800 invested in a meat market—he had no capital stock, but just kept his capital in a bank—as the uncontradicted proof shows, and as was admitted by him, made \$8,000 in one year, with no risk whatever, except the amount invested in a cleaver, a meat block, and an ice box.

Mr. NELSON. Mr. President, was not all this done to beautify Washington and to make it the great Capital of the Nation, which everybody would be glad to visit?

Mr. SHERMAN. I presume so. As the Senator from Minnesota has suggested, it was done under various pleas, but that condition has been known for a long time. I have, however, heard no great outcry, no public indignation among nearly a half million people here. They are still going right along and

paying the same prices for sausage and chicken as they did before.

Mr. KENYON. I should like to ask the Senator what the testimony before his committee showed as to the profits in shoes?

Mr. SHERMAN. We did not go into that especially; the primary purpose of the investigation was in regard to food-stuffs.

Mr. KENYON. I thought there was testimony of one of the shoe dealers here as to his profits.

Mr. SHERMAN. That was only incidental; that was not the main subject of the inquiry; but the meat-market man to whom I have referred made \$8,000 in a single year.

Mr. KENYON. When the Senator says the people do not care, does he mean to say that he has not heard any complaint about conditions?

Mr. SHERMAN. Oh, in isolated cases, yes; but no great uprising.

Mr. KENYON. Oh, no; of course not.

Mr. SHERMAN. There have been no resolutions of denunciation. It seems like they have reached the passive stage of suffering.

Mr. KENYON. Yes. The poor people never have many uprisings; they submit and go on hoping to get through the day and the next day, and meanwhile watch the profiteer ride by in his fine automobile.

The analysis of the document to which I have referred, being Senate Document No. 259, is worth the while of anybody who is at all concerned about the state of affairs in this country. Here will be found the incomes of approximately 20,000 of the little over 30,000 corporations in the United States reporting incomes over 15 per cent of their capital stock. The chief value of that document is found in the part commencing with page 365. I will call attention to some of the figures.

In the chemical group—page 363—one concern with \$18,000,000 capital stock had a net income in 1917 of \$7,246,448; it paid in taxes a total of \$906,170; its per cent of net income to capital stock in 1917 was 40.26. Another concern in the same group listed a per cent of income to capital stock of 139.38.

Another one of the same group, with a capital stock of \$2,500,000, listed a per cent of net income to capital stock in 1917 of 105.93. Another one, with \$30,000,000 capital, listed a per cent of net income to capital stock in 1917 of 29.14, and one of \$1,000,000 capital stock listed a per cent of net income to capital stock in 1917 of 270.35.

I do not know that these are the particular industries which clamor for the dye bill, which has gone to an early death, and claim that they would be destroyed without a prohibitory tariff; but if so, it was well that Congress was not over-persuaded by their tears or by their threats.

#### THE MEAT PACKERS.

We have read in the newspapers from Portland, Me., to Portland, Oreg., the advertisements of the packers showing the very small profits made by them. Their statements hardly tally with the figures in Senate Document No. 259, heretofore referred to. On page 365 we find one packing house with a capital of \$100,000,000 which in 1917 made a net income of \$49,139,147. After the payment of its taxes it had remaining \$43,810,948, or a per cent of net income to capital stock, after deducting taxes, of 43.81. Armour and Swift are the only companies that had in 1917 a capital stock of \$100,000,000. So that the figures must relate to one of those companies. The names of the companies are not given, but numbers designate the different studies.

Mr. McCUMBER. Mr. President, merely for information, I should like to ask the Senator whether in computing the profits they are based on capital stock alone or on capital stock plus surplus? In other words, whether they are based on actual investment or whether they are based simply on the capital stock?

Mr. KENYON. On the capital, as I understand.

Mr. McCUMBER. Without reference to the amount invested?

Mr. KENYON. No. There are a large number of headings. If the Senator will take the document, he will observe, for instance, "Per cent of total tax to net income," "Per cent of net income to capital stock," "Per cent of net income to invested capital." It carries that figure, too, in parallel columns.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

Mr. KENYON. Certainly.

Mr. NELSON. I judge, from the report sent out by the packers—the printed report of one of the big companies, where they claim they have only made a small amount of profit—that

they base that not only on their own capital but also on the amount of money they borrowed in the business.

Mr. KENYON. I am not certain in regard to that, but I think the Senator is correct.

Mr. NELSON. Why, I know it is so. When they stated that they had only made, for example, 3 per cent profit they included in the basis of that 3 per cent profit their capital, their surplus, and all the money they had borrowed and used in their business.

Mr. KENYON. And then claimed that they had made a very small return.

As I stated, there were only two of these companies that had a capital stock of \$100,000,000 in 1917, so it must be one of those companies; and that return is hardly in keeping with the advertisements that are put out by the lobbying institution at Washington known as the American Institute of Meat Packers.

The published reports of Armour and Swift for that year showed profits of Armour of \$30,628,157 and Swift \$34,650,000. There seems to be considerable discrepancy between the reports published for the public and the returns to the Treasury Department. If the income-tax returns could be made public, as they should be, it would enlighten the public as to the profits of these concerns and the truthfulness of their advertisements relative to the small profits received.

Mr. SHERMAN. Mr. President, on that subject—I know the Senator wishes to get the whole of the evidence that may bear on it—does the Senator know whether the surplus, or whatever should appear to remain after the payment of expenses for the year, is in cash or in inventoried property account?

Mr. KENYON. No.

Mr. SHERMAN. Let me ask the Senator, further, if he does not know that if a portion of it is in inventoried property account it depends upon the fluctuations of the market what that inventoried property at the end of a given period might show, whether a profit or a loss?

Mr. KENYON. Undoubtedly.

Mr. SHERMAN. Does not the Senator know—I am sure he does—that that is one of the points of difference between the Federal Trade Commission and the packers in the method of accounting? The Federal Trade Commission insists that the accounting on all inventoried property of the companies should be at cost, whereas the method adopted by the packers in accounting is the market value of the property at the time the inventory is taken. Very largely it consists of finished meat products, either entirely ready for the market or in various stages of preparation. If the latter be taken, the market value is subject to fluctuations on the market, as other pieces of property are. If the low valuation of cost be taken, then it shows, according to the Federal Trade Commission—or would it that basis were adopted—correspondingly large earnings on the invested capital, or what is called in some of the columns "Invested net worth." There would be a vast deal of difference between the cost of the inventoried property and the market value of the property at a given period. It might in ordinary war times—the last three years, that we know as war years, or nearly so—show a very high market value. If that were to be depressed following the close of the war, it would show a loss.

So, basically, when the Federal Trade Commission talks of profits on the invested net worth, or on capital, or on capital and surplus, it depends very largely upon the basis of the system of accounting, does it not, and it will change accordingly?

Let me inquire further if the Senator knows of any very large, successful business concerns that in inventorying take property other than cash at cost; or do they not pretty generally, or in most cases, take it at the market value of the inventoried property?

Mr. KENYON. I think they take it at the market value.

Mr. SHERMAN. I think that method is pursued oftener than any other.

Mr. KENYON. I think that is true. Of course, I realize that the packers have been able to grow rich, tremendously rich, and figure that they were making no profit. They pay men very high salaries to figure that out, and it is a difficult matter to understand; but since the Senator has suggested this, I am going to read in this same study what Mr. Lauck says on this subject.

He says, speaking of the packers:

On the other hand, profits have actually increased between 300 and 400 per cent. Four of the big packing houses earned during the years 1915-1917 \$140,000,000. Such profits were made despite the deduction of enormous amounts for excessive salaries, advertising, and overhead charges. Altogether in the period of 1912-1918 these concerns took one-quarter of a billion dollars in profits, or nearly double the pre-war value of their stock. Three-fourths of the new stock issued to conceal these huge profits was stock dividend representing no real investment. In this profiteering enterprise the five big packers have been assisted by their control of affiliated and subsidiary companies, such as stockyards and rendering plants. These companies were acquired, with

practically no real expenditure, through stock dividends, etc. They have paid large profits, especially since the war. It is such accumulating profits that cause the high cost of living.

The Federal Trade Commission in its report of June 24, 1919, stated that "the Big Five packers," together with their subsidiaries and affiliated companies, not only have a monopolistic control over the American meat industry but have secured control, similar in purpose if not yet in effect, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products, and are rapidly extending their power to cover fish and nearly every kind of foodstuff.

Further, on page 32 of volume 1, report of the Federal Trade Commission, they say:

The power of the Big Five in the United States has been and is being unfairly and illegally used to:

- Manipulate live-stock markets;
- Restrict interstate and international supplies of foods;
- Control the prices of dressed meats and other foods;
- Defraud both the producers of food and consumers;
- Crush effective competition;
- Secure special privileges from railroads, stockyard companies, and municipalities; and
- Profiteer.

The packers' profits in 1917 were more than four times as great as in the average year before the European war, although their sale in dollars and cents at even the inflated prices of last year had barely doubled.

Notwithstanding all of this, Mr. President, and the practical conceding of the facts by the packers in submitting to a decree—which decree is probably like the Standard Oil and Tobacco Trust decrees, accomplishing nothing—it seems, as I have stated, impossible even to secure consideration of the bill now on the calendar to regulate this monopoly. That bill was unanimously reported from the Agricultural Committee on the 18th day of February, the calendar day of February 20, 1920. Bills that have been reported from committees since that time have been given a place on the legislative program by the steering committee. The shipping bill, now before the Senate, was not reported out until the 24th of May, and it has been under consideration here for many days and will shortly be passed. So, may I inquire, is it a public matter that a bill of this character can receive no assignment by the steering committee? Is the public interested in knowing whether or not a bill shall even have a chance to be considered? We are not insisting on its passage. We are not trying to limit anybody in arguing the bill. We are simply saying that this bill is entitled to its day here, and it is going to have it before this Congress adjourns if we are able to prevent an adjournment in that situation, and I think we will be.

Producers in this country who now find their stock going down while the prices of meats are going up to the consumers—a ledgermain explainable only by the high-priced experts of the packers—are getting anxious to know why this bill does not receive some consideration.

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

The PRESIDING OFFICER (Mr. STERLING). Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. Yes.

Mr. KING. I think the Senator will find some Senators upon this side of the aisle who will join hands with him in trying to secure needed legislation not only to deal with the important question to which he refers but to deal with the question of trusts and monopolies generally. There are trusts and monopolies and conspiracies in restraint of trade that are operating to-day, and if the present law is not sufficiently drastic to deal with them we ought to amend it; and I hope the Senator from Iowa will join with some Senators on this side of the Chamber for the purpose of securing the needed legislation to deal more effectually with trusts and monopolies and conspiracies in restraint of trade.

Mr. KENYON. I am glad to hear that from the Senator. I am very closely joined at least to one Senator on the other side of the Chamber in trying to get consideration of this bill, and that is the Senator from Wyoming [Mr. KENDRICK], one of the great meat producers of the country, who knows the subject from their standpoint better than any other man in this Chamber. He does not make a practice of taking large amounts of the time of the Senate, but he likewise is deeply interested in securing a hearing for this bill. Between the two of us we will do the best we can to get it up.

Mr. OWEN. I wish to ask the Senator from Iowa what explanation was made why the packer bill should not be given a place? What is the reason?

Mr. KENYON. I think the bill has never been reached for consideration by the steering committee. There have been so many other important matters that they could not reach it. I do not know any other reason assigned.

Mr. OWEN. The bill is of such an important character, dealing with the food supplies of the country, it seems to me, Mr. President, that if they can reach anything at all they ought to reach it.

Mr. KENYON. The Senator realizes, does he not, how the Senate is conducted? You can have a bill and consider it for a year, report it unanimously from a committee, as this has been reported, and then a steering committee can prevent it from coming up here.

Mr. OWEN. What becomes of the self-government of the Senate itself?

Mr. KENYON. I ought not to say that they can prevent it from coming up. They can not. They can make it difficult to bring it up by not giving it a place. Then, when the bill which is before the Senate is disposed of, the next bill which the steering committee had decided on gets the right of way. I hope the Senator will join with us in trying to bring this very bill up and see whether a few men can prevent a bill of this kind from coming before the Senate.

Mr. OWEN. Why can not a motion be made to bring it up, and bring it up to-day?

Mr. KENYON. It will be made as soon as the pending bill is disposed of.

Mr. OWEN. I will certainly give it my most cordial support in every way. I think it is a bill of the first importance. Here is a case where for over 30 years, to my certain knowledge, there has been effort after effort made to control this Beef Trust. I remember when George Graham Vest, I think 30 years ago—

Mr. KENYON. Did they have a steering committee in those days?

Mr. OWEN. They had a steering committee which steered it right. They steered it so that the people never could get what they were entitled to. You talk about having a Government where the people rule. If the people rule, why do not the people get what they want? They do not get what they want. They are being ruled by artful processes which divert them from their proper ends.

Mr. SHERMAN. Mr. President, in other words, when this criticism of the steering committee is boiled down, it comes to this: When it gives you what you want it is right, and when it refuses it is wrong.

Mr. KENYON. Not at all. The chairman of the subcommittee of the steering committee is the Senator from New York [Mr. WADSWORTH]. I have always said that the Senator from New York, whether he favored a bill or was opposed to it, was so fair and so square and so honorable that the bills he was against he would be willing to give the same kind of a chance as the bills he might be for, but it is not the province of the steering committee to say, "The bill is reported from the committee, but we are opposed to it. Consequently we veto it." That is all. Is the Senator from Illinois in favor of a steering committee which can kill legislation?

Mr. SHERMAN. As the Senator has asked the question, I will say that I have never been in favor of a steering committee acting that way, but I am in favor of a steering committee preparing a program for legislation, and then, if orderly processes are to be arrived at, I think that program should be adhered to. That seems to be the basis of the criticism here.

Mr. KENYON. What bills shall have preference?

Mr. SHERMAN. They shall be given preference in the order in which they shall come.

Mr. KENYON. This bill has been before the Senate since February 4. The bill of which the Senator from Washington [Mr. JONES] is in charge has been here since May 4. Is it just fair, no matter how the Senator feels about that particular bill; is that a fair proposition?

Mr. SHERMAN. Certainly it is, Mr. President. It is not priority of birth; it is the merits of the bill, or the order in which the committee finds it proper to advance legislation, giving to some priority, even if they be not reported out of the committee as early as others, or earlier, as the case may be. It is not the order in which the bills come out of the committee. If it is to be seniority of bills, then there is an end at once of action by an advisory committee, or anything else of the kind. It becomes then a struggle for the gateway.

Mr. KENYON. I would expect this bill to be killed by the Senator even before birth, if he could get hold of it. But it has been born, and it is not going to be killed right away.

The Senator from Massachusetts [Mr. WALSH] submitted a resolution yesterday, which I earnestly hope may pass, to get at some of these questions. He discussed bituminous coal, and I want to add a word to what he said.

Mr. President, if there is anybody who deserves a warm place in the next world it is the bituminous coal operator, for he has made it mighty difficult for people to keep warm in this one.

In this document referred to—Senate Document No. 259—it is shown that out of 392 bituminous coal companies given, 334 show net profits, after every possible deduction, of over 25 per cent; 218 showed earnings of over 50 per cent; 118 showed net profits of over a hundred per cent. As to this Mr. Lauck says:

Turning to the financial manuals we find the net annual profit of 17 bituminous companies for 1917 nearly four times the prewar figure. This proportion appears not only in the absolute figures where the increase is from approximately \$13,000,000 in 1914 to nearly \$48,000,000 in 1917, but also in the percentage earned on capital stock, which increased from 7½ to over 27 per cent, as well as in the net profit per ton, which rose from 20 cents to 68 cents. As a matter of fact the operator's margin showed a larger proportional increase than any other item in the price of coal paid by the consumer. If the average profit per ton shown by these companies was representative of the industry, it indicates that the operators during the four years—1916-1919—gathered a clear profit totaling over \$1,000,000,000. This means a tax on every man, woman, and child in the United States of \$10 to pay the four-year profits of the bituminous coal operators. Had the operators been satisfied with normal profits the Nation might have been saved hundreds of millions of dollars in its coal bill.

The Senator from Massachusetts [Mr. WALSH] referred to the American Woolen Co., and I will not spend time on that, further than to say that it was capitalized at sixty millions, and the annual net income during the prewar years was \$1,600,000. In 1916-1918 it was around \$9,000,000, which represented an increase in the per cent on capital stock of from 2.7 per cent to 14.9 per cent. In 1917 its earnings were \$13,883,155, a return of about 23 per cent on the capital stock.

The American Thread Co. had a profit in the prewar period averaging around \$970,000. This went up in the war period to over \$2,000,000. Its profits were twice as large in the war period as the prewar period, and these increased profits can not be attributed to increased production.

I will not refer to the anthracite coal situation. The double profiteering in production and in transportation has long been suffered by the people with apparently little hope of relief.

It is hard to speak with moderation of the coal profiteer. Poor, struggling people, with little children sick in unheated homes, are the product of the coal profiteer. If there is not a hell there ought to be one for these men. They are some of the gentlemen who are wondering why there is discontent in the country.

The profiteering in petroleum is almost beyond the wildest dream of the wildest imagination. The Standard Oil Co. of Indiana certainly managed to keep the wolf from the door.

I refer to them among the Standard Oil companies. Again quoting from Mr. Lauck:

Thus the Standard Oil Co. of Indiana took from the country during the prewar years profits which averaged more than 1,000 per cent on the original capital stock, which represents the whole real investment. In those years the profits averaged over \$10,000,000 per year. The percentage of profits to capital stock for the years 1916-1918 was more than two and a half times as great, the earnings being approximately \$26,000,000. Of course, in the published reports it does not appear that this corporation earned so enormous a per cent on its capital stock, for in 1912 the capitalization was increased from \$1,000,000 to \$30,000,000 by a 2,900 per cent stock dividend. The return on investment then appears to have risen from approximately 33 per cent to approximately 85 per cent, an increase in profits which is significant enough, for it means that in 1916 the corporation took profits equal to the entire value of the capital stock, which has been increased to thirty times the value of the original investment.

Can you beat it?

In other words, 1916 was a marvelous year to the original stockholders, for they received profits in a single year equal to thirty times what they had actually put into the business. Such facts suggest an explanation of the present prices of fuel oil.

Practically the same thing was enunciated by Mr. Manly in his article many months ago in the Searchlight. Mr. Manly has been denounced on this floor as a socialist in connection with the proceedings of the Federal Trade Commission. Anyone who disagrees with you nowadays is a socialist or a Bolshevik or a pro-German. Mr. Manly is a man who has in his heart some sympathy for the everyday toiling people of this country, and the investigation of Mr. Manly seems to have "died aborning." There has been no denial of these figures from any source. Undoubtedly the managers of this company, with a dividend of 2,900 per cent, are greatly concerned over the spirit of unrest in this country. They can not understand it. Do the owners of these great corporations imagine that the people of this Nation are going to quietly continue to submit to such plunder as is evidenced by these figures?

It is not only manufacturers who have engaged in the pleasant pastime of profiteering, but retailers have been equally busy. Statements before the District of Columbia Committee, investigating the cost of living in the District of Columbia, showed enormous profits made by certain shoe dealers and others. The District of Columbia harbors as choice a nest of robbers along this line as can be found anywhere in the United States. I do not care if any of them might happen to have wandered into the galleries. You will probably find that many of them are undoubted leaders of the best thought in the com-

munity, much in demand as after-dinner speakers and at various conventions and church meetings.

Mr. Manly in his article in the Searchlight before said:

It must not be imagined that manufacturers were the only ones who reaped enormous profits while the Nation was at war. The report of the Treasury Department shows 2,068 clothing and dry goods stores, one of which earned 9,826 per cent on its capital stock—

I can hardly believe that figure. I am giving this as something stated by him, and not as my own—

and nearly 10 per cent of the entire number earned more than 100 per cent on their capital stock. Out of 313 department stores, one earned 757 per cent on its capital stock, and 26 earned more than 100 per cent. There are 577 furniture stores reported, of which 78, or nearly 15 per cent, earned more than 100 per cent on capital stock, and one earned 781 per cent. We have heard a great deal about the high cost of building in the last few years. In nearly every case an attempt is made to attribute the high cost to the wages paid building labor, but this report shows that out of 809 contractors and construction companies, 154, or more than 15 per cent, earned profits of over 100 per cent on their capital stock, and one of them earned 1,390 per cent, or nearly fourteen times its total capital in a single year.

Senator CAPPER in one of his speeches before the Senate stated that during the war the American people had paid for the coal mines, the steel mills, the textile factories, and every other essential branch of industry. It did not seem possible that that could be true, and yet the facts bear out the statement.

One result of the war seems to be a large crop of millionaires. In 1917 we had 6,664 millionaires as compared with 2,348 in 1914. It is interesting to note the following from Mr. Lauck's address:

These individuals had an aggregate income of \$1,709,365,988 or over one-eighth of the entire taxable income of the United States. Seventy per cent of this income, or over a billion and a quarter dollars of it, came from property. In fact, as we examine the data available we find that the higher the income the greater the proportion coming from property, and also that the higher incomes tended to increase more rapidly than the lower ones. Statistics of income for 1917 show that income from property constituted only 12½ per cent of incomes between \$3,000 and \$4,000, while it constituted 92 per cent of incomes over \$2,000,000. When we pause to consider the fact that the very wealthy are the ones who receive the greatest share of the stock dividends and other capital distributions, it becomes apparent how large a sum is going annually to support these millionaires, not on the basis of real investment but on the basis of their strategic position.

In general the outstanding facts which are revealed in the statistics published by the Commissioner of Internal Revenue may be summarized as follows:

(1) As a result of the war the number of millionaires in the United States has practically trebled. This does not tell the whole story; it merely indicates a much more general increase in the wealth of the comparatively wealthy. The number of incomes over \$100,000 stood at 2,348 in 1914. In 1917 they numbered 6,664. Incomes between \$400,000 and \$500,000 show the highest rate of increase, from 69 in 1914 to 245 in 1916. In 1917 there were reported 140 incomes of over \$1,000,000 as contrasted with only 60 in 1914. In 1916 the figure for these incomes of over \$1,000,000 stood at 206, nearly three and a half times as many as in 1914. All along the line the tendency is for the large incomes to increase more rapidly than the small.

(2) These new millionaires were products of the war. They developed most rapidly in the centers of war production and finance. Their ranks were recruited chiefly from the ranks of capitalists, investors, corporation officials, and manufacturers. Their development is closely paralleled by the mushroom growth of corporate income.

(3) This tendency of the rich to grow richer is found not only in the centers of wealth, but also in the communities where the general level of incomes is lower. In each community examined the tendency is for the relatively higher incomes to increase more rapidly than those in the lower ranges.

(4) This is to be explained by the fact that the higher the income the greater the proportion of it which is derived from property. In other words, it means that property "profiteered" out of war conditions.

The result can almost be stated as an equation in proportion—the rate of increase in income as a result of the war is directly proportional to the percentage of the income representing return on property. It might be suggested here that the higher the income the greater the probability that much of the stock from which it is derived was originally "water."

(5) The close relationship between this enormous increase in the number of large incomes and property becomes even more apparent when we see that it reflects growth of corporate income. The corporate net income of the country increased between 1914 and 1917 from approximately \$4,000,000,000 to over \$10,500,000,000. Accepting all deductions made by the corporations, and further deducting 10 per cent on new capital, together with all excess-profits taxes, it will be found that the remaining net profits of 1917 were \$3,500,000,000 above those of prewar years.

(6) This first-hand evidence of profiteering is accentuated by the huge undivided profits which are about to flow out to the wealthy in stock dividends, following the recent Supreme Court decision. This means that the figures already examined are short of the mark. Profits were held in reserve for a favorable moment of distribution. The increase in large incomes will continue.

(7) This survey proves that in the division of national income between labor and property, property has received a much larger share than it did prior to the war. Labor, therefore, must have received a smaller share. This means that the strategic position of property has been strengthened, that of labor weakened.

(8) The real significance of this is that, as a result of the period 1914-1918, there are at least three times as many people living primarily of large blocks of the Nation's property. In other words, the production of the country must, as a result of the war fortunes, carry a heavier overhead than previously. This does not mean that there is to-day more property in the country for which rent must be paid. It means that the property which existed before the war has been given a higher money value. In other words, as a result of war profiteering a greater proportion of national income must go to those who have

given their share of the Nation's property a higher paper value. It means to the worker that a smaller proportion of the total production of the country will come to him as wages.

Mr. President, I have referred to these stock dividends. Since the Supreme Court has declared that stock dividends were not the subject of excess-profits tax there has been a tremendous issue of stock dividends. I may be wrong in my conception of it, but it does seem to me almost disloyal at this time, when the Government is raking every field of industry for taxation, for these great corporations, which have made unprecedented profits, to try and escape just taxation by means of stock dividends. And yet this goes on, and people wonder that there is unrest in the country.

There is not a day but what we read in the papers of some concern issuing a great stock dividend. I have just clipped here to-day a number of them. Here is one of them:

LIBBY, McNEILL & LIBBY ISSUE BIG STOCK DIVIDEND.

CHICAGO, May 7.

A 50 per cent stock dividend of 640,000 shares, with a par value of \$6,400,000, has been authorized by the directors of Libby, McNeill & Libby, manufacturers of food products. Payment is to be made August 14 to stockholders of record June 5.

Here is one of the Royal Worcester Corset Co. declaring a stock dividend of 200 per cent from its surplus and voting to increase its capital stock from \$800,000 to \$2,400,000. I suppose that could hardly be considered a necessary.

Again, New York, May 8, clipped from a little paper out in Indiana. The people are reading these things. This says:

NEW YORK, May 8.

A flood of stock-dividend announcements came forth in the last few days, five companies making declarations of this character. These were the R. J. Reynolds Tobacco Co., which declared a 200 per cent stock dividend on both classes of common stock; a 400 per cent stock dividend by the Whitaker-Glessner Co.; 33½ per cent stock dividend by the Chandler Motor Car Corporation; 10 per cent by the Endicott Johnson Co.; and 33½ per cent by the Brown Shoe Co.

Mr. THOMAS. Mr. President—

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

Mr. KENYON. I do.

Mr. THOMAS. I had something to do with the framing of the stock-dividend clause in the last revenue bill. I have not changed my opinion as to its taxable character under an income tax because the Supreme Court has decided otherwise. Of course, the Supreme Court decision is law. I felt satisfied that, apart from the merits of the proposition involved in that case, the economic consequences of a decision similar to that which the court rendered would be precisely what the Senator has called to the attention of the Senate.

But I think it fair to state in this connection that the income which is invested in stock dividends does not entirely escape taxation. The corporations pay the normal tax, which I think is 8 per cent at present, upon these earnings. The effect of the conversion of the remaining income into stock dividends is to deprive the Government of the benefit of the surtax which would otherwise be levied and collected.

Mr. KENYON. And it would be a very large sum.

Mr. THOMAS. Yes; a very large sum. So it is not entirely correct to say that the money invested in the stock dividends wholly escapes taxation. It is subject to the normal tax, but it escapes the surtax after distribution.

Mr. KENYON. It is fair to say that it escapes a portion of the taxation.

Mr. THOMAS. The larger portion.

Mr. KENYON. It escapes the larger portion of the taxation.

Mr. NELSON. Will the Senator yield?

Mr. KENYON. Certainly.

Mr. NELSON. If I understand the decision of the Supreme Court correctly, it practically holds that we have no right to tax stock dividends for the reason that they are capital. The court takes the same position they did years ago under the old law—that rents derived from real estate or other property could not be taxed except by applying the rule of apportionment. So here in this decision of the Supreme Court, if you will examine it, you will see the vice is not in the law passed by Congress, but the court put it on the ground that the income is capital and that you can not tax it by such a tax without applying the rule of apportionment.

Mr. THOMAS. No, Mr. President; the law as it passed Congress and was approved by the President is all right.

Mr. NELSON. The law goes as far as it could; but the court takes the ground that such a stock dividend is a part of the capital, and that you can not levy that kind of a tax on stock dividends except by the application of the rule of apportionment.

Mr. THOMAS. The majority opinion of the Supreme Court also holds that the transformation of income into capital stock

relieves it from the burden of further taxation as income; in other words, that as soon as the transformation is complete, then the fund becomes capital and ceases to be income.

The opinion of the dissenting minority, which seems to be unanswerable, demonstrates, I will not say the fallacy, because I have too much respect for the Supreme Court to say that, but it demonstrates the un wisdom of such a decision, because if the money was the subject of a dividend to stockholders, coupled with the privilege of investing an additional amount of stock, and went from the treasury of the company to the stockholders and instantaneously passed from the stockholders back to the treasury in the purchase of stock, it would be taxable; but if the transformation is direct from the treasury to the stock, without passing through the hands of the stockholder, it becomes capital. That may be good logic, but it is too refined for my comprehension.

Mr. KENYON. Mr. President, many of the gentlemen who are disturbed by the unrest in the country, through their corporations, take advantage of what they believe would relieve them from a large portion of taxation, as it does in the surtax, and it is interesting to know that since the 8th day of March the amount of stock dividends that have been declared.

I refer to the paper known as the Commercial and Financial Chronicle, of New York, May 8, 1920. A list is given up to that time, but they do not include certain issuances that they have seen in the papers as having been issued, but just those that they know have been issued or voted.

Mr. President, in this list as given on page 1923 of the issue of May 8, 1920, which I am going to ask to place in the RECORD, are the percentages of the different stock dividends and their amount. For instance, here is one company with a 75 per cent stock dividend, and the amount of the stock dividend is \$38,330,886. That is the American Tobacco Co. That bears heavily on my friend from Minnesota [Mr. NELSON]. [Laughter.] Here is one dividend of 1,900 per cent; many of them of 100 per cent; many of them of 200 per cent; some of them of 300 per cent; one of them of 400 per cent; and in that case the stock dividend was \$19,348,500. Those stock dividends amount—and, mark you, that is since March 8, a little over two months ago—to \$324,127,213.

In addition to that, there are large numbers of stock dividends issued, which are referred to, the amounts of which are not given; but here is one, the Youngstown Sheet & Tube Co., as to which reference is made to the press report from Youngstown—they do not vouch for the truth of the statement, but take the press reports and say:

A press report from Youngstown says that the directors "have decided to issue a stock dividend of more than 400 per cent, or more than \$80,000,000," thus increasing the capital stock to \$100,000,000.

If you take the issuance of stock dividends the values of which this report does not show and take the \$80,000,000 of the Youngstown company, the stock dividends issued by these corporations since the 8th day of March will equal \$500,000,000.

Talk about the loyalty of great wealth! There ought to be some way of reaching those stock dividends. If the distinguished Senator from Colorado [Mr. THOMAS], one of the ablest lawyers in this body, and I would say one of the greatest Senators who ever sat in this body, can not devise some way in the Finance Committee—he was a member of that committee when the present law was framed—to cover this question, I should despair of its being covered; but it does seem as if there should be some way of reaching that question. Does it produce unrest in this country when people who have to struggle along to pay their little taxes and can not get out of it see profits to the extent of \$500,000,000, that ought to be taxed to support this Government, put into stock dividends and escape a large portion of just taxation?

How shortsighted are the men who are doing these things! Are they living only for the day? Do they regard only their own pocketbooks? Can they not see what it means in creating unrest in this country?

Now, Mr. President, I ask that this table from this paper, which is a reliable financial paper, be published in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:  
STOCK DIVIDENDS SINCE THE UNITED STATES SUPREME COURT DECISION.

In view of the great interest attaching to the matter, we bring together in the following table all the declarations of stock dividends that have come to our notice since the decision of the United States Supreme Court on March 8 declaring that stock dividends are not taxable as income under Federal law.

We show (1) the amount of stock or shares outstanding at the time of the stock declaration; (2) the rate or percentage of the dividend; and (3) the amount in shares or stock by which the capital will be increased through the dividend.

Stock dividends voted or recommended by board.

On common stock—	Outstanding before dividends.	Per cent.	Amount of stock dividends.
Acadia Mills Corporation.....	\$2,000,000	50	\$1,000,000
American Glee Co.....	\$1,500,000	150	\$2,250,000
American Light & Traction Co.....	\$25,057,219	2 1/2	\$626,430
American Multigraph Co.....	\$1,000,000	20	\$200,000
American Piano Co.....	\$7,019,700	5	\$350,985
American Steel Foundries.....	\$17,184,000	6	\$1,031,040
American Thermos Bottle Co.....	\$1,150,000	30	\$345,000
American Tobacco Co.....	\$51,107,848	75	\$38,330,886
American Trading Co.....about.	\$2,124,420	100	\$2,124,420
Amoskeag Manufacturing Co.....shares.	172,800	100	\$172,800
Arlington Mills.....	\$8,000,000	50	\$4,000,000
Art Metal Construction Co.....	\$1,457,120	100	\$1,457,120
Autocar Co.....	\$3,000,000	40	\$1,200,000
Brier Hill Steel Co.....	\$12,500,000	20	\$2,500,000
British-American Tobacco Co. (Inc.).....	\$12,811,412	25	\$3,202,853
Brown Shoe Co. (Inc.).....	\$6,300,000	33 1/2	\$2,100,000
Brunswick-Balke-Collender Co.....	\$6,000,000	200	\$12,000,000
Chandler Motor Car Co.....shares.	210,000	33 1/2	\$70,000
Chapman Valve Manufacturing Co.....	\$500,000	100	\$500,000
Cleveland-Akron Bag Co.....	\$2,950,000	50	\$1,475,000
Cleveland Automobile Co.....shares.	14,000	1,900	\$266,000
Columbia Motors Co.....	\$500,000	700	\$3,500,000
Columbia Graphophone Mfg. Co.....shares.	915,160	5	\$45,758
Continental Oil Co.....	\$3,000,000	200	\$6,000,000
Crowell & Thurlow Steamship Co.....	\$1,000,000	200	\$2,000,000
Crucible Steel Co.....	\$25,000,000	50	\$12,500,000
Detroit & Cleveland Navigation Co.....about.	\$5,000,000	25	\$1,250,000
Endicott-Johnson Co.....	\$14,900,000	10	\$1,490,000
Federal Oil Co.....	\$4,750,000	3	\$142,500
Federal Motor Truck Co.....	\$1,000,000	100	\$1,000,000
Foundation Co., New York.....shares.	20,000	25	\$5,000
Frye (John A.) Shoe Co.....	\$250,000	200	\$500,000
General American Tank Car Co.....shares.	60,000	300	\$180,000
General Chemical Co.....	\$16,519,200	20	\$3,303,840
General Fireproofing Co.....	\$1,017,500	50	\$508,750
General Motors Corporation.....	\$155,957,200	2 1/2	\$389,893
Grasselli Chemical Co.....	\$16,121,000	20	\$3,224,200
Greenfield Tap & Die Corporation.....shares.	\$80,000	50	\$40,000
Harbison-Walker Refractories Co.....	\$18,000,000	50	\$9,000,000
Hawaiian Pineapple Co.....	\$1,600,000	25	\$400,000
Haynes Automobile Co.....	\$2,500,000	60	\$1,500,000
Hood Rubber Co.....	\$3,000,000	66 2/3	\$2,000,000
International Motor Truck Co.....shares.	70,777	100	\$70,777
Katama Cotton Mills.....	\$1,500,000	33 1/2	\$500,000
Kelly-Springfield Tire Co.....	\$5,532,200	3	\$165,966
Libby, McNeill & Libby.....	\$12,800,000	50	\$6,400,000
Manomet Mills.....	\$3,000,000	66 2/3	\$2,000,000
May Department Stores Co.....	\$15,000,000	33 1/2	\$5,000,000
Middle States Oil Co.....about.	\$2,016,670	20	\$383,330
Middle States Oil Co.....	\$5,200,000	50	\$2,600,000
Minneapolis Steel & Machine Co.....	\$1,500,000	100	\$1,500,000
Monomac Spinning Co.....	\$1,200,000	100	\$1,200,000
Nashua Manufacturing Co.....	\$2,500,000	100	\$2,500,000
New England Investment Co.....	\$5,000,000	100	\$5,000,000
New Jersey Zinc Co.....	\$35,000,000	20	\$7,000,000
Nicholson File Co.....	\$5,000,000	100	\$5,000,000
Nonquitt Spinning Co.....	\$2,400,000	100	\$2,400,000
Northwestern Leather Co.....	\$576,690	333	\$1,923,310
Owens Bottle Co.....	\$9,642,275	5	\$482,113
Paige-Detroit Motor Car Co.....	\$1,500,000	33 1/2	\$500,000
Queen City Cotton Co.....	\$750,000	100	\$750,000
Reynolds (R. J.) Tobacco Co.....	\$20,000,000	200	\$40,000,000
St. Maurice Paper Co.....	\$5,000,000	30	\$1,500,000
Salmon Falls Manufacturing Co.....	\$600,000	100	\$600,000
Seaconnet Cotton Mills.....	\$600,000	100	\$600,000
Sears-Roebuck Co.....	\$75,000,000	40	\$30,000,000
Sinclair Consolidated Oil Corporation <sup>13</sup> .....	\$6,000,000	100	\$6,000,000
Stanley Sanitary Manufacturing Co.....	\$2,500,000	100	\$2,500,000
Studebaker Corporation.....	\$45,000,000	33 1/2	\$15,000,000
Stutz Motor Car Co.....shares.	100,000	20	\$20,000
Do.....do.	120,000	14 66 2/3	\$48,000
Thompson (John R.) Co.....	\$4,500,000	33 1/2	\$1,500,000
Trumbull Steel Co.....	\$14,000,000	(b)	(b)
Truscom Steel Co.....	\$1,444,650	20	\$288,930

<sup>1</sup> The final steps in the matter of a stock dividend are yet pending and no announcement can be made at present.

<sup>2</sup> Quarterly.

<sup>3</sup> The directors have voted to pay a stock dividend (amount stated above), provided the shareholders, at a meeting called for the purpose, shall authorize the proposed increase.

<sup>4</sup> No par value.

<sup>5</sup> The stockholders will vote on June 1 on increasing the common stock and to declare an additional stock dividend (amount not fixed).

<sup>6</sup> The new stock distributed as a stock dividend will be designated as Class "B."

<sup>7</sup> As recommended by the board. The stockholders voted May 6 to increase the stock from \$1,000,000 to \$4,000,000, and the directors, it is said, will formally declare the 200 per cent dividend next week.

<sup>8</sup> General Motors Corporation 2 1/2 per cent stock dividend is payable on the \$155,957,200 common stock (\$100 par value) or its equivalent in shares of no par value, 10 of which are being issued for each \$100 share.

<sup>9</sup> Par value \$25.

<sup>10</sup> Paid in March.

<sup>11</sup> Payable in July.

<sup>12</sup> About.

<sup>13</sup> The directors have declared four quarterly stock dividends of 2 per cent each, payable upon authorization of the stockholders, who will vote on same May 19. See V. 110, 1857, 1754, 1744.

<sup>14</sup> Includes \$40,242,400 common stock now outstanding and \$10,865,448 Class "B" common which will be outstanding after conversion of the \$12,072,720 scrip.

<sup>15</sup> Not yet determined.

## Stock dividends voted or recommended by board—Continued.

On common stock—	Outstanding before dividends.	Per cent.	Amount of stock dividends.
Turner (J. Spencer) Co.....	\$500,000	100	\$500,000
Union Bag & Paper Co.....	\$10,000,000	50	\$5,000,000
United Fuel Gas Co.....	\$10,000,000	200	\$20,000,000
United States Worsted Co.....	\$5,000,000	50	\$2,500,000
Wagner Electric Manufacturing Co. of St. Louis.....	\$4,000,000	8	( <sup>e</sup> )
Waldorf System (Inc.).....	\$1,700,000	5	\$85,000
Whitaker-Glessner Co.....about.	\$3,869,700	400	\$19,348,500
Woolworth (F. W.) Co.....	\$50,000,000	30	\$15,000,000
Youngstown Sheet & Tube Co.....	\$18,500,000	( <sup>e</sup> )	( <sup>e</sup> )

<sup>1</sup> To be paid out of surplus when the \$325,000 common stock offered at par is paid for; \$175,000 outstanding Apr. 27.

<sup>2</sup> Includes 664 shares reserved for exchange for outstanding shares of preferred and common stock of the Union Bag & Paper Co. in accordance with consolidation plan; outstanding, 99,336 shares.

<sup>3</sup> Assuming that all of the holders of the second preferred stock exercise their option to exchange the same for common, prior to June 15 the stock dividend will be paid on a total of \$5,000,000 common and will increase the outstanding issue thereof to \$7,500,000.

<sup>4</sup> A stock dividend of 8 per cent has been declared (4 per cent payable in 1920, 4 per cent 1921).

<sup>5</sup> The directors have voted to pay a stock dividend (amount stated above), provided the shareholders, at a meeting called for the purpose, shall authorize the proposed increase.

<sup>6</sup> A press report from Youngstown says that the directors "have decided to issue a stock dividend of more than 400 per cent, or more than \$80,000,000," thus increasing the capital stock to \$100,000,000.

The following stock dividends have been reported by various newspapers, but have not yet been verified by us, and therefore are not included in the table above: Belton Mills, 100 per cent; Easley Cotton Mills, 300 per cent; Electric Welding Co., Boston, 50 per cent; Electric Welding Co., Baltimore, 25 per cent; Fafnir Bearing Co., 100 per cent; Honolulu Iron Works, Territory of Hawaii, 140 per cent; Riverside Manufacturing Co., 100 per cent; Royal Worcester Corset Co., 200 per cent; Traut & Hine Manufacturing Co., 100 per cent; Woodside Cotton Mills, 100 per cent.

Mr. KENYON. Mr. President, I think that perhaps I should not take very much more time, though I have no apologies to make for taking time, inasmuch as we have our program all laid out now and our cloth cut. I shall take more time day by day, I think, on these various subjects; but in view of the showing from the various articles and publications to which I have referred and the further fact that most of these matters have been before the American people for weeks and months, and, further, that there has been no denial of these facts, is it any wonder that the spirit of unrest in this country is growing?

This Nation, in the last analysis, must look to the great middle class to save it in its hour of stress. They will stand the plundering, but they will try to find some remedies for it. The great middle classes of this country—on the farms and in the shops and around the firesides—branded, if you please, as "rubes," as they have been referred to here to-day, although in not an uncomplimentary way, or branded as creators of unrest, will save this country. They are not American citizens simply for what they can get out of it. They believe in the ideals, the splendid purposes and opportunities of this country; but men who will rob their fellow men as the profiteers have been doing, as the Senator from Massachusetts showed yesterday and as I have tried to show to-day, are not safe rulers for this Nation. They would rob their Government; they would sell the great birthright of American citizenship for a pot of profits. Laws can curb them to some extent. I have tried to point out that laws can not do it all, and that there are great fundamentals involved in the question of the high cost of living, but a great awakened public sentiment in every community ought to sweep these men to social oblivion and scrap them on the junk heap of disrepute.

The profiteer is not new and a product of this age. Pharaoh was one of the first and wisest of all the profiteers. The humble Nazarene found profiteers in the temple at Jerusalem. He overthrew their tables, saying unto them, "It is written My house shall be called the house of prayer, but ye have made it a den of thieves." So this land of liberty, keeper of the hopes and prospects of humanity, guardian of the day of opportunity for the children who are to come, has been made a nation where thieves are plying their trade as they did in the temple of Jerusalem.

Congress supposed it had given enough law to the Attorney General to make effective a campaign against profiteering. If the law is not sufficient, there is no question that Congress will enact more law, but law is not sufficient to end, though it may curb, human greed. The public conscience and spirit of America must awaken, and it is awakening. Communities and individuals must assist in a general campaign against the profiteer. Why not organize antiprofitteering societies in the various communities of the United States and make public the

doings of certain distinguished citizens who are robbing the community?

We had antihorse-thief societies in the early days in the West that tended to conserve the number of horses in a community; why not antiprofitteering societies? If the remedy calls for sacrifice, let us make the sacrifice. The American people are sacrificing now. If it calls for drastic action, let drastic action come. The condemnation of an awakened public sentiment, coupled with such help as can be given by law, will at least help to some extent in curbing the plundering of the American people by the criminal and conscienceless profiteers.

## INCOME AND PROFITS TAX RETURNS.

Mr. HARRIS. Mr. President, I move that the Committee on Finance be discharged from the further consideration of the joint resolution (S. J. Res. 146) directing the Secretary of the Treasury to furnish the Senate certain detailed information secured from income and profits tax returns of taxable year 1918.

The PRESIDING OFFICER. The question is on that motion of the Senator from Georgia.

Mr. JONES of Washington. As I understand, under the rule, such a motion to be considered requires unanimous consent; otherwise it must go over for one day. I do not feel that I can consent to its consideration now. While I myself have no objection, yet I object to its consideration at this time.

Mr. HARRIS. Then, Mr. President, I give notice that tomorrow morning I shall ask the Senate to consider the motion.

## THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the distribution, regulation, and use of property acquired thereunder, and for other purposes.

Mr. THOMAS obtained the floor.

Mr. McCUMBER rose.

Mr. THOMAS. Does the Senator from North Dakota desire to address the Senate?

Mr. McCUMBER. No; my desire was to call for a quorum. I think undoubtedly the Senator would like to have a quorum present.

Mr. THOMAS. No, Mr. President; not in the sense in which the Senator speaks. Of course, I should like to have a quorum present, but I know that a quorum is impossible. The Senate can secure an answer to a sufficient number of names to make a quorum, but when that ceremony shall have been ended there will be just about as many Senators in their seats as occupy them now.

Mr. McCUMBER. I hope, at least, the ceremony will be gone through with, and, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Harris	McCumber	Simmons
Borah	Harrison	McLean	Smoot
Calder	Henderson	McNary	Sterling
Capper	Jones, N. Mex.	Nelson	Thomas
Chamberlain	Jones, Wash.	New	Trammell
Comer	Kellogg	Nugent	Underwood
Curtis	Kendrick	Overman	Wadsworth
Dial	Kenyon	Page	Walsh, Mass.
Gronna	Keyes	Ransdell	Walsh, Mont.
Hale	King	Robinson	
Harding	Lodge	Sheppard	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

Mr. MCKELLAR. The Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Kentucky [Mr. BECKHAM], and the Senator from Nevada [Mr. PITTMAN] are absent on official business.

The PRESIDING OFFICER (Mr. McNARY in the chair). Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. POINDEXTER, Mr. SPENCER, Mr. WARREN, and Mr. WATSON answered to their names when called.

Mr. LENROOT, Mr. KNOX, Mr. WILLIAMS, Mr. PHIPPS, Mr. JOHNSON of California, Mr. BALL, Mr. MCKELLAR, Mr. CULBERSON, and Mr. PHELAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.



Mr. THOMAS. Mr. President, I hesitate somewhat to trespass further upon the time of the Senator from Washington [Mr. JONES] in a discussion of subjects which are not particularly germane to this bill; but in view of the very able presentation yesterday by the junior Senator from Massachusetts [Mr. WALSH] of what he conceives to be the causes of unrest in the country, and with which I take no issue, and of the addition to that discussion just furnished by the Senator from Iowa [Mr. KENYON], I feel constrained to submit a few observations relative to the general subject, designed not so much for the purpose of combating any facts which have been stated as to emphasize what I think are the real causes of the high cost of living and the need for understanding them before we can hope for that relief, the necessity of which is too urgent to admit of argument.

Mr. GRONNA. Mr. President—

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

Mr. THOMAS. I yield.

Mr. GRONNA. There is a joint resolution on the calendar which was reported yesterday. A similar joint resolution came over from the House to-day. I am sure it will not take over five minutes to pass it. I dislike to interrupt the Senator from Colorado, but I should like to have the joint resolution put on its passage.

Mr. THOMAS. I yield to the Senator with pleasure, if it will not provoke any discussion.

#### FEDERAL FARM-LOAN BONDS.

Mr. GRONNA. I ask the Senate to proceed to the consideration of House joint resolution 351.

Mr. ROBINSON. May I inquire of the Senator from North Dakota to what the joint resolution relates?

The PRESIDING OFFICER. The joint resolution will be read by title.

The joint resolution (H. J. Res. 351) extending the provisions of an act amending section 32 of the Federal farm-loan act, approved July 17, 1916, to June 30, 1921, was read twice by its title.

Mr. JONES of Washington. There is a request for unanimous consent to consider the joint resolution?

Mr. GRONNA. If it leads to any discussion, I will not press it.

Mr. JONES of Washington. I know it is a very important measure, and I would like to see it passed. If it will lead to no discussion, I will make no objection to its consideration.

Mr. THOMAS. I may say to the Senator from Washington that I yielded with the understanding that it would not provoke discussion.

Mr. GRONNA. I will say to the Senator from Arkansas [Mr. ROBINSON] that the Senate joint resolution proposes to extend the law of 1918, permitting the Secretary of the Treasury to buy Federal farm-loan bonds up to \$64,000,000. The House passed the joint resolution in exactly the same form, except that it added a provision limiting the purchase of bonds to loans before March 1, 1920, and it involves only \$26,000,000. The Senator is familiar with the action of the Supreme Court. The Supreme Court asked for a reargument. A great many of these bonds are now held by little banks all over the country, and the object is simply to relieve the situation. We have requests from not only the little banks but from the big banks of the South and West and all through the country. I can tell the Senator how it would affect his own section. Where is the Federal land bank which would affect the Senator's State?

Mr. ROBINSON. At St. Louis; but I am not particularly interested in the operation of the act as to any one district. What I want to understand is the effect of the act as a whole. What is the basis of the act? What is it designed to do?

Mr. GRONNA. In 1918 there was a law enacted authorizing the Secretary of the Treasury to buy \$100,000,000 worth of bonds. There was only about \$40,000,000 of that authorization used.

Mr. ROBINSON. Farm land bonds?

Mr. GRONNA. Yes. So there remains still an authorization for \$64,000,000.

Mr. ROBINSON. The Senator's joint resolution proposes to authorize the expenditure of that sum?

Mr. GRONNA. My joint resolution proposed to authorize that amount, but the House authorized the expenditure of \$26,171,225.

Mr. ROBINSON. Is the amount carried by the House joint resolution adequate to meet the requirements of the situation in the opinion of the Senator from North Dakota?

Mr. GRONNA. A statement was sent to me by Judge Lobdell, the chairman of the Federal Farm Loan Board, in which

he stated that practically all the mortgages that were taken up to March 1, 1920, would be taken care of.

Mr. ROBINSON. Does the Farm Loan Board regard the House measure as adequate to meet the requirements?

Mr. GRONNA. Yes; the Farm Loan Board believes so. Mr. Lever was here this morning, and both Judge Lobdell and Mr. Lever recommend its passage.

Mr. ROBINSON. I have no objection to the consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

*Resolved, etc.*, That the provisions of the act of Congress approved January 18, 1918, entitled "An act to amend section 32 of the Federal farm loan act approved July 17, 1916," be, and the same hereby are, extended to the fiscal years ending June 30, 1920, and June 30, 1921, to the extent that the Secretary of the Treasury be, and he hereby is, authorized, as by the terms of said act, to purchase during the fiscal years ending June 30, 1920, and June 30, 1921, or either of them, any bonds which he might have purchased during the fiscal years ending June 30, 1918, and June 30, 1919, or either of them, under the provisions of the original act: *Provided*, That he shall purchase no bonds issued against loans approved after March 1, 1920.

Mr. HARRISON. The Senator from North Dakota has considered the proposition of the dates, March 1, 1920, being the limit as to the approval of those bonds?

Mr. GRONNA. Yes.

Mr. HARRISON. Does not the Senator think that is too early a date, and that it ought to be eliminated, or at least put up some time? I understand the Supreme Court does not meet until October, and all the applications that might be made for loans from the 1st of March to the 1st of October, if the joint resolution passes in that form, would not be considered.

Mr. GRONNA. I will state to the Senator the situation. Today throughout the country, in the 12 Federal farm-land banks, there are about \$26,000,000 worth of mortgages. The House joint resolution would take care of practically all the mortgages. It would take care of all the mortgages approved up to March 1, 1920, and it would give great relief to the agricultural sections of the country.

Mr. HARRISON. It renders a great service, I will say to the Senator, and I am in thorough accord with the legislation. I was in hopes, though, that the judgment of the Senator, the judgment of the Banking and Currency Committee, and of the Senate would be that we should eliminate the time, so that we might apply it more generally.

Mr. GRONNA. Personally I should favor that very much, but I think it is impossible.

Mr. HARRISON. The judgment of the Senator is that we had better accept it as it is?

Mr. GRONNA. Yes.

Mr. HARRISON. The Senator feels that it would be impossible to get any legislation at all unless this is accepted?

Mr. GRONNA. That is my understanding.

Mr. PHELAN. I understand that unless this legislation passes, the farmers to whom commitments have been made will be deprived of the money which they expect for the movement of their crops?

Mr. GRONNA. That is true.

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

Mr. GRONNA. I move that the joint resolution (S. J. Res. 196) extending the provisions of an act amending section 32 of the Federal farm loan act approved July 17, 1916, to June 30, 1921, be indefinitely postponed.

The motion was agreed to.

Mr. GRONNA. I thank the Senator from Colorado.

Mr. THOMAS. The Senator is quite welcome.

Mr. HARRISON. Mr. President, will the Senator from Colorado yield that I may make a brief statement?

Mr. THOMAS. I yield to the Senator.

Mr. HARRISON. Mr. President, I did not want to delay the passage of this legislation, and I thank the Senator from Colorado for yielding for a brief statement. I was very much in favor of this legislation, and introduced a bill last week, which went before the Banking and Currency Committee, touching this same proposition. If that bill had been favorably reported it would have allowed applications which will be made for loans from now until the decision of the Supreme Court in the pending case.

This legislation, however, will take care of all the applications upon which loans have been approved up until the 1st of March, which I understand approximate something like \$40,000,000 or \$50,000,000. As to \$8,000,000 of those loans, as I understand, mortgages for some have been placed upon record.

For that reason I did not offer the amendment which was voted on in the House yesterday and which was defeated by a majority in the House of Representatives, cutting out the time limit, so that this legislation could apply to applications which might be made this summer and until the Supreme Court settles the matter.

When we passed the legislation creating the farm land banks it was violently opposed by certain interests in this country, mainly the mortgage companies in the United States, and, personally, I have no doubt that they are behind this litigation that is now pending in the courts, and that they were the cause of the instigation of the lawsuit, and are very hopeful that the Supreme Court will not render a decision for a long time to come. In substantiation of that I want to read a bulletin that has been issued by the chairman of the membership committee representing the Farm Mortgage Bankers' Association of America.

This is a startling revelation of the work of the mortgage companies against the farm-land banks and against this legislation and the decision by the court. This bulletin says:

MAY 12, 1920.

GENTLEMAN: We inclose herein Special Bulletin No. 66, issued by the Farm Mortgage Bankers' Association of America. This is only one of a series of bulletins which are issued from time to time, sometimes three and four times a month, to the members of the association, and shows the way the wind is blowing each time.

You will note the remarks in regard to the Supreme Court in the matter of passing on the constitutionality of the tax-exemption feature of the land bank bonds.

The bulletin further says:

Most of us believe that the Supreme Court did not care to render their decision, which I interpret to be unfavorable to the land banks but favorable to us, until after the next election. At any rate, the Farm Mortgage Bankers' Association, I think, is directly responsible for the Federal land bank and the joint-stock land bank not being in operation to-day and not being able to operate until sometime next year.

Claiming credit for the delay of the Supreme Court in rendering a decision which will affect them either for good or bad, which will tie up these millions of loans to the farmers of the country by the Farm Loan Board, it says:

At any rate the Farm Mortgage Bankers' Association, I think, is directly responsible for the Federal land bank and the joint stock land bank not being in operation to-day and not being able to operate until some time next year.

They know that when the farm land banks lend money on long term, low rates of interest, it hurts their business, and, of course, they are hoping for delay in the decision and are against this legislation. The bulletin reads further:

I am wondering if this fact alone is not worth considerable more to you than the small fee which we charge for membership in the association. And, as a matter of fact, don't you think that the association is entitled to support, both financial and moral, in their work for the betterment of farm-mortgage dealers? If you agree with me, will you kindly fill out the inclosed application and send it to me with your check for \$25, which will pay your fee until September 1? The check should be made payable to E. D. Chassell, secretary and treasurer, but send it to me.

Respectfully, yours,

W. M. HECKLER,  
Chairman Membership Committee.

Mr. GRONNA. I want to say to the Senator that the Committee on Banking and Currency, of which I happen to be a member and of which the distinguished Senator from Connecticut [Mr. McLEAN] is chairman, reported out a joint resolution which I introduced the next day, I believe, after it was submitted. I am sure that no complaint can be made against the Banking and Currency Committee of the Senate, because, as I said a moment ago, it would have taken care of some sixty-odd million dollars of farm mortgages. The Senate Committee on Banking and Currency, regardless of whether the members came from the New England States, where they are getting no benefit, I will say to the Senator, from this act, have been just as anxious to have legislation passed in order to relieve the situation as have the Senators from the West and the South.

Mr. HARRISON. I am quite sure of that, and I want to say to the Senator from North Dakota that I congratulate him and the Banking and Currency Committee of the Senate and the House on its speedy work in this matter. It is splendid of them to have brought it out so quickly and passed it through the Senate as they have done. But I incorporated this letter to show the work of the mortgage companies against this legislation and against the decision of the Supreme Court. Such a policy as is disclosed by this letter shows this association to be a set of selfish and unconscionable money leeches desirous of destroying their prey through the extraction of unreasonable and exorbitant interest charges.

Mr. CALDER. Mr. President—

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

Mr. THOMAS. I yield to the Senator.

Mr. CALDER. Mr. President, I have listened attentively to the reading of the circular by the Senator from Mississippi [Mr. HARRISON]. I heartily approve of the joint resolution. As a member of the Committee on Banking and Currency, I voted to report it favorably, and I think it an excellent thing just at this time, when interest rates are so abnormally high, that we have this fund available for loaning money on bond mortgages on the farms of the country.

I want to say just a word regarding the condition in the cities of the country. At the beginning of this Congress I introduced a bill which would permit the utilization of the cooperative building and loan associations of the Nation to finance the building of city homes.

The income on farm-loan bonds being exempt from taxation and the interest on Federal, State, county, and municipal bonds being likewise exempt from Federal taxation, these securities very naturally form an attractive investment; and because of this fact and also that attractive railroad bonds are yielding 7 and 8 per cent to-day and the maximum rate of interest to be charged on real estate bonds is fixed by law, little or no money is now available for financing building operations; in other words, the present system discriminates against the home builder in the city.

It is true that cooperative savings banks and insurance companies furnish a market where some money can be obtained, but this nowhere nearly meets the demand, and there has been a complete let down during the past few months in building operations, and this can be attributed very largely to this system by which we exempt one class of securities from taxation and tax the other.

The home-loan bill which I have offered would be most helpful if enacted. It would permit building loan associations, through the home loan banks to be created by the bill in the several Federal reserve districts, to issue bonds the payment of which would be fully guaranteed and safeguarded through first mortgages on real estate. This would furnish at once, in my judgment, at least a billion dollars for this purpose, and it would do that without calling upon the Government to loan a dollar or pledge the security of any bond issued under this system.

This is one way to relieve the present difficult situation affecting the shortage of homes in the cities, and the Banking and Currency Committee, to which this bill has been referred, can help to solve the problem.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

Mr. THOMAS. Mr. President, there can be no question about the widespread evil of profiteering. There can be no question of the truth of the specific examples to which the attention of the Senate has been called wherein profits far beyond the dreams of avarice have been garnered by those dealing in the necessities of life and in those articles of merchandise which are essential to the carrying on of commercial affairs. If this were a unique situation, either nationally or historically, the conclusion which has been so vigorously insisted upon here, that the profiteers are the cause of high prices, would be irresistible. No man would have the temerity to question it.

The recital of this list of profiteers, naturally arousing the resentment and the indignation of the public, makes the assertion that these are the causes of present industrial conditions in this country easily accepted. I believe thoroughly in the need for minimizing this situation. I am an advocate of any measure within the power of Congress to enact which, properly and vigorously applied, will eradicate the evil if that can be accomplished; hence I am not at all disposed to the postponement of any legislation upon the subject which addresses itself to my judgment, although I believe that statutory prohibitions will be found in their practical operation to prove as disappointing as those which have been resorted to in times past under similar conditions.

Mr. President, this situation, so eloquently depicted by the Senator from Massachusetts [Mr. WALSH] and the Senator from Iowa [Mr. KENYON], finds its duplication in every country on the face of the globe, civilized and uncivilized. It is confined to no nation and to no people, but flourishes everywhere, and because it has the same origin. I read the other day a little squib in one of the daily papers calling attention to the fact that the price of wives in Africa had risen 100 per cent. In the good old prewar days an African chief could get

a wife for 5 head of cattle, and now it costs him 10, and I suppose as a consequence he will either have to economize in the business of securing wives and get along with his old ones as best he may or go to profiteering.

The press accounts which reach us from France, from England, and from Germany, conquered and conqueror, all tell the same story. Even in Russia profiteering has merely been transposed from the class of people indulging in it ordinarily to the governing powers, and those controlling that unfortunate Empire are gorging themselves with the plunder of the people. If that is so, and I do not think it can be successfully controverted, then it must follow, as the night follows the day, that the high cost of living is not caused by profiteering, and therefore the evil can not be cured by abolishing the profiteer.

I recall very distinctly that the rise in the cost of living had become so marked in 1912 and before that time that the Democratic convention at Baltimore arraigned the Republican Party as the cause of this movement and pledged itself to the people that in the event the reins of Government should be intrusted to it the evil would be removed. My distinguished friend, the Senator from Iowa [Mr. KENYON], between 1913 and 1916 never lost an opportunity to remind this side of the Chamber of the making of that pledge and of the manner in which it was being performed. The evil, in other words, has its origin in deep-seated causes antedating the war, and received tremendous acceleration because of the war, which added new causes, new conditions, all of which tends to the same end.

I contended away back as early as 1910, not alone but in company with many of my fellow citizens, that the increased number of corporations and the constantly growing tendency to issue fictitious capital on the one hand, coupled with the enormous increase in the issue of time securities upon the other, found a reflection in the rise of prices in the necessaries of life. I believed then, and I believe now, that that had much to do with starting that industrial condition, at the end of which we have not yet arrived.

What occurred during the war, not only here, but in the other belligerent countries on both sides? We all know that war makes extraordinary demands. In modern war, time is more important than money and preparation must continue, where unpreparedness exists, with feverish haste and without regard to expenditures at the given moment. Of course, that means an enormous expansion of credit. In countries like ours it means an enormous expansion of taxation, and in all countries it means an enormous expansion of circulating medium.

If there is an axiomatic proposition of political economy, it is that the value of money depends upon its quantity measured in all other commodities of man. As the volume contracts the value increases and prices fall. As the volume expands the value decreases and prices rise.

You can no more escape from the operation of that law than from the law of gravitation. It began to manifest itself in increasing volume, just in proportion as these practices were enlarged.

The value of money, I say, depends upon its quantity, but the expansion of credit, of Government credit, is the equivalent, or almost the equivalent, of an enlarged circulating medium. In the first place, it is necessary to enlarge the medium directly to enable the people to buy the Government securities; and in the next place the securities themselves are convertible at any time at some figure into needed funds. Therefore the price of commodities respond to that condition; they are bound to respond to it; and all the legislation that the wit of man can devise can not prevent it.

Then comes a volume of taxes, necessarily seeking new avenues of wealth as well as new methods of assessment, resulting in the passing on of the tax, whatever its form, to the ultimate consumer. The man who can devise a system of taxation, fixed in its character and not transferable, will confer the greatest benefit upon humanity that any man who ever lived has conferred. It can not be done. The only taxes of which I am aware that are not passed on to the consumer are inheritance taxes and that part of the income tax which is levied upon fixed incomes, the latter to some degree being exempt from the operation of this law.

We have been taxing the people of the United States by thousands of millions of dollars ever since the good year 1916 by the imposition of income taxes, excess-profits taxes, war-profits taxes, stamp duties, excise taxes, taxes of every known description except taxes of a direct character. These taxes are added to the cost of living, just as increased wages and the increased price of raw material necessarily enter into the calculations of every business man as overhead charges and find their ultimate lodgment in the cost of production and are then revealed in the higher cost of material, whatever its character.

Mr. JONES of New Mexico. Mr. President—

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

Mr. THOMAS. I yield.

Mr. JONES of New Mexico. I have been much interested in the observations of the Senator and have speculated somewhat in my own mind regarding the proposition which he is discussing. Of late, however, I have had my mind dwell more particularly upon some features of statistics which I have seen. The Senator refers to the passing on to the consumer of the taxes levied upon corporations, referring, doubtless, particularly to the excess-profits taxes.

Mr. THOMAS. No; I referred to all of them.

Mr. JONES of New Mexico. I will modify my statement. The Senator did include all. Now, it seems to be the fact that during the last three years the net profits of the corporations of this country, after payment of all taxes, have been, on the average, just about three times their net profits prior to the recent war. That has rather indicated to my mind that corporations dealing in the necessities of life have been accustomed during that period to charge to the consumer all that the traffic would bear, and that that same charge would probably be made whether the corporations paid any taxes or not.

Of course, I can understand how the excess-profits tax and other taxes might be used as an excuse for the raising of prices; but when we are confronted with facts of this nature, so startling to me, when we realize that production has not been very much greater than it was prior to the war, and when we are told that after the payment of all taxes and after writing off for depreciation and depletion, still the net profits of these corporations are two or three times what they were before the war, is there not some cause for us to hesitate upon the proposition that all of these taxes are passed on to the consumer?

Mr. THOMAS. On the contrary, Mr. President, in my judgment it proves it beyond all controversy. The man who passes a tax on—and the individual does it just as much as the corporation does it—never fails to add something for good measure. One of the fundamental evils of indirect taxation is that when passed on it always carries an accretion with it, and I think that generally is what the traffic will bear, as the Senator from New Mexico suggests. Of course the tax is passed on. It may be that much of the taxation which is imposed by the Government is evaded. I do not undertake to say as to that, because I do not know whether the increased income of the corporations of the country, after the deduction of Government charges, is at present three times as great as it was before the war. That may or may not be the case. Of course it is not the case when you average all taxpayers. It is always a misfortune that the chief sinner stands out prominently and unconsciously becomes an example of the average. A bad man in a town sometimes gives the whole community a reputation that it does not deserve. One commercial sinner may bring upon the community where he resides the condemnation of the State or of the entire country. I know of a great many corporations—and I say again I am not defending these enormous profiteers—I know of a great many corporations and a great many individuals who have difficulty in making both ends meet, and I think they are the majority. They, together with the consumers of the country, are the victims of this unfortunate situation, which should not exist.

The Senator said something about production, and that brings me to a proposition that I have iterated and reiterated here until I am afraid that I have become a sort of nuisance to this body. It is that until production in everything that enters into our modern economic life shall have increased, and increased materially, until it shall have reached and passed the prewar standard on the one hand, accompanied by the practice of old-fashioned thrift and economy which our parents used to practice on the other, we may stand upon the floor of the Senate and upon the hustings and denounce the profiteer until judgment morning; we may enact repressive legislation and impose penalties upon the officers of justice who fail to carry it out according to our notions as to how it should be carried out, but conditions will continue as they are.

In his great lecture upon the Lost Arts, Wendell Phillips years ago said that every modern political and economic question that can be thought of had been discussed to tatters in Egypt before the days of the Pharaohs. The Senator from Iowa quoted scripture a few moments ago in proof of the existence of the profiteer away back before the beginning of the Christian era, and antiquarians have deciphered from the hieroglyphics of the ruins of ancient cities the same old story of human greed and human avarice. They come with opportunity, and until human nature shall have been transformed and spiritually purified it will persist through all the tides of

time. Hence, Mr. President, I contend that the great American public have the remedy in their own hands, and it is the only remedy that will prove ultimately effective.

Some time ago an overalls campaign was started and ran riot over the country. It was a good thing; it was a protest against the high cost of clothing. The New York newspapers are to-day full of telegrams from different parts of the country—in fact, from all parts of the country—announcing a widespread reduction in clothing. Was it brought about by legislation or by men wearing overalls? I have a suit of clothes on that I bought four years ago. They are pretty well patched on the inside. I have on a pair of shoes that I bought in January, 1916; but I do not propose to buy any more clothes until prices go down, even though I should subject myself to arrest on the streets of Washington because of a lack of sufficient clothing. I am no more virtuous or self-denying than my neighbor, but let every man and woman in the country practice such economy, and as a consequence I predict we will get our clothing for something near the ancient prices.

I am able to live on corned-beef hash; and if that becomes too high, upon hash made of rabbit meat; and if that gets out of the market, then upon no meat at all until the prices of the packers come within reason.

When we do that, Mr. President, we will have cheaper food; until we do that we are going to have the high cost of living, which, when we consider the vast number of men who disdain labor in these days, might properly be designated the "high cost of loafing."

Thrift and economy, Mr. President, necessarily mean saving; saving means an increase of capital in the banks, and when that kind of saving shall be again practiced the contraction of the currency will become comparatively easy. I listened very intently yesterday to the speech of my good friend from Oklahoma, Mr. OWEN, who is bitterly opposed to the raising of discount rates by the Federal reserve banks, because, he says, it prevents honest men from securing money needed to save their business. If that be the effect of it, I am with him.

The Senator says that the discount rate should be utilized only against the man who speculates. There, again, I am with him; but I am unable to perceive how the Federal reserve bank can distinguish between the Senator from Utah desiring money to tide him over in his business and myself desiring money with which to speculate. The man who speculates will not have conscientious scruples in misrepresenting the purpose for which he wants money. A great many good men have gone wrong because of the opportunities for speculation which seems so attractive and have been forced into a life of deception with discovery as the final consequence. You can not make that discrimination.

We must therefore contract our currency in some way—slowly, imperceptibly if you please, but contract it nevertheless—or prices will continue to rise, or at least remain at their present high standards.

Ever since the close of the war Germany and Austria have met increasing demands by increasing money issues, with the result that prices have risen with every increase, and they will continue to rise with every increase. Of course, the consequent suffering is terrible; but if, instead of pursuing such a course, the volume of currency had remained stationary, the financial, the economic, as well as the moral effect upon the people, would have been invaluable. I think the people are beginning to see that. They almost always do.

The first impulse is to legislate. Mr. MacMaster, in his "History of the People of the United States," informs us that immediately after the War of the Revolution was over the Massachusetts authorities, appalled at the price of living, met and resolved that they would legislate and thereby control the price of food and clothing. Fisher Ames informed them that such a subject was beyond the province of legislation and demonstrated it by historic examples. That sustains two things: First, that the conditions now everywhere prevalent were then prevalent in Massachusetts; second, that the impulse to cure them by a statute with an appropriate preamble yielded to the common sense and calm reasoning of one of Massachusetts's greatest lawyers.

Historians recall that not only were prices fixed in the time of the French Revolution by the constituent assembly but the penalty of death was imposed upon the man who, having goods, refused to sell them at those figures, and the result was that the people in the cities came very near starving to death before the law was repealed. You can lead a horse to the trough, but you can not make him drink; and economic law will assert itself in this poor human world in spite of all our efforts to the contrary.

I do not mean to say that profiteering should be permitted to proceed with impunity. On the contrary, let us punish it, and punish it vigorously; but let us not become bewildered by the notion that the profiteer is the cause of all of our economic ills, instead of being a result of conditions for which perhaps he, in common with the rest of us, is to blame.

A day or two ago Lord d'Aberton, one of the leading financiers of the British Empire, said that no large and permanent relief from high prices could be anticipated from any probable increase of production, desirable as this undoubtedly is, and that, taking prices as a whole, it is doubtful whether profiteering has added 5 per cent to their level, and it is doubtful whether control of prices makes as much as 5 per cent difference in the cost of living. Our own Bureau of Labor Statistics said a few weeks ago that if every profiteer were taken out and hung—or words to that effect—the amount of their profiteering would not sensibly affect the level of prices in America. I think that is true. It affects it in some degree, of course; and in individual cases, as I say, the extortion which is represented by profits is not only indefensible but it ought to be made and punished as a crime against the public.

I do not know how much the profiteer collectively may be said to reap from this situation; but let us suppose that it is five thousand millions or, perhaps, to be within bounds, let us say that it is three billions. Three billions distributed among a population of 110,000,000 would not sensibly add to the common income. There are said to be 15,000,000 laborers or workmen in the United States outside of the farms. A dollar a day increase would be five billions or \$5,400,000,000 a year, very much more than the amount of the profiteering, collectively considered, unless my figures are entirely wrong.

Now, this addition goes into the cost of consumption, unquestionably. There is no doubt about the fact that the movement finds acceleration through these practices. There is no doubt about the fact that each adds its mite to the common result; but the way to get rid of the profiteer is to ostracize him socially and punish him legally. Both can be done. Both ought to be done. Some of them have placed themselves beyond the pale of decency or of respectability. Some of them have no conscience in their dealings with the people. Some of them are so carried away by the infernal desire to make money out of the present unsatisfactory conditions that they are perfectly willing to risk all the social consequences that may result from their conduct.

Mr. McCUMBER. Mr. President—

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

Mr. McCUMBER. Does not the Senator think there is a sufficient number of them so that they can form societies of their own and ostracize the other fellows?

Mr. THOMAS. No; I do not think so.

Mr. McCUMBER. I think they are doing it.

Mr. THOMAS. Well, perhaps. There are a great many of them; and there is another trouble, Mr. President. We denounce the big fellow. Why is our moral indignation aroused against him? Is it not rather our envy that in the field of profiteering he should become more successful than we have become? I do not know of a man—there may be such—who has failed to take advantage of existing conditions in the effort to better his own, and I do not blame him; but let us remember that profiteering is a relative term, and that the man who by profiteering makes \$25 and unlawfully and wrongfully gets it from his neighbor's pocket, morally or legally, or both, is just as much of a profiteer as the man who makes a million.

Some of these methods, as I say, should put a man who practices them beyond the pale even of the law, and might justify a resort by the victim to that wild system of justice which, in the frenzy of the moment, is resorted to on, alas, too many occasions. As illustrative of this class of human ghouls, I read an editorial taken from the columns of the Washington Star of day before yesterday; and I commend this particularly to my friend the Senator having charge of the bill, in the hope that possibly a repetition of this conduct, or a continuation of it, may be prohibited by the enactment of the bill which he has in charge:

With food prices soaring in the United States, the astounding fact appears that American foodstuffs are being shipped abroad, and then shipped back and sold here for higher prices than can be obtained in Europe. Not only that, but sometimes these cargoes make two round trips before they finally reach the American consumers.

That is an astounding statement if true, Mr. President. It comes from the columns of a perfectly respectable journal and is a comment of the editor upon what he assumes to be a fact, and I have no doubt justly so.

What is to be done about it? Nothing, say the Government officials who have discovered the fact of this merry-go-round of trade. Nothing, simply because the law does not reach the men who deal in foods

in wholesale and buy and sell them in cargo quantities and are free to seek the highest market. These shiploads of butter, fruits, and other articles pass through several hands before they get actually to market. They are bought and sold in some cases without leaving the holds of the vessels.

This is a most vicious speculation. It keeps the foods out of use pending the deals and voyages. It adds to the ultimate price of all commodities. And, furthermore, it brings finally to market foodstuffs of lowered quality. For the cold-storage transportation back and forth across the ocean necessarily lessens the actual food value of the goods. And for this less valuable material, so urgently needed by the people, the highest prices are ultimately exacted.

And yet nothing can be done about it. Can there not be some method of marking goods once exported so that they can be identified when they have been reshipped? With such a distinctive and ineradicable mark they may not command as high a price in the market upon being returned. Usually surplus goods—and these are, in truth, of that nature—are regarded as "seconds."

The cold-storage system is believed to be the cause of much of the high price tendency in this country.

So believing, we enacted a law upon the subject—at least, the Senate passed a bill upon the subject—within the week, as I remember.

Added to that is now the Atlantic ocean storage method of keeping goods out of the market until they can get peak prices. The consumer wonders and hopes, and wonders still what the end will be.

Mr. President, I do not hesitate to say that the owner of the vessel who would load it with necessary foodstuffs and sail across the Atlantic, and continue his voyage until the prices of those stuffs in the home markets were so high as to justify a handsome profit over this added expense, should be taken from his vessel when it lands at the home port for the discharge of its cargo and hung to the yardarm of the vessel, if they have such things on modern steamers.

Mr. JONES of Washington and Mr. KENYON rose.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. THOMAS. I will yield to the Senator who is nearest me, and then I will yield to the Senator from Iowa.

Mr. JONES of Washington. I just wanted to ask the Senator if there is anything there to indicate the source of this information?

Mr. THOMAS. No.

Mr. JONES of Washington. I can not believe that a thing like that occurred. Of course, if it did, it ought to be prohibited, if there is any way by which it can possibly be done.

Mr. THOMAS. If I had encountered it in some journals of the country, I should have thrown it aside, but its appearance in the Star as an editorial convinced me that there must be some fact behind it.

Mr. JONES of Washington. What is the date?

Mr. THOMAS. Day before yesterday.

Mr. JONES of Washington. I shall make inquiry to find out where they got that information, and the name of the ship.

Mr. THOMAS. I am glad to know that the Senator will follow it up. I now yield to the Senator from Iowa.

Mr. KENYON. I would like to inquire if the Senator does not realize that such language as is used there tends to create unrest and disquiet in the country?

Mr. THOMAS. I think action upon my suggestion would tend to allay unrest. I think it would be regarded as an act of common justice, because there be profiteers and profiteers, but that sort of profiteering, if it exists—and I sincerely trust that the statement is incorrect—if there is no remedy, would justify resort to a remedy outside the law. That, to my mind, is a most extreme instance of wholly indefensible methods of securing high prices in any country that has been called to my attention, and if the vessels which we have constructed, and those which are to be constructed under this measure, are to be used in that sort of trade, then it would be more creditable to the reputation of the United States if they hoisted the black flag and resurrected the old practice of piracy upon the high seas.

So, Mr. President, while I shall cooperate with my friend the distinguished Senator from Iowa [Mr. KENYON] in every effort which he makes and is making for the elimination of the profiteer from our economic life which addresses itself to my sense of justice, I want to impress upon him the great truth that he will but have skimmed the surface of affairs; that he will have attacked a consequence and not a cause; and that he should join with me and others, as I am sure he will, in seeking at all times to impress upon the good people of the country that the remedy is an old-fashioned and a simple one, yet a severe one to practice, but through whose agency, and whose agency alone, will come a return to happy and prosperous conditions in America.

I have the same abiding faith in the great middle class of the United States that the Senator has. It is that section of our people, law-abiding and God-fearing, men and women who

believe in Anglo-Saxon institutions and the principles of Anglo-Saxon liberty, who regard their Government as the agency for security to life and limb, and who appreciate the institutions which their forefathers won through the expenditure of so much blood and so much treasure, through centuries of strife, who will continue to be the sheet anchor of the Republic.

But, Mr. President, these are hard pressed between the upper and the nether millstones, the huge corporate interests, arrogant, wealthy, and powerful, and those great associations of men demanding the same legislative methods and insisting upon being clothed with the same authority.

The middle class, Mr. President, the hope of the country, must be aroused to these conditions, if, indeed, they have not been aroused, to the end that they may realize that all the crises which have marked the progress of their country in the past are not so great as the one with which we are immediately confronted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. LENROOT] to the amendment of the committee.

Mr. JONES of Washington. I want to offer a perfecting amendment to the paragraph to which the motion to strike out is directed. On page 26, line 8, after the word "section," I move to insert a colon and strike out the remainder of that paragraph, down to line 13, and insert in lieu thereof the following:

*Provided*, That at least two-thirds of the cost of any vessel constructed under this paragraph shall be paid for out of the ordinary funds or capital of the person having such vessel constructed.

Mr. KING. Mr. President—

Mr. JONES of Washington. I will state to the Senator from Utah that that strikes out the feature with reference to applying a part of the excess proceeds on a mortgage, and provides that wherever the exempt taxes are applied in the construction of a ship, at least two-thirds of the cost of the ship must be advanced out of other funds or money of the person having the ship constructed. It makes the section rather more onerous upon the ship owner.

Mr. KING. Did the Senator intend to press for a vote on this amendment to-day?

Mr. JONES of Washington. Not on the amended provision to-night, because we would have to have a quorum to do that, and I doubt if we would be able to get it this evening. However, I would like to have this perfecting amendment agreed to.

Mr. KING. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES of Washington. Mr. President, I would like to accomplish a little something further. I would like to pass over this amendment temporarily and return to section 23, the provision extending the coastwise laws to the island possessions of the United States, and offer a perfecting amendment to that, which I think will meet with no objection.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 24, add at the end of section 23, to come in after the word "therefor," in line 23, the following additional proviso:

*Provided further*, That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the Government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

Mr. JONES of Washington. The effect of that, I will say, is to relieve the interisland traffic from the coastwise laws.

Mr. THOMAS. I think that is a wise provision.

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

The amendment was agreed to.

Mr. JONES of Washington. Now, Mr. President, of course I would like to go on with the bill, but I do not think we could do it without a quorum, unless there is some one who desires to speak on some provision. We could not get a vote.

Mr. McCUMBER. I wish to move, to-morrow at least, to amend section 29 by striking out all the remainder of the section after the word "act" on line 16; but I do not think it proper to move it at this time. However, I should like to take it up in the morning.

Mr. JONES of Washington. Of course, the Senator will have an opportunity to do so then. As the Senator knows, we have an amendment pending, the motion of the Senator from Wisconsin [Mr. LENROOT], to strike out the first paragraph of section 25. I assume that that will come up first to-morrow. Then we will get on with the others as rapidly as possible. I am hoping that we shall be able to complete the consideration of the bill to-morrow.

Mr. McCUMBER. I shall present my amendment to section 29 when there is a quorum present, so that the reasons for moving the amendment may be stated when there are more Senators here.

RECESS.

Mr. JONES of Washington. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Thursday, May 20, 1920, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 19, 1920.

The House met at 12 o'clock noon.

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

O God, our help in ages past,  
Our hope for years to come,  
Be Thou our Guide while life shall last,  
And our eternal home.

Let the sunlight of Thy love penetrate the dark and lowering clouds which hover above us in the terrible crisis through which we are passing and which troubles our souls, that the "Ship of State" may pass through the turbulent and tempestuous sea to a safe and peaceful harbor and the Constitution which we love with its holy institutions live on to bless future generations; and Thine be the praise in Jesus Christ our Lord and Master. Amen.

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

### AMENDMENT OF THE PENAL CODE.

Mr. WALSH. Mr. Speaker, I desire to call up the bill H. R. 7629 from the Speaker's table, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts calls up from the Speaker's table the bill H. R. 7629, with a Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7629) to amend the penal laws of the United States.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. WALSH. Mr. Speaker, this bill passed the House several weeks ago. It amends the penal code by simply including obscene motion-picture films among the articles that are not permitted to be transported in interstate commerce. In passing the bill the words which the Senate has inserted by way of amendment were inadvertently left out of the House bill.

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

Mr. WALSH. In a moment. They are now a part of the penal code, and the Senate simply reinserted them to make that conform to the penal code.

Now I yield to the gentleman.

Mr. GARNER. The bill was reported unanimously by the Committee on the Judiciary?

Mr. WALSH. Yes. There was no objection to it from the Committee on the Judiciary. Mr. Speaker, I move the previous question.

Mr. GARD. Mr. Speaker, will the gentleman yield for a moment?

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. GARD. What I wanted was to have the gentleman more particularly explain just what change there is in the bill in my hand.

Mr. WALSH. If the gentleman would look at the Senate amendment he would see that that language was left out of the bill as it passed the House.

Mr. GARD. The only change that I see in the House bill is the insertion of the words "to any other place."

Mr. WALSH. The gentleman is not looking at the Senate amendment.

Mr. GARD. Yes, I am:

To any other State or Territory or District of the United States, or place noncontiguous to or subject to the jurisdiction thereof.

Mr. WALSH. That was inadvertently left out of the bill. It is now a part of the penal code, and when the bill got to the Senate it was discovered that that language was eliminated. It should be in there.

Mr. GARD. I note in the bill H. R. 7629, as it now appears on the Speaker's desk, an interlineation on page 2, line 1, and the interlineation is not correct.

Mr. WALSH. That is simply a pencil note, to indicate where the amendment comes in.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

### PUNISHMENT FOR WRONGFUL CONVERSION OF MONEYS.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 10072 and agree to the Senate amendments to that bill.

The SPEAKER. The gentleman from Minnesota moves to take from the Speaker's table the bill H. R. 10072 and agree to the Senate amendments to that bill. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10072) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. VOLSTEAD. Mr. Speaker, this amendment adds the requirement that a demand be made before a person can be charged with embezzlement under this bill, which is designed to punish various trustees, clerks, and others who may be intrusted with Government funds.

Mr. GARD. Mr. Speaker, will the gentleman yield for a moment?

Mr. VOLSTEAD. I do.

Mr. GARD. I notice from this amendment that it requires a demand. How does the gentleman interpret the law? If a marshal or clerk embezzles money, which this law provides for, then it is necessary to make a demand on him for the return of the money before he is guilty of embezzlement?

Mr. VOLSTEAD. My recollection is that under the common law you must make a demand, to show an illegal retention or show an actual conversion.

Mr. GARD. I do not believe it is the policy of the Government to pass a law which would protect in that way a man acting in a fiduciary capacity. Here is a law to protect the clerk who is guilty of embezzlement, who retains money belonging to a suitor or belonging to the Government, and he can not be deemed guilty unless the suitor or the Government makes a demand on him for the money he is supposed to retain.

Mr. VOLSTEAD. I want to say that this simply reenacts the common law.

Mr. GARD. I am not talking about the common law. I am talking about this law.

Mr. VOLSTEAD. Where a person obtains property legally, it is necessary to show a demand before he can be held for converting it, unless it can be shown that he has actually converted it.

Mr. GARD. I do not think we should limit the question of the responsibility of the clerk in that way.

Mr. VOLSTEAD. I do not think this does. I think it simply reenacts the common law as it exists in every State. I have no objection to the amendment for that reason.

Mr. GARD. But I do have an objection to the amendment. I do not see why, if a man is guilty of embezzlement, you should have to call on him to restore the property before he is guilty of larceny.

Mr. VOLSTEAD. It must be shown that he is guilty of embezzlement.

Mr. GARD. If the record shows that he is keeping that money, then he is guilty of larceny.

Mr. VOLSTEAD. The law gives him the right to keep that money. Before you can hold him liable criminally you must either show an actual conversion or that he is withholding it illegally. You do not need to make a demand if proof of conversion can be made. Read the second amendment.

Mr. WINGO. Mr. Speaker, that is the State law in every State that I know of—that if an accounting officer comes in you must make a demand on him and demand an accounting. Unless you can show that there is an absolute conversion of the funds, you can not hold him as guilty of larceny.

Mr. GARD. This does not do that; the point I make is that it requires a demand under any circumstances. I believe the law ought to be such that if proof is extrinsic and can be made to show that he did embezzle the money there would be no necessity for making the demand.

Mr. VOLSTEAD. If the gentleman will read the rest of the amendment, he will see that if you can show actual conversion he is liable without a demand. But in cases where you can not show that there is a conversion you are required by the common law, and I think you ought to be under the statute, to make a demand.

Mr. GARD. I do not so read the amendment as having the alternative which the gentleman speaks of.

Mr. VOLSTEAD. I think by reading the whole sentence the gentleman can not escape the conclusion that if a conversion can be established a demand would not have to be made.

Mr. GARD. This is the amendment: Page 1, line 6, after the word "shall," insert "after demand by the party entitled thereto" —

Mr. VOLSTEAD. Or —

Mr. GARD (continuing). "Or who shall convert to his own use or to the use of another any moneys received or on hand," and so forth. Does the gentleman think that would control the case of a clerk who without demand having been made upon him, other evidence showing that he had embezzled money—does the gentleman think this law would cover it?

Mr. VOLSTEAD. There is no question in my mind but that would cover it.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. SINNOTT, a motion to reconsider the vote agreeing to the Senate amendments was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on May 18 they had presented to the President of the United States for his approval the following bill:

H. R. 13555. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes.

THE KLAMATH TRIBE OF INDIANS.

Mr. SINNOTT. Mr. Speaker, I move to take from the Speaker's table H. R. 5163 and agree to the Senate amendment.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 5163. An act authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims.

The Senate amendment was read.

Mr. SINNOTT. Mr. Speaker, the Senate eliminated the interest that the Indians would have been entitled to under the House bill—3 per cent per annum for any lands the court might find they had lost. The Senate eliminated that.

Mr. GARD. What is the tribe of Indians?

Mr. SINNOTT. The Oregon Klamath Tribe.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

CESSION OF NATIONAL PARKS BY THE STATE OF CALIFORNIA.

Mr. SINNOTT. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 12044, accepting the cession by the State of California of jurisdiction of certain national parks and agree to the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12044) to accept the cession by the State of California of exclusive jurisdiction of the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes.

The Senate amendments were read.

The Senate amendments were agreed to.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

ARMY REORGANIZATION—CONFERENCE REPORT.

Mr. KAHN. Mr. Speaker, I call up the conference report on the Army reorganization bill.

Mr. CRAMTON. Mr. Speaker, I make a point of order that no quorum is present.

The SPEAKER. The gentleman from Michigan makes the point of order that no quorum is present. Evidently there is no quorum here.

Mr. KAHN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Butler	Crago	Eagle
Baer	Byrnes, S. C.	Crowther	Ellsworth
Benson	Campbell, Pa.	Cullen	Elston
Blackmon	Candler	Curry, Calif.	Esch
Bland, Va.	Cantrill	Darrow	Ferris
Booher	Caraway	Dempsey	Fess
Brinson	Carter	Dominick	Fields
Britten	Casey	Donovan	Flood
Brunbaugh	Clark, Fla.	Drane	Focht
Burdick	Cole	Drewry	Fuller, Mass.
Burke	Costello	Eagan	Gallivan

Garland	Kelly, Pa.	Nicholls	Small
Godwin, N. C.	Kendall	Nolan	Smithwick
Good	Kennedy, Iowa	O'Connor	Snyder
Gould	Kettner	Porter	Stegall
Green, Iowa	Kiess	Ramsey	Steenerson
Greene, Mass.	Kitchin	Ramseyer	Stephens, Ohio
Griest	Kraus	Rowvis	Stevenson
Hamill	Kreider	Reber	Strong, Pa.
Harrison	Lankford	Rhodes	Sullivan
Hastings	Leshner	Riddick	Summers, Wash.
Haugen	Linthicum	Riordan	Tillman
Hayden	Maher	Rose	Vare
Hays	Mays	Rowan	Ward
Heflin	Mead	Sabath	Welty
Hernandez	Merritt	Sanders, N. Y.	Wilson, Pa.
Holland	Michener	Schall	Winslow
Howard	Mooney	Scott	Wood, Ind.
Huddleston	Moore, Va.	Scully	Woods, Va.
Johnson, S. Dak.	Moores, Ind.	Sears	Yates
Johnston, N. Y.	Morgau	Shreve	
Jones, Pa.	Morin	Sinclair	
Kearns	Neely	Slomp	

The SPEAKER. Two hundred and ninety-eight Members have answered to their names, a quorum.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from California withdrew the motion that he made last night.

Mr. KAHN. Mr. Speaker, I now call up the conference report upon the Army reorganization bill.

The SPEAKER. The gentleman from California calls up the conference report upon the bill H. R. 12775, the Army reorganization bill, which the Clerk will report.

The Clerk read the conference report.

[For conference report and statement see proceedings of May 18, 1920, pp. 7265-7267.]

Mr. KAHN. Mr. Speaker, I move that the House further disagree to the amendment of the Senate and ask for a further conference.

The motion was agreed to.

Mr. KAHN. Mr. Speaker, I desire now to ask for instructions to the House conferees in respect to the matter that is now pending between the Senate conferees and the House conferees. It involves the organization of our National Guard. The House conferees have insisted upon the provisions of the House bill as it passed the House; that is, the organization of the National Guard under the militia clause of the Constitution. The Senate is insisting upon the Senate provisions as carried in the amendment to the House bill, which provides for the organization of the National Guard under the Army clauses of the Constitution.

Mr. CRAMTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. The conference report having been disposed of, there is nothing at present before the House.

The SPEAKER. Technically there is not. The gentleman from California, the Chair takes it, proposes to move to instruct the conferees.

Mr. CRAMTON. If we had that motion before us, we would know more about where we are at.

The SPEAKER. The gentleman from Michigan raises the point of order that there is nothing before the House.

Mr. KAHN. Mr. Speaker, I move that the conferees of the House be instructed to recede from their disagreement to the National Guard sections of the Senate amendment and agree to the same with some amendments which are incorporated in the statement which was read last evening and which are printed in the Record this morning.

The SPEAKER. The gentleman from California submits a motion, which the Clerk will report.

Mr. CRAMTON. Mr. Speaker, I reserve the point of order.

The SPEAKER. The gentleman from Michigan reserves the point of order.

Mr. BANKHEAD. Mr. Speaker, would it not be better practice if the gentleman would refer to the sections by number instead of in the indefinite way in which the motion was put?

Mr. MANN of Illinois. There is no number, as the Senate amendment is one single amendment.

Mr. KAHN. The Senate amendment is one amendment. Of course, the gentleman can find those sections under the National Guard provision of the Senate amendment, which, I think, begins at section 60 of the Senate bill.

Mr. McKEOWN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKEOWN. Would it be in order to offer an amendment to the motion of the gentleman from California to instruct the conferees to not agree to section 69 of the Senate bill?

The SPEAKER. Is that one of these same sections?

Mr. MCKEOWN. No; that is a section on another matter, respecting the liability for military service.

Mr. KAHN. Of course, that is not one of the sections that is in controversy between the conferees.

The SPEAKER. It would not be in order now, until this amendment has been reported. Then the Chair will decide the matter. The Clerk will report the motion of the gentleman from California.

The Clerk read as follows:

Mr. KAHN moves to instruct the conferees to recede from their disagreement to the National Guard section of the Senate amendment and concur with an amendment which has already been reported.

Mr. CRAMTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. I think that is a very vague proposition to put before the House. I have a point of order which I desire ultimately to make to the motion, but I think we should first have the motion made by the gentleman from California properly reported.

The SPEAKER. Of course, if anyone desires it—I take it, the gentleman means what was read last night—he can insist upon that being read again.

Mr. KAHN. Mr. Speaker, it is already printed in the RECORD this morning. I stated that at the time that I made the motion.

Mr. MANN of Illinois. I suggest to the gentleman from California, instead of having the motion made as read by the Clerk that the conferees recede, which they can not do to a particular part of the amendment, that he submit the motion that the managers on the part of the House be instructed to concur, in substance, to the following provisions.

Mr. CLARK of Missouri. Mr. Speaker, the motion that the gentleman from California makes is so indefinite that nobody has any idea of what he is trying to do.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. TAYLOR of Colorado. Why does not the gentleman state to the House what it is. No one knows.

Mr. KAHN. I intend to state very fully to the House what the purpose is, but I can not state it in the motion.

The SPEAKER. As the Chair understands it, the purpose of the gentleman is to move that the House conferees be instructed to agree to the substance of the amendment which he offered last evening, which was then reported, and which is printed in the RECORD this morning. Of course, if anyone desires it, he can insist upon that being read again this morning.

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask that it be again read.

The SPEAKER. The gentleman from California offers a motion, which the Clerk will report.

Mr. DENT. Mr. Speaker, will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. DENT. I make this suggestion to the gentleman from California: Would not this whole proposition be put fairly and squarely to the House if the gentleman from California will move that the managers on the part of the House be instructed to recede from the House provisions and accept the compromise measure by which the National Guard is to be organized under the Army clauses rather than the militia provision of the Constitution?

Mr. KAHN. That is practically the substance of the motion that I have made.

Mr. MANN of Illinois. Mr. Speaker, we can not instruct the conferees to recede and concur in the Senate amendment in part. We can instruct them that they shall concur to certain provisions in conference.

Mr. GREENE of Vermont. Mr. Speaker, the gentleman from Alabama has stated this proposition as if the compromise were to organize the National Guard under the Army clause of the Constitution. The compromise, as he will remember, is that the States shall have the option whether they shall organize under the Army clause or the militia clause.

Mr. DENT. I meant, of course, each State under the compromise plan.

Mr. KAHN. I think the Clerk has the motion.

The SPEAKER. The Clerk will report the motion of the gentleman from California.

The Clerk read as follows:

Mr. KAHN moves that the managers on the part of the House be instructed to agree in conference in substance to the following provisions as amendments to the Senate amendment, section 59 to 69 of the Senate amendment, inclusive, as follows:

"Sec. — Strength of the National Guard of the United States: The maximum strength of the National Guard of the United States, as established under the provisions of this act, and that may be organ-

ized in any State in time of peace shall be equal to 800 officers and enlisted men for each Senator and Representative in Congress and a number, to be determined by the President, for each Territory and the District of Columbia: *Provided*, That in States which have but one Representative in Congress the maximum strength of the National Guard of the United States therein organized shall be determined by the President: *Provided further*, That the word Territory, as used in this act relative to the National Guard of the United States, shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone. Except as otherwise specifically prescribed herein, the organization of the National Guard of the United States, including the composition of all units thereof, the location of such units, and the assignment of such units to the brigades, divisions, and corps of the Army of the United States, shall be as provided in sections — and — of this act.

"Sec. — Enlistment in the National Guard of the United States: Whenever any State or Territory shall have provided by law for enlistment in the troops of such State or Territory of all persons resident in such State or Territory who enlist in the National Guard of the United States, and shall have otherwise complied with the conditions of this act for the keeping of State or Territorial troops, any person resident in such State or Territory, and liable for military service in time of war, except enlisted men of the Regular Army and the enlisted Reserve Corps, may, within the limits as to number provided by section — of this act, be voluntarily enlisted in the National Guard of the United States, and while serving therein shall be exempted from other military service: *Provided*, That such person shall at the same time and by the same enlistment contract enlist in the troops of the State or Territory of his residence: *Provided further*, That the period for which such person enlists in the troops of the State or Territory shall be such that his State or Territory enlistment will terminate concurrently with his Federal enlistment. Such enlistment in the National Guard of the United States shall be for a period of three years, except as specifically provided for in section — of this act, with the privilege of reenlisting for additional periods of not less than one nor more than three years. The qualifications for enlistment in the National Guard of the United States shall be the same as those prescribed for enlistment in the Regular Army, subject to such modifications as the President may direct. Enlisted men in the National Guard of the several States, Territories, and the District of Columbia shall, with their consent, be recognized as members of the National Guard of the United States under the provisions of this act for the unexpired portion of their present enlistment contracts. All persons enlisting for service in the National Guard of the United States shall sign an enlistment contract and take and subscribe to an oath in the following form:

"I do hereby acknowledge to have voluntarily enlisted this — day of —, 19—, as a soldier in the National Guard of the United States and in the troops of the (State) (Territory) of — for the period of three years under conditions prescribed by law, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the officers appointed over me according to law and the rules and Articles of War. And I do solemnly swear to bear true faith and allegiance to the (State) (Territory) of —, and to obey the orders of the governor thereof subject to the Constitution and laws of the United States."

"An enlisted man discharged from service in the National Guard of the United States shall receive a discharge in writing, in such form and with such classification as is, or shall be, prescribed for enlisted men of the Regular Army. In time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

"Sec. — Officers of the National Guard of the United States: The Secretary of War may detail or assign officers of the Regular Army to duty with the National Guard of the United States according to the requirements of the service, and in time of peace shall assign officers of the reserve personnel, with their consent, to duty with organizations of the National Guard of the United States in each State or Territory upon the recommendation of the governor of the State or Territory concerned, and upon the grant to such officers of State or Territorial commission in their respective grades by the governor of such State or Territory, when such State or Territory shall by law have duly authorized such action upon the part of the governor thereof and shall have otherwise complied with the conditions of this act for the keeping of State or Territorial troops. In the District of Columbia such officers shall be assigned upon the recommendation of the commanding general of the National Guard of the United States in said District: *Provided*, That no officer of the Regular Army shall be assigned to the command of any organization of the National Guard of the United States, entirely comprised within the limits of any State except with the approval of the governor thereof. The commanding officers and staffs of organizations of the National Guard of the United States composed of troops from two or more States shall be assigned from the Regular Army or reserve personnel of the Army under regulations prepared as prescribed in section — of this act. Officers so detailed or assigned may accept such State or Territorial commissions, with the permission of the President and terminable in his discretion, without vacating their commissions in the Regular Army or Officers' Reserve Corps or being prejudiced in their relative or lineal standing therein. No person shall be commissioned as an officer of the National Guard of the United States unless such person holds a commission in the Regular Army or Officers' Reserve Corps. All persons hereafter to be commissioned as officers in the National Guard of the United States shall, upon being commissioned under the provisions of this act, take and subscribe to the following oath:

"I, —, having been appointed a — in the National Guard of the United States, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the United States of America; that I will obey the orders of the President of the United States; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of — in the National Guard of the United States upon which I am about to enter. I do further solemnly swear to bear true faith and allegiance to the State of — and to obey the orders of the governor thereof, subject to the Constitution and laws of the United States, so help me God."

"Sec. — Discipline and training of the National Guard of the United States: The discipline and training of the National Guard of the



United States shall conform to the system which is now or may hereafter be prescribed for the Regular Army. Each company, troop, battery, and detachment in the National Guard of the United States shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War, or shall at the time prescribed therefor be under the orders of the governor of the State or Territory as provided for in section — of this act.

"All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard of the United States shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.

"Sec. —. Liability of the National Guard of the United States for service: When Congress shall have authorized the use of the land forces of the United States for any purpose requiring the use of troops in excess of the Regular Army, the President may, under such regulations as he may prescribe, call into active service for the period of the emergency, unless sooner relieved, the whole or any part of the National Guard of the United States: *Provided*, That when necessary in order to execute the laws of the Union, to suppress insurrections, or to repel invasions, the President may, in his discretion and under the same conditions as permit the calling out of the National Guard of the several States or Territories, call into active service the whole or any part of the National Guard of the United States to serve solely within the United States, for such period as he may direct. Officers and enlisted men called into active service under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and same prior service.

"Sec. —. Maintenance of other troops by the States: The consent of Congress is hereby given to each of the States to maintain troops in time of peace: *Provided*, That the State concerned shall first make provision therefor by legislative enactment in no respect contrary to, and in all respects in harmony with, the provisions of this act: *Provided further*, That no troops shall be thus maintained except such as belong to the units of the National Guard of the United States comprised within the limits of such State: *Provided further*, That the States and Territories in time of peace, and subject to such regulations as to expense and property accountability as may be prescribed by the President, shall be entitled to use as State or Territorial troops under the direct orders of the governor of the State or Territory, and for such purpose as State or Territorial militia might legally be used, so much of the National Guard of the United States within their respective borders as has been enlisted in the troops of the State or Territory and commissioned by the governor thereof in accordance with the terms of this act and as is not at the time in active service under a call by the President: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance by the States and Territories of State or Territorial militia, State police, or State constabulary.

"Sec. —. Pay for the National Guard of the United States: Captains and lieutenants belonging to organizations of the National Guard of the United States shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for officers of the Regular Army of their grades, for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding five in any one calendar month at which they shall have been officially present for the required period, and at which not less than 50 per cent of the commissioned strength and at least 60 per cent of the enlisted strength attend and participate for at least one and one-half hours. Captains commanding organizations shall receive \$240 per annum in addition to the drill pay herein prescribed. Officers above the grade of captain shall receive not more than \$500 per annum, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay of their grades, for satisfactory performance of their appropriate duties, under such regulations as the Secretary of War may prescribe.

"Each enlisted man belonging to an organization of the National Guard of the United States shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization at which he is officially present, and in which he participates for not less than one and one-half hours, not exceeding five in any one calendar month; but no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per cent of the drills or other exercises prescribed for his organization. Periods of actual military duty equivalent to the drills herein prescribed may be accepted in lieu of such drills when so provided by the Secretary of War. Pay under the provisions of this section shall not accrue to any person during a period when he shall be lawfully entitled to the same pay as a member of the Regular Army of corresponding grade.

"Sec. —. The National Guard of the United States subject to laws governing the Regular Army: The National Guard of the United States, except when on duty as State troops pursuant to orders from competent State authority, shall be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in active military service is not contemplated by existing law."

Mr. KAHN. Mr. Speaker—

Mr. CRAMTON. Mr. Speaker, a point of order upon the motion. First, due to the fact that the House has just adopted a motion disagreeing further to the Senate amendments, a motion now would not be in order directly contravening that action.

Mr. KAHN. Oh—

Mr. CRAMTON. If the gentleman will permit. The amendment of the Senate is only one amendment, having stricken out everything after the enacting clause and substituted a new bill. There is but one Senate amendment, hence the motion just adopted by the House, if it has any effect at all, is a motion instructing the conferees further to insist upon the House provisions and not to accept the Senate amendment. Furthermore, the motion which is before us now is a motion requesting

the conferees to substitute for certain sections of the Senate amendment certain language which does not appear either in the Senate bill or in the House bill. The single Senate amendment to which we have just instructed them to disagree does not have this language. Now we have a motion before us instructing the conferees to take up certain language that is not in either bill and place it in the Senate bill, and after we have done that we are still in the dark then as to our further action upon the balance of the bill. If sections 59, 60, and so forth, were before the House in disagreement the motion might be in order, but inasmuch as the disagreement between the Houses goes to the entire substitute by the Senate, I submit that the present motion is not in order.

Mr. BLANTON. Mr. Speaker, I make the further point of order that the only opportunity further to instruct the conferees to be in order should come after the conference is asked for and granted and before the conferees are appointed, and this is in fact a motion to instruct the conferees at a time when it is not in order.

Mr. MANN of Illinois. Mr. Speaker—

The SPEAKER. Does the gentleman wish to favor or contest the point or order?

Mr. MANN of Illinois. I just want to call attention to the fact that the gentleman from Michigan makes the point of order on the ground that the House has disagreed to the Senate amendment, and the gentleman from Texas makes the point of order on the ground that the House has not disagreed to the Senate amendment.

The SPEAKER. The gentleman from Texas, of course, is mistaken as to the fact.

Mr. BLANTON. Will the gentleman from Illinois state if he agrees with either one of us?

Mr. MANN of Illinois. I do not.

The SPEAKER. The Chair is ready to rule. The gentleman from Texas is mistaken as to the fact. The House has already disagreed and asked for a conference. That is the proper stage at which a motion to instruct should be made, and the Chair had occasion—

Mr. BLANTON. I thought merely that the House had disagreed to the Senate amendment. I was not aware of the fact that the House had already agreed to the conference.

The SPEAKER. It has.

Mr. BLANTON. Then, of course, it is in order.

The SPEAKER. The Chair had occasion to rule on this question the other day, and ruled that at this stage it was proper to instruct the conferees. Now, as to the point that the gentleman from Michigan [Mr. CRAMTON] makes that the House can not instruct the conferees as to a portion of the Senate amendment because it would be inconsistent with its action of disagreement, it seems to the Chair that the House can instruct its conferees in any way it pleases, and inasmuch as the House has disagreed to the Senate amendment any instruction, except to insist upon that disagreement, would be in some measure inconsistent with its disagreement; but if the House can instruct—and the Chair believes there is no doubt about that—the Chair thinks the House can instruct as to part of the Senate amendment. That would leave the House and the Senate still in disagreement, and the conferees would still have jurisdiction to decide as they pleased about the rest. Of course, that ruling leaves full freedom to the House to instruct or not to instruct, and the Chair overrules the point of order.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that debate on the motion be limited to two hours, one hour to be controlled by the gentleman from Alabama [Mr. DENT] and one hour to be utilized by myself.

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I will say there are a number of gentlemen on this side of the House opposed to the motion made by the chairman of the committee who would like some time. I want to ask, Where will gentlemen on this side of the House who want time get that time who are opposed to the motion of the gentleman?

Mr. KAHN. I presume they will get it from the gentleman from Alabama.

Mr. DENT. Mr. Speaker, I am perfectly willing to divide whatever time I have over here with the gentleman from Kansas, who agrees with me on this proposition.

The SPEAKER. The gentleman from California asks unanimous consent that debate be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Alabama [Mr. DENT]. Is there objection?

Mr. KAHN. And the previous question to be considered as ordered at the end of that time.

The SPEAKER. And the previous question to be considered as ordered at the termination of the two hours. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, as this is a very important matter—

Mr. KAHN. There is only one matter—

Mr. BLANTON. But that one matter is of such importance that we find the distinguished gentlemen from Kansas [Mr. ANTHONY] disagreeing with him on it, and there are other authorities disagreeing on it. Should we not have three hours' debate on this matter? We can not finish anything else to-day and it will give us a little more time. Will not the gentleman give us three hours' debate on it? I think it is not out of proportion to the importance of the subject.

Mr. KAHN. The request for time that I have would indicate that we can finish after an hour's debate on this side, and I understood from the gentleman from Alabama [Mr. DENT] that he could probably finish in one hour.

Mr. BLANTON. My colleague over here could not give us any assurance now of any definite time. We are going to him and asking him for time, and he can not assure us of it.

Mr. DENT. I will state to the gentleman that I have had more requests for time than these two hours would allow. I think we ought to establish some limit.

Mr. BLANTON. I think the gentleman would save time by giving us three hours of debate.

Mr. CHINDBLOM. Will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. CHINDBLOM. Will this debate be limited to this bill and the question involved in this motion?

Mr. KAHN. Exactly. Mr. Speaker, I will modify that request and make it an hour and 15 minutes on a side.

The SPEAKER. The gentleman from California asks unanimous consent that the time be limited to an hour and 15 minutes on a side, half to be controlled by himself and half by the gentleman from Alabama [Mr. DENT]. Is there objection?

Mr. BEE. Mr. Speaker, reserving the right to object, let me ask the gentleman from California if any opportunity will be afforded in the discussion of this matter for anyone to whom time has not been yielded by either the gentleman from California or the gentleman from Alabama?

Mr. KAHN. No.

Mr. BEE. It will have to come within the time agreed upon?

Mr. KAHN. Yes.

The SPEAKER. Is there objection?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, I have a motion to instruct to offer. Will this motion on the previous question cut off my right to offer a motion to instruct?

Mr. KAHN. I think it would.

Mr. McKEOWN. I want an opportunity to offer a motion to instruct the conferees on another section, the one I mentioned to the Speaker a while ago.

Mr. KAHN. I do not see how the gentleman's proposition would be affected by the discussion under general debate.

Mr. McKEOWN. Your request incorporates the previous question on this.

Mr. KAHN. But that is another section. That is not involved in my motion, and if the gentleman will offer his motion after my motion is disposed of, I presume it can be settled.

Mr. McKEOWN. I have no objection to limiting the time if I have opportunity to offer my motion.

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

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. KAHN]?

Mr. McKEOWN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKEOWN. Will it be in order after the disposition of the motion of the gentleman from California to offer to instruct the conferees on another section of the bill?

The SPEAKER. The Chair is disposed to think if the previous question is ordered—

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman from Oklahoma has the right to offer another motion to instruct after we beat this one, I do not see that the previous question being ordered on this would have anything to do with the motion of the gentleman from Oklahoma.

Mr. MANN of Illinois. Well, Mr. Speaker, I do not think more than one motion to instruct will be in order.

Mr. CLARK of Missouri. Why not?

Mr. MANN of Illinois. Because that is the end of it.

Mr. CLARK of Missouri. That is a prediction that might not be true.

Mr. MANN of Illinois. The gentleman can offer an amendment.

Mr. CLARK of Missouri. An amendment for what?

Mr. MANN of Illinois. An amendment to this motion.

Mr. CLARK of Missouri. I know; but the gentleman from California [Mr. KAHN] gave an ex cathedra opinion there a minute ago; if his motion for the previous question was agreed to he could not offer a motion to amend this thing.

Mr. MANN of Illinois. Of course he could not. If the previous question is ordered, you can not amend it.

Mr. McKEOWN. I directed that parliamentary inquiry to the Speaker, and he held it would not be in order to offer a motion to amend.

Mr. MONDELL. Mr. Speaker, I want to make a suggestion. If the gentleman from California [Mr. KAHN] modifies his unanimous-consent request by withdrawing the request for the ordering of the previous question at the end of the two hours' discussion, the gentleman can then offer his amendment.

Mr. GREENE of Vermont. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREENE of Vermont. The managers on the part of the House have reported no disagreement on the section that the gentleman from Oklahoma [Mr. McKEOWN] proposes now to amend or to instruct about. How would that, then, be in order?

The SPEAKER. The Chair does not know what the gentleman's motion is.

Mr. BLANTON. Regular order, Mr. Speaker.

Mr. CRAMTON. As a matter of fact, the managers have reported a disagreement on the entire Senate amendment. Further, as to the nature of the amendment proposed by the gentleman from California, it has nothing to do with the disagreement as a whole. It only relates to certain specified sections, and, as the Speaker has just ruled, when that is disposed of it will be in order to provide further instructions as to the balance of the amendment if the House so desires.

The SPEAKER. The Chair would be disposed to think so.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The question is, Is there objection to the request of the gentleman from California for an hour and a quarter on each side? [After a pause.] The Chair hears none. The gentleman from California [Mr. KAHN] is recognized for 1 hour and 15 minutes.

Mr. KAHN. Mr. Speaker, there is only one question involved in this matter. That question is, Shall the State organize its National Guard under the Army clauses of the Constitution, or shall the State organize its National Guard under the militia clauses? Every State under this compromise will have the absolute right to determine how it will organize its National Guard, and whether it organize that guard under the militia clauses or under the Army clauses, it will receive the same support from the Federal Government. As a matter of fact, in the 111 years of the existence of this Republic there has been a great deal of controversy about the organization of the National Guard. For upward of a hundred years we have organized under the militia clauses. There are National Guard men and National Guard officers who contend that the guard would be a much better organization if it could be organized under the Army clauses. In fact, the provision of the Senate bill on the National Guard was largely drawn by National Guard officers who commanded National Guard troops in the World War. Those officers were Col. Foreman, of the National Guard of Illinois, and Col. Galbraith, of Ohio, of the National Guard of that State. And they were supported by Gen. O'Ryan, who commanded the Twenty-seventh Division of New York troops, a National Guard organization, during the World War. These gentlemen urged that in the future the Army clauses of the Constitution be invoked for the organization of the National Guard. This matter was later taken up by the American Legion, composed of soldiers of the World War; the American Legion approved the proposition, and sent another committee to the Senate committee, composed, in part, of Col. Hough, of Illinois, who was a commander of a regiment in the Rainbow Division; Col. Donovan, of New York, who was also a commander of a regiment of the Rainbow Division; and Lieut. Col. Opie, of Virginia, who commanded a battalion in the Twenty-ninth Division, so that these National Guard officers, with actual experience as officers in the World War, recommended the proposition which the Senate adopted.

Now, the House conferees did not feel justified in following the Senate as far as the Senate wanted to go. Finally the Senate conferees agreed that they would accept a compromise, and leave it optional with every State in the Union to organize its National Guard either under the Army clauses of the Constitution or under the militia clauses of the Constitution. My motion simply proposes to allow such language to be written in the law as will give the individual State the right to organize its National Guard in the way in which it deems best.

Mr. BEE. Would it interrupt the gentleman if I were to ask him a question right in that connection?

Mr. KAHN. No.

Mr. BEE. I was thinking of this feature of it with reference to the man who enlisted: Suppose a man enlists in the National Guard and his State afterwards does not accept under the militia clause. That man would then be subject to the Regular Army duty under the war clause of the Constitution, would he not?

Mr. KAHN. If he enlisted under the militia clause—

Mr. BEE. When would his option be exercised by the enlisted man?

Mr. KAHN. The enlisted man would have no option in the matter, because his State legislature would determine for him under which clause the State National Guard would be organized.

Mr. BEE. After he had rendered himself liable to duty by enlistment. That is what I wanted to know.

Mr. KAHN. The States will still determine how they want to organize their guards.

Mr. BEE. Before the enlistment of the men takes place?

Mr. KAHN. Certainly. And then, if the State elect through its legislature to enlist or organize its National Guard under the Army clauses, it would be governed by the compromise language which is included in my motion. If, on the other hand, the State should elect to organize under the militia clauses, the guardsman would be enlisted under the terms of the House bill as passed by the House.

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

Mr. KAHN. Yes.

Mr. CLARK of Missouri. If Congress should agree to this double plan, and one State were to organize under the Army clause and another under the militia clause, is it not absolutely certain that the War Department would be forever discriminating against the National Guard that was organized under the militia clause?

Mr. KAHN. I do not think so.

Mr. CLARK of Missouri. Does the gentleman say that in the World War, the last war, the National Guard was not manhandled?

Mr. KAHN. Let me tell the gentleman that a great deal of the difficulty arose because the National Guard was organized under the militia clauses. That was the very difficulty that we encountered in this war, because none of the officers—

Mr. CLARK of Missouri. What difficulty was there about that?

Mr. KAHN. I am going to explain.

Mr. CLARK of Missouri. All right.

Mr. KAHN. Because every National Guard officer had his commission from the governor of his State. When the National Guard was called out he had to be recommissioned by the President of the United States, and the men had to be sworn in under the Federal law.

Mr. CLARK of Missouri. The War Department and everybody connected with it are against the National Guard, are they not?

Mr. KAHN. Far from it.

Mr. CLARK of Missouri. Did they not manhandle them during the war?

Mr. KAHN. Some of them.

Mr. CLARK of Missouri. Most of them.

Mr. KAHN. Evidently these National Guard officers—Col. Foreman, who commanded a regiment of Illinois Infantry, was not manhandled, and—

Mr. CLARK of Missouri. Oh, they could not manhandle all of them.

Mr. KAHN. And Col. Galbraith, of the Ohio Infantry, was not manhandled.

Mr. CLARK of Missouri. Oh, the gentleman can only pick out two or three.

Mr. KAHN. No; I have mentioned them as types of the men who believe in the Army provisions in the Constitution. But the gentleman from Missouri proposes to support and continue the system under which, so he says, they were manhandled.

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

Mr. KAHN. Yes.

Mr. HUSTED. I would like to ask the gentleman how the National Guards which were organized under the militia clause could be manhandled any more by the War Department simply because other National Guards saw fit to seek organization under the Army clause?

Mr. CLARK of Missouri. They can discriminate against them about the movements and commands and everything of the kind, just as they did in this last war.

Mr. KAHN. I feel that in any event the States ought to be given the right to try out either system they want.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. Not just now. I want to make this statement: You are going to have a controversy as to the proper organization of the Army as long as this Government exists unless we settle these mooted questions and settle them right. These gentlemen who believe in the organization of the National Guard under the Army clauses of the Constitution feel that the State should have the right to organize, if it so desires, under the Army clauses. You will have this condition, in my opinion: You will have some States organizing under the Army clauses, you will have some of the States organizing under the militia clauses. There will be no difficulty about that, and in 6 or 8 years from now, or possibly 10 years, Congress itself will be able to judge which character of National Guard is the better for the defense of this country. I feel that there will be no difficulty ultimately in having the people of the entire country determine whether the Army clauses are best or whether the militia clauses are best.

Mr. LAYTON rose.

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

The SPEAKER. Does the gentleman yield; and if so, to whom?

Mr. KAHN. I yield to the gentleman from Delaware. He was on his feet.

Mr. LAYTON. Then the fact of the matter is this: No matter how they are organized, whether under the Army clause or under the militia clause in time of peace, they will all be subject to the national authority and the commissions of the President of the United States in time of war.

Mr. KAHN. Exactly, with this further suggestion, however, that in organizing under the Army clause, the officer will get his commission originally from the President of the United States, and a regiment so organized will not be "manhandled," as the gentleman from Missouri [Mr. CLARK] suggested, but will go immediately to the place it is ordered, without having a lot of officers going through additional examinations as to their health, their competency, and so on.

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

Mr. KAHN. I yield to the gentleman further.

Mr. LAYTON. Then the gentleman logically admits that if this becomes a law for the purpose of escaping any manhandling it would be a very wise procedure to organize under the Army clauses?

Mr. KAHN. That is my view of the subject absolutely.

Mr. CRAMTON. Will the gentleman yield?

Mr. KAHN. I will.

Mr. CRAMTON. The option is given the State to organize the National Guard under the Army clause or the militia clause. If organized under the Army clause there is aid given to the State by Federal appropriation for officers and men. What provision is made for Federal aid in that same direction if organized under the militia clause?

Mr. KAHN. Identically the same.

Mr. CRAMTON. By what authority?

Mr. KAHN. By the same authority in the national-defense act.

Mr. CRAMTON. The Senate bill repeals practically all of the Hay bill. Does it leave in these provisions?

Mr. KAHN. It repeals most of the sections regarding the National Guard provisions of the national-defense act, but this compromise law will allow all of those provisions to stand in the law because they are contained in the House bill, and those provisions provide for paying the National Guard.

Mr. CRAMTON. The Federal aid would be the same in each case?

Mr. KAHN. Absolutely.

Mr. BLANTON. Will the gentleman yield?

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

Mr. BLANTON. The gentleman speaks of the National Guard officers receiving commissions from the governor and having to be resworn.

Mr. KAHN. In case they are called into the Federal service.

Mr. BLANTON. Why have you provided for two different kinds of oaths in the amendment which you have offered? In other words, the officers take an oath that they will defend the United States against all enemies, foreign and domestic. Then when you get to the enlisted man in taking the oath, he does not

swear that he will defend the Government against all enemies, foreign and domestic.

Mr. KAHN. If the gentleman will look at the national-defense act, that is exactly the way the National Guard is authorized now.

Mr. BLANTON. The same oath ought to be applicable to both.

Mr. KAHN. It is. The National Guard provision of the national-defense act provides for a dual oath for every enlisted man and every officer.

Mr. BLANTON. It is not in the gentleman's amendment; there are two kinds of oath in the gentleman's amendment.

Mr. KAHN. Because this amendment only provides for allowing the National Guard to be organized under the Army clauses. Where they are organized under the militia clauses is all found in the national-defense act, and it would apply to both kinds of organizations.

Mr. BEE. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BEE. I want to ask the gentleman a question. I understood the gentleman to say that they would be commissioned by the President in case of war. That means that they will be appointed by the President?

Mr. KAHN. Upon recommendation of the governor.

Mr. BEE. Would it be absolutely incumbent on the President to follow the recommendation of the governor, or would it be optional with him?

Mr. KAHN. I presume that if the officer were considered unfit the President would refuse to appoint him; but the President could not appoint another officer who was not recommended by the governor.

Mr. BEE. Let me ask the gentleman a further question. There are National Guard organizations now in existence, and if this amendment be adopted and a compromise agreed to, what becomes of those organizations of the National Guard already in existence? Are they continued without further action of the State?

Mr. KAHN. No; they are now organized under the militia clauses of the Constitution.

Mr. BEE. And they will remain so until the States decide.

Mr. KAHN. If the State were to change the organization, the legislature would undoubtedly make provision for the absorption of the present organization into the new organization. But that is a matter entirely for the State.

Mr. KNUTSON. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman.

Mr. KNUTSON. If the State should turn over its militia organization to the Government, and after a period of time discovered that it had made a mistake, what provision is there for the State to regain control?

Mr. KAHN. There is no doubt that the State legislature has the option to determine that matter at any time.

Mr. KNUTSON. When they shall cease to have their National Guard under Federal control.

Mr. KAHN. Exactly so.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. KAHN. I yield to my colleague.

Mr. HULL of Iowa. Who is to pay the expenses for the armories?

Mr. KAHN. That is one of the matters that will have to be thrashed out in conference. That is a very important matter. Many of the States have expended a great deal of money on their armories. Of course, the State is entitled to that armory; but that is not involved in the question as to whether you want to adopt the Army clauses for the organization of your National Guard or the militia clauses, because, after all, the State legislature determines that, and the matter of the armories is one that is outside of that altogether.

Mr. HULL of Iowa. Would it not be involved if you decided that the State would have to pay the armory expenses, as they do to-day? In a great many States it is unconstitutional to appropriate money for something that the State does not control.

Mr. KAHN. Of course, as I say to the gentleman, that is not involved in this motion. There is a great deal of money or property involved in the various States—New York, Pennsylvania, Iowa, and other States—that have expended large sums for armories. But that has no connection with the questions that we are now considering. The ownership of these armories will remain the same, and they will be used by the National Guard, no matter whether they are organized under the militia clauses or under the Army clauses.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. JOHNSON of Mississippi. In my State the legislature, which was in session up to two months ago, appropriated a

large sum of money for the National Guard. When this bill came up I immediately conferred with some people who are interested in my State, and they say that upon investigation, if this conference report is adopted, the money that was appropriated by my State may not be used for this purpose until the legislature convenes again. In that event my State will be without a National Guard.

Mr. KAHN. I do not think the gentleman understands the situation thoroughly, or somebody is trying to mislead him. As a matter of fact, the Federal Government now gives aid to the National Guard organizations of the different States.

Mr. JOHNSON of Mississippi. I appreciate and understand that.

Mr. KAHN. The State in turn meets that appropriation. Some States have given very liberally, as is evidenced by the statement of the gentleman from Mississippi. Other States have given smaller amounts.

Mr. JOHNSON of Mississippi. Who pays the National Guard under the Federal organization?

Mr. KAHN. The Government of the United States.

Mr. JOHNSON of Mississippi. Altogether?

Mr. KAHN. No; just in proportion as they have been paying heretofore. There will be no difference in the appropriation given by the Federal Government to the various States, no matter whether they organize under the Army clauses or under the militia clauses.

Mr. JOHNSON of Mississippi. I want to ask the gentleman a question for information, because I want to know the proper course to pursue. What benefit is there to be derived by taking the organization out from under the militia clause and putting it under the Army clause? I am asking the question for information.

Mr. KAHN. Let me cite the gentleman some of the conditions that now exist. New York State has a population that enables it to organize a division by itself. Pennsylvania could probably do the same, as well as Illinois and possibly Ohio. The other States will probably never, in our lifetime at least, be able to organize divisions. This war developed the fact beyond dispute that the proper military unit for defending or attacking is the division, which is composed of 27,000 fighting men. I call the attention of the gentleman to the situation in New England, for instance. There we have quite a number of States that are really very much in favor of National Guard organizations, but there is no one of the States that has enough national guardsmen to form a division. Under the Constitution and the militia clauses, as affecting the National Guard, you could not appoint a commander of a division who happened to live in Massachusetts over the troops in Rhode Island or Connecticut or New Hampshire or Vermont or Maine. He could only be the commander of the troops in his own State.

Mr. JOHNSON of Mississippi. Let me ask the gentleman a question on that.

Mr. KAHN. That is as far as he could go. It is essential that the National Guard of the Union be so organized in peace times that they can function as a full division if we are to get the effect from such a number of men as we desire to get in case the country is attacked.

Mr. JOHNSON of Mississippi. Could not two or three of the States group and have a division?

Mr. KAHN. No; not under the militia clauses of the Constitution. They absolutely could not.

Mr. JOHNSON of Mississippi. I am speaking now about the Army clauses.

Mr. KAHN. Yes; under the Army clauses they could.

Mr. JOHNSON of Mississippi. That is what I wanted to ask the gentleman. In my State, of course, we would not have enough national guardsmen to form a division. Then the troops from Mississippi would be placed under a man from another State, if several States grouped to form a division. That is true, is it not?

Mr. KAHN. Yes; but that man, under the proposed compromise, would have to be a reserve officer.

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

Mr. KAHN. Yes.

Mr. HUSTED. The gentleman from Missouri [Mr. CLARK], the distinguished ex-Speaker, intimated in his questions that if this compromise plan was adopted the National Guards organized under the militia clauses of the Constitution would suffer a discrimination which could not be practiced against them if we remain under the present plan and all of the National Guards were organized under the National Guard clauses. Does the gentleman think there is any justification for such a belief?

Mr. KAHN. I do not.

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

Mr. KAHN. Yes.

Mr. HARRELD. You provide here for dual enlistments. The bill specifically provides that the same dual enlistment shall be signed—

Mr. KAHN. That is existing law.

Mr. HARRELD. That does not apply to existing troops.

Mr. KAHN. It applies to everybody in the National Guard who enlisted under the national-defense act.

Mr. HARRELD. In several States, like my own, they have not signed this dual enlistment.

Mr. KAHN. Oh, yes, they have, if they were organized under the national-defense act.

Mr. HARRELD. They were not.

Mr. KAHN. Then they do not get any Federal aid.

Mr. CALDWELL. If they are not organized under the national-defense act, when they wear the uniform they are committing a crime. I think the gentleman must be mistaken.

Mr. REED of West Virginia. If the State organized under the national provision, does it in any way or under any circumstance forfeit its right to control its officers from that State?

Mr. KAHN. Absolutely not. The governor of that State calls out the National Guard, and the guard is exactly in the same position as it is now. The President commissions the officers in the guard if organized under the Army clauses, but solely on recommendation of the governor.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield further, briefly, on the same point I was speaking about before?

Mr. KAHN. Yes.

Mr. CRAMTON. The Senate bill in section 84 repeals 113 out of 128 sections of the Hay national-defense act.

Mr. KAHN. If this compromise is adopted, of course all of that goes out of the Senate bill.

Mr. CRAMTON. Is there anything in the motion proposed now by the gentleman from California that deals in any way with the aid or regulations affecting the National Guard if raised under the militia section?

Mr. KAHN. Of course, the House provisions of the reorganization bill continue the sections of the national-defense act. They will become a part of the law in conjunction with this.

Mr. CRAMTON. If agreed to by the conferees.

Mr. KAHN. Yes.

Mr. CRAMTON. But there is nothing in the compromise proposition now made that covers that proposition at all, and we must follow the gentleman blindly on that. That is the situation.

Mr. KAHN. I want to say to the gentleman from Michigan that if the House adopts this matter, the gentleman has very able colleagues on the conference who will undoubtedly support him very strongly in seeing that those provisions of the Senate bill are stricken out.

Mr. CRAMTON. But if we accept this part of the compromise and yield on that, then we take our chances as to whether the Senate will yield on the other part. The compromise is only partial.

Mr. KAHN. I can say to the gentleman that I have the assurance of the Senate conferees that they will not insist on those sections of the Senate bill as it now stands respecting the National Guard, and they will recede.

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

Mr. KAHN. Yes.

Mr. MCKENZIE. In connection with the matter suggested by the gentleman from Michigan [Mr. CRAMTON] I think it would be fair to state that the House bill was prepared as a series of amendments to the national-defense act, including those sections affecting the National Guard. The Senate bill was an original bill, drawn without any relation to the national-defense act whatsoever.

We have said to them that if we accept this compromise it shall be an amendment to the national-defense act attached to the section caring for the National Guard under the national-defense act, and that is the understanding, so the gentleman need have no fear.

Mr. CRAMTON. Of course, the understanding of the House is that the amendment before us is to be added to the Senate bill.

Mr. KAHN. Oh, no; it is to take the place of the Senate bill.

Mr. CRAMTON. I am very glad to get definite information.

Mr. JEFFERIS. Will the gentleman yield?

Mr. KAHN. I will.

Mr. JEFFERIS. This may have been asked, but I would like to inquire what would be the authority of the governor

of a State over the State militia if the legislature had permitted it to be organized under the Army clause?

Mr. KAHN. He would have absolute authority under this legislation to call out the militia in case of insurrection or invasion, or to enforce the law, just as he has the authority under the militia clause.

Mr. YATES. Will the gentleman yield?

Mr. KAHN. I will.

Mr. YATES. Could that governor commission an officer?

Mr. KAHN. Under the militia clause he could.

Mr. YATES. Up to what grade?

Mr. KAHN. All of them. But in the Army clause the governor could only recommend for commission and the commission would come from the President of the United States. Mr. Speaker, I have consumed considerable time. I submit again that the only thing involved in this proposition is, Are you willing to let the State legislature determine how the National Guard of that State is to be organized or are you going to refuse the States the right to determine the question—

Mr. SISSON. Will the gentleman yield?

Mr. KAHN. I can not yield; I have not the time.

Mr. SISSON. The gentleman made a statement a moment ago that this bill left the governors of the States in the same attitude that the law now is in reference to domestic concerns?

Mr. KAHN. I does.

Mr. SISSON. Well, I want to ask the gentleman if he believes that this is true when I read from the bill:

No State shall maintain troops in time of peace other than those authorized in accordance with the provisions of this act—

Mr. KAHN. Yes.

Mr. SISSON. That is limitation No. 1.

*Provided*, That the States and Territories—

Mr. KAHN. That is a limitation of the Constitution.

Mr. SISSON (reading):

*Provided*, That the States and Territories, in time of peace, and subject to such regulations as to expense, property accountability, and other matters as may be prescribed by the President—

And so forth.

Therefore the governor is not left as he is now. That is a limitation upon the governor's right—

Mr. KAHN. There is no limitation upon it. The gentleman is evidently reading from the Senate amendment. That language is altered in the proposed compromise. The governor is authorized under the compromise to call out his troops in case of insurrection or invasion or to enforce the laws.

Mr. SISSON. One of two things is true: Either the language of this law means nothing or the gentleman himself has totally misconstrued it, because the language of this bill specifically provides that they can only be called out upon regulations made by the President of the United States.

Mr. KAHN. There is a provision in this proposed compromise which authorizes the governor to call out troops for the purposes I have indicated, and in the case of a national emergency the President calls them out.

Mr. SISSON. I do not think the gentleman intends to mislead the House, but that language is specific and positive that the President of the United States should have the right.

Mr. KAHN. Well, I have consumed too much time, but I will look up the exact language. I can not put my finger on it now, although I have read the matter a number of times. Mr. Speaker, I reserve the balance of my time.

Mr. OLNEY. Before the gentleman closes, the gentleman will recall the Pullman car strike in the late nineties?

Mr. KAHN. Yes.

Mr. OLNEY. If at that time the National Guard of Illinois had been organized under the Army clause would it not have been possible for the War Department to have ordered out the National Guard to quell the existing conditions?

Mr. KAHN. Yes.

Mr. OLNEY. In other words, the United States could only interfere when the mails were tampered with, and then Regular troops were called out?

Mr. KAHN. The gentleman is absolutely correct. Mr. Speaker, this is the language in the proposed compromise provision as to the authority of the governor over the National Guard when organized under the Army clause of the Constitution:

*Provided further*, That the States and Territories, in time of peace, and subject to such regulations as to expense and property accountability as may be prescribed by the President, shall be entitled to use as State or Territorial troops, under the direct orders of the governor of the State or Territory, and for such purpose as State or Territorial militia might legally be used, so much of the National Guard of the United States within their respective borders as has been enlisted in the troops of the State or Territory and commissioned by the governor

thereof in accordance with the terms of this act and as is not at the time in active service under a call by the President: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance by the States and Territories of State or Territorial militia, State police, or State constabulary.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for an hour and 15 minutes.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Speaker, of course you can not discuss this bill and conference report in five minutes. I want to make this statement that I think is borne out by the history of this bill from the time it was taken up to be prepared up to this good moment: First, every man who believes in universal military training will and should support this bill, because that is what it means in its last analysis. [Applause.] This is an entering wedge and a step to universal compulsory military training. [Applause.] That is proposition No. 1. Second, every man who believes in the destruction of the National Guard system will and should vote for this bill. Those of you who believe in the National Guard, do not fool yourselves. This bill has been drawn by officers of the Regular Army. This bill was not prepared either by the Senate or by the House committee. They may have changed a few syllables here and a few letters there, but it is a Regular Army bill, and do not fool yourselves and do not go back home in the November election with a camouflage about it. This bill is the forerunner of universal military training in America. It is the next to the last blow to do what the Regular Army officers have been wanting to do for some time. It is next to the last blow to destroy the State Militia. It is next to the last blow to destroy State rights of having an organization of their own State constabulary as provided under the Federal Constitution. There is a clause in this bill that provides that where the States shall organize a State militia not in accordance with this act they are guilty of a crime.

Mr. YATES. Will the gentleman yield?

Mr. SISSON. I will.

Mr. YATES. I would like to have the gentleman's authority for that statement. I do not mean to be disrespectful, but I would like to have his authority for the statement that this bill is not presented by the committee but by the Army.

Mr. SISSON. I make that statement that this bill in every single step of it has been prepared and dictated largely by the Army officers. [Applause.] Now, I have not time to yield further; I have only five minutes.

Mr. YATES. And I understand the Army opposes this bill?

Mr. SISSON. The Army; oh, yes—

Mr. YATES. This proposition.

Mr. SISSON. Oh, yes; they got up this compromise. That compromise was made, written, and prepared by Army officers, because they realized this House would not agree totally to destroy the National Guard at one blow, and they seek in this way to do it.

Do not fool yourselves, gentlemen. I want to say right now that every time a Democrat votes in favor of this proposition he is, whether he wills it or not, doing all in his power to destroy the National Guard. The Democrats have always believed in the National Guard under the Federal Constitution. They could not get rid of that proposition because it is in the Constitution, and therefore have got to kill it in this way.

Mr. KAHN. Will the gentleman yield?

Mr. SISSON. If I can get more time.

Mr. KAHN. I wanted to answer the question the gentleman propounded.

Mr. SISSON. The gentleman has ample time in which to answer. I have only five minutes.

Mr. KAHN. The gentleman wants to be fair.

Mr. SISSON. All right. I am going to be fair, and if the gentleman wants to be fair let him yield to me the time. I have only five minutes. I want to state that those of you who go before the country should be fair with them and say to them that this is the entering wedge to compulsory universal military training, because they provide here for universal voluntary military training. It will provide what the Regular Army intended to do at the beginning of the war. War was declared between the National Guard and the Regular Army officers when the bill passed for the organization of these soldiers during the war. They have almost destroyed the organization as it is. Everybody knows, if he has consulted these soldier boys, these units from the various neighborhoods were broken up and sent broadcast over the country. No one is betraying the secret of the General Staff of the Army when I tell you that they are opposed to the National Guard. The

argument made by the gentleman who is chairman of this committee, when he said you could not get the National Guard to make a national unit of the Army, is the same argument that has been used by the Army officers. Do not fool yourselves, gentlemen. This means universal military training and the destruction of the National Guard. [Applause.]

Mr. DENT. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. Anthony]. [Applause.]

Mr. ANTHONY. Mr. Speaker, as one of the conferees on the part of the House, I am unable to support the legislation desired by the Senate, which will authorize the organization of the National Guard under the Army clause of the Constitution. Under the compromise language which is suggested, it will permit the States to exercise the option whether they will organize their troops as they have been organized ever since the foundation of the Government, under the militia clause or under the Army clause. I think that dual proposition will result in disorganization and confusion to the National Guard. [Applause.]

There is just one State that I know of that wants to impose this handicap upon the National Guard of the United States. The State of New York is asking for this right to organize under the Army clause. All the pressure and all the demand for the legislation comes from the National Guard of that State, and it is not unanimous there. I want to say to the House that it is the almost unanimous judgment of the National Guard officers of every State, practically, in the Union, and of all the adjutants general, that the Congress should not take this action, and that the organization of the National Guard should be permitted to stay where the law now provides.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. GREENE of Vermont. Will the gentleman be good enough in extending his remarks to give us the result of the activities he has made to get that very accurate information about the personnel of the National Guard?

Mr. ANTHONY. Does the gentleman refer to the State of Vermont?

Mr. GREENE of Vermont. I do not have to do so. She speaks for this through bigger men than I am.

Mr. ANTHONY. The State the gentleman represents is so small that I forgot to put Vermont in.

Mr. GREENE of Vermont. Put your census in the RECORD. You made the general statement that almost all the National Guard officers were for this thing.

Mr. ANTHONY. I did make that statement. I will read a telegram which was received by the gentleman from Alabama [Mr. Dent] from the president of the National Guard Association of the United States, Col. Bennett Clark, well known in this House. [Applause.] It says:

As president of the National Guard Association of the United States, I desire to thank you and Mr. ANTHONY for your splendid efforts to preserve the National Guard against the effort being made to kill it.

I want to say to the House that it is my candid judgment that this legislation is the culmination of three years' conspiracy on the part of some members of the General Staff and of an element of the Regular Army of the United States to swallow the National Guard. It is the reincarnation of the old proposition which was defeated in this House four or five years ago to create the so-called "continental" army. It is nothing else when reduced to its simple elements than the changing of the National Guard into an absolute Federal force, practically an integral part of the Regular Army.

The Regular Army officers who favor this, in my opinion, do it because they highly value the military capacity of the National Guard. They realize that in time of war in this country the great mass of the soldiers must come from the ranks of the people and not from the Regular Army.

Mr. HUSTED. Will the gentleman yield?

Mr. ANTHONY. In a moment—and the National Guard has demonstrated whenever it has been called upon that it furnishes more men than the Regular Army men who are trained for the service of the Government. Over one hundred thousand came to the call of the President on the border a few years ago. Three hundred and sixty-seven thousand National Guardsmen came to the call of the President at the beginning of the World War—as good troops as any which took part in that great struggle. I have seen regiments of the National Guard that have been organized and trained in the last four or five years from a dozen of different States of the Union, and I want to say that I have seen representative regiments of Germany, and France, and of England, and of the Regular Army of the United States, and these National Guard regiments, so far as the real soldier material in their enlisted men is concerned, compare favorably with any others that I have seen in any army. It would be a

mistake to permit the organization of the National Guard under the Army clause, for the very reason that the constitutions of half of the States, I am told, would have to be changed in order to permit them to comply with this law if they chose to exercise the option. Under their present constitutions many of them would be unable to vote a dollar for the maintenance of a Federal military force. That would lead to great confusion and an interminable length of time would elapse before the plan could possibly be worked out. Now, the national defense act provides, in my opinion, absolutely perfect provisions for the building up of the National Guard.

Mr. HUSTED. I would like to ask the gentleman from Kansas why he objects to allowing the State of New York to organize its National Guard under the Army clause of the Constitution if it wants to do so, as long as it does not interfere with the action of any other State?

Mr. ANTHONY. Let me say to the gentleman from New York that if you have any citizens who want to enlist in the Regular Army of the United States, let them do so. [Applause.] We are trying to create in the National Guard a force of citizen soldiery who will be trained under the supervision and discipline of the Army of the United States, so that they can be relied upon to defend the country when called upon in time of need. We are not trying to enlarge the Regular Army further than the limits we set forth in the Army reorganization bill, the 299,000 Regular soldiers therein provided, in my judgment, being ample.

Mr. HUSTED. I do not think the gentleman's answer was quite responsive to my question. I asked the gentleman why he objected to permitting the State of New York to organize its National Guard under the Army clause of the Constitution, not to enlist in the Regular Army but to organize the National Guard under the Army clause, if they thought that was the more efficient way to do it and if they wanted to do it.

Mr. ANTHONY. I do not think it would be wise to have two brands or breeds of National Guard in this country. [Applause.] If we permitted the National Guard to be organized in some States under the Army clause of the Constitution and to be organized in other States under the militia clause of the Constitution, we would have a set of "white sheep" and a set of "black sheep," and those that were organized under the Army clause would be invariably commended in every Regular Army report, and those organized under the militia clause would be invariably condemned and harassed in every report that was made by an inspector general from the Regular Establishment. [Applause.]

Mr. HUSTED. Is not that a very unfair assumption of an unfair attitude on the part of the officers of the Regular Army?

Mr. ANTHONY. No; not if we consider the previous unfair treatment accorded the National Guard. At the conclusion of the World War there was no question but that it was determined down in the War Department to do away with the National Guard at one fell swoop. They decided that they would muster out every returning National Guard organization that returned from Europe, and they did so and discharged every man, not only from the United States service but as well from the National Guard of the several States, and National Guard organizations almost ceased to exist.

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

Mr. ANTHONY. Yes.

Mr. CALDWELL. Does not the gentleman agree that, under the terms of the Hay bill, it was specifically provided that when the National Guard was drafted into the service for the war when they were returned they were absolutely discharged back to civil life?

Mr. ANTHONY. No. They were to be discharged back to their previous status.

Mr. CALDWELL. Oh, no.

Mr. ANTHONY. Well, that is a difference of opinion. Let me tell you what the Militia Bureau in the War Department, administered by a Regular Army officer, has done. Since they attempted the wholesale discharge and destruction of the National Guard they imposed requirements in the organization of new National Guard companies which the Regular Army itself has found to be impossible to comply with. They demanded that before they would recognize a new company of the National Guard that it should consist of 105 men. And, gentlemen, there is hardly in the Regular Army to-day a company of Infantry of over 35 or 40 men. The Regular Army can not maintain its own organization up to the standard they are requiring of the National Guard.

I hope the House will vote down the motion of the gentleman from California and permit the conferees to represent what I believe are the views of the people of the country and the

views of the Members of this House with respect to the continuance of the organization of the National Guard. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. KAHN. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has 37 minutes.

Mr. KAHN. How much time has the gentleman from Alabama [Mr. DENT]?

The SPEAKER pro tempore. Sixty minutes.

Mr. KAHN. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CALDWELL].

Mr. DENT. The Chair does not mean to say that I have used 60 minutes?

Mr. KAHN. No.

The SPEAKER pro tempore. The gentleman has 60 minutes remaining.

Mr. KAHN. I yield 10 minutes to the gentleman from New York [Mr. CALDWELL].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. CALDWELL. Mr. Speaker, in response to my question of the gentleman from Kansas [Mr. ANTHONY], whether it was not a fact that the national defense act provided that when the National Guard was drafted into the United States Army its members could not be discharged back into the National Guard, he differed with me on that subject. I call his attention to section 111 of the national defense act. I will read from that act now. It says:

All persons so drafted—

Meaning the drafting of the National Guard—

shall from the date of draft stand discharged from the militia, and from said date shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to the members of the Volunteer Army.

So that when the National Guard was drafted into the service of the United States under the national defense act it was necessary on the discharge of those men to send them back to a civil status; and one of the reasons why I am compelled to support this proposition offered by the gentleman from California [Mr. KAHN] is the fact that when we had the Regular Army reorganization bill before this House the gentleman from Illinois [Mr. MCKENZIE] offered an amendment changing that method of discharge of the National Guard, so that they would go back to the National Guard organization of which they were members, and you will remember that here on this floor I called attention to the fact that that would be unconstitutional and that we would destroy the National Guard.

You will have no National Guard if you undertake to carry out that provision in the law, because the Constitution of the United States provides that Congress shall only have authority in the matter of prescribing regulations for the organization, and that the several States shall have the appointment of the officers, and that the militia can only be used for limited purposes. When drafted they cease to be militia. When discharged they cease to be soldiers. Now, the Constitution of the United States has three provisions that affect the power of the Congress in the matter of organizing a Federal force and a State force. The first provision I cite is Article I, section 8, subdivision 16, which says that Congress shall have authority—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Now, it was under that section of the Federal Constitution that the national defense act organized the National Guard of this country.

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

Mr. CALDWELL. Yes.

Mr. LANGLEY. In those States where the State constitution provides that the governor of the State shall be the commander in chief of the National Guard of that State, would it be necessary, if this proposition were enacted into law, to amend the constitution of those States?

Mr. CALDWELL. I will answer the gentleman if he will just follow me for a moment.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield right there?

Mr. CALDWELL. Yes.

Mr. GREENE of Vermont. There is no constitution of any State in the Union unless it is one of the more recently adopted constitutions that has anything to say about the National Guard, because there was no National Guard at the time when most of the State constitutions were framed; there was no National Guard then in existence. The old State constitutions speak

of the "militia," but the National Guard and the militia are two different things.

Mr. LANGLEY. The Kentucky constitution covers both.

Mr. CALDWELL. The next provision of the Constitution which I will cite as affecting the action of the Congress in the matter of organizing a Federal force or State force is Article I, section 8, subdivision 12. It provides that—

The Congress of the United States shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

It is under that provision of the Constitution of the United States that the Regular Army is organized and disciplined.

The third section which I call attention to is contained in Article I, section 10, of the Constitution of the United States, which reads:

No State shall, without the consent of Congress . . . keep troops . . . in time of peace.

That is a section of the Constitution under which it is sought here to organize this Federal force. It will be a new force; we have never had a force of that kind. The distinction will be made between the militia and the troops that belong to the State as contemplated by the Constitution. Now then, if the State can not keep troops without the consent of Congress, it follows as night follows day that Congress can specify the terms under which the State can keep those troops.

In this bill we say to the States you may keep troops provided you will conform to the terms we lay down in this bill. That is all that there is to the constitutional question except the distinction between the word "troops" and the word "militia."

What is militia? The dictionary says, and the Supreme Court of the United States has said, that militia is all of the able-bodied men in the country between reasonable ages, who are citizens of the country, capable of bearing arms for its defense. And in some decisions they have gone on to say that members of the Regular Army and Navy are not militia because they are soldiers in the service of the United States. At no time have they undertaken to describe what would be troops under this provision of the Constitution, because since we have had a Government no State has had an armed force organized under that section of the law.

Now, we know that during the Revolutionary period, when we had Federal soldiers operating in conjunction with militia, that when the Commander in Chief of the Army sent the Federal force outside of the country and obtained a temporary victory, and called upon the militia to come and aid in maintaining that victory, the militia refused to go, on the ground that he had no authority to direct them to proceed outside of the State in which they were serving; that the operation was not to repel invasion, suppress insurrection, nor to enforce the law, which were the only things the militia could be used for by the National Government.

We know that these men were citizens of the United States and of the State, that they were in uniform and bore arms; and so, if we say that troops are citizens of the United States who are armed and trained for the defense of the country, we do not correctly describe what is meant by troops, because that description would have fitted the militia in the service of the country and was recognized as militia, notwithstanding it was a trained and equipped organization.

Then what are troops? We know what soldiers are; we know what an army is under the terms of the Constitution, for the Supreme Court has told us; we know what the militia is under the terms of the Constitution, for the same reason; but the courts have never told us what troops are, and one guess is as good as another until the Supreme Court of the United States makes the last guess as to what that section of the Constitution means.

There is no question but that every country has the inherent power to defend itself. The United States is being called upon to create an armed force under the control of the Constitution, and if the Congress says that the force here authorized are to be State troops, why would it not be justified in expecting the Supreme Court of the United States to take its judgment on that subject?

There is one other question I want to answer. It has been charged by the gentleman from Mississippi [Mr. Sisson] that this bill originated with the General Staff of the United States Army. It so happens that I hail from the great State of New York, and it also happens that in the great State of New York during the World War we had a great division, known as the Twenty-seventh Division, composed from National Guard organizations.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. KAHN. I yield the gentleman two minutes more.

Mr. CALDWELL. When that division went across the seas they acquitted themselves with honor and with credit to the great State they represented, and they were under Maj. Gen. John F. O'Ryan, of the National Guard of New York, and recommissioned as such in the United States Army for the purposes of the war upon the draft of the National Guard. When he returned he started this bill on the way through the Congress of the United States, and it was Maj. Gen. John F. O'Ryan who was here lobbying in behalf of this bill. I do not know of any member of the General Staff who has ever advocated it until Maj. Gen. O'Ryan had taken it up.

Mr. LANGLEY. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. LANGLEY. I want to say that the gentleman from New York has not yet answered my question. Section 75 of the constitution of the Commonwealth of Kentucky reads as follows:

He (the governor) shall be commander in chief of the Army and Navy of this Commonwealth and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless advised so to do by a resolution of the general assembly.

Mr. CALDWELL. As I understand it, there are to be State troops and your governor will be commander in chief of the State troops. But the constitution of Kentucky is not above the Federal Constitution of the United States, and when these troops are called into the service of the United States the President becomes Commander in Chief.

Mr. LANGLEY. Would it not be necessary to amend the constitution of the State of Kentucky if this proposition becomes a law, as it conflicts with the constitution of that State?

Mr. CALDWELL. No; I do not think so.

Mr. LANGLEY. As I construe the language, it is in conflict with our State constitution, and I prefer that our governor shall remain the commander in chief according to the language of the section I have read.

Mr. CALDWELL. Let me say, first, it is our duty to provide the best organization for the manhood of America in order that the country may be properly defended. If the national-defense act and this provision are allowed to operate side by side, that which is best will survive. The proponents of this proposition have no fear of the outcome; the opponents have. This I hold to be a confession of weakness. Second, the McKenzie provision and several other sections of the national-defense act as amended in this bill are clearly unconstitutional, so it becomes our duty to provide something other than the terms of the House bill; and, third, the nearer legislation for a Federal force we have the nearer to an Army we will have—when we need one.

The militia provisions were written when people held a different idea of what our Government was. We are now writing a law after the Civil War had settled the permanence of the Union. We must now look to the defense of the Union, not the States.

Mr. WOOD of Indiana. Mr. Speaker, this is another demonstration that a house divided against itself can not stand. The very purpose of this compromise resolution is to divide the National Guard against itself. More than three-quarters of the adjutants general of the United States are absolutely opposed not only to the bill as proposed by the Senate but likewise opposed to this compromise proposition, for it is to accomplish the same end, and it will accomplish the same end if adopted.

Suppose this compromise resolution is adopted and some of the States elect to organize under the Army clauses and others elect to organize under the militia clauses, what is going to be the result? The same result that obtained during the World War—the absolute destruction of the militia units. No wonder the gentleman from New York—and I think he is the only one advocating the adoption of this proposition—no wonder the gentleman from New York is satisfied, because his units were kept intact and went over. What happened to the units of Indiana? What happened to the units of Missouri and Illinois and every other State in the Union? We had three regiments down on the Mexican border serving there for nearly a year. They came back seasoned men at the outbreak of the World War. Did they send them over and keep the units intact? No. They shot them all to pieces, even dividing up the companies so that there were scarcely half a dozen of original units permitted to go on the other side together. If you adopt this compromise, those coming in under the Army clauses will be the pets of the Regular organization of the United States, and the others will receive but slight consideration. [Applause.]

Those who pride themselves in belonging to the militia or the State of Indiana or the State of Missouri will receive very poor support; in fact, they will be starved to death. That is the purpose, and, as stated by the gentleman from California [Mr. KAHN], within 10 years they will find that the only way



that they can maintain an organization at all is by getting in through the process they are now trying to inaugurate. No one should be fooled by this proposition. It is a mere cloud to blind us for the time being into thinking it is fair to submit a proposition of this kind, when its whole purpose is the destruction of the State militia that has been of such great force from the beginning of this Government. Suppose you adopt this plan and come in under the Army organization. Here is a man who is the captain or a colonel of the State militia. He is a business man. He is a soldier in time of war, but he is a business man as well as a soldier in time of peace.

The President of the United States or the gentlemen who are operating the war machinery down here in Washington can take that man and jerk him away from his business and send him anywhere. That is what they are proposing to do. They are trying to Prussianize the military system of the United States. When they came back from Europe it was their intention then, fully developed by the first bill they introduced into this Congress. It had it written on every page. There was not a dozen men in this House here who would support it or who dared to support it. There are not 50 men in this House to-day who would support this bill as it came from the Senate, yet you might as well support it in its original form; in fact it would be better to do it than to make a farce of this whole business and destroy the integrity of the National Guard which must ever be the strong arm of the defense of the United States Government by the proposed subterfuge.

I say to you, think long before you ever consent to this compromise proposition. Send it back over on the other side with our disapproval, and let us maintain the militia system that is wanted by the men who were in the militia in this country. I have a letter from the adjutant general of the State of Indiana who has been in the militia for 25 years and who knows something of those who are connected with it. He says that there are not three adjutants general and not 5 per cent of the militia of the United States who want this system. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. EVANS of Nevada. Mr. Speaker, what great national emergency do you fear? We were safe with Europe strong, well fed, and well armed. Now they are bankrupt, without arms, and without armies, facing food problems with all energy to avert starvation. Austria sending her little emaciated children by the tens of thousands into Italy to obtain nutrition which Austria can not supply, while with haunting sense of fear they turn from war's horrors with sober knowledge that our country's policy has never menaced another's peaceful intent toward us. Now they look with uneasy wondering at our expending colossal sums training mere boys into the discredited art of murder.

The United States of America never made a war of conquest; our example for 150 years was peace on earth and good will to men, confident that now in times of destitution, with all the world prostrate, America will continue to lead in peace; that we will not compel and conscript the million one hundred thousand young boys who annually become of military age, taking and weaning them away from home, to which they will never return to console the lonesome old age of tender-hearted parents; away from a better plan of physical and mental growth, gained under the watchful care of teachers and neighbors where they will form habits of industry and self-reliance, growing into strong citizens, able and willing to defend our institutions, conservative to anger and assault, but earnest and eager to maintain their homes and country.

Against whom are we to uniform, to train, to arm, and march those boys? Surely not against our nearest neighbor Mexico? A Republic as we are, who have paid us the sincere compliment of founding their own beloved Nation upon our policies of free expression and right thinking. Will they not feel the veiled threat in this departure from our proven source of security? For us to plan war against another Republic is delirium. Can it be Canada, whose interests and aims are parallel to our own? Speaking our own language, we are proud to trace our consanguinity with them for a thousand years. There are none menacing our safe position to which we arrived without training in compulsion and force. That master mind of Shakespeare which could delineate man's character 350 years into the future could not conceive a government by the people; themselves their own rulers. A form of government which has produced all the inventions—steam engines, sewing machines, cotton gin, electricity, Atlantic cable, phonograph, telephone, flying machine, submarine, development of the automobile—wherein our form of free government has produced citizens who invented and built them all. This supreme question is too big for politics. There is in my mind no wish for political advantage, but the

safe, sound, and proven way of national security. We are to-day debating a course new to ourselves, but well-known and well-tryed by Europe, a system which has been weighed in the balance by every king and found wanting. The glory of militarism has departed. War was always preceded by a declaration of high and holy purpose, finishing upon blasted hopes and misery.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, this proposed amendment, in my opinion, is an effort to destroy the militia as it was provided for in the Constitution of the United States. It is an effort to increase the Regular Army by destroying the militia provided by the fathers, and the one dangerous element that I see in it is not only the camouflage of increasing the Regular Army but it takes away from the State the right to control its own militia. In other words, the State militia, or call it the National Guard if you will, can not be called out by the President of the United States for the use of the United States except to repel invasion, suppress insurrection, and so forth; but if they can get a division from Illinois and one from New York that has its place regularly in the Regular Army, they take the oath and they may be called upon and will be called upon to obey the orders of the President of the United States whenever, in his discretion, an emergency exists. To-day we have 17,000 men in Germany. The treaty has failed, but to-day the President can not call the militia or the National Guard from Illinois to go to Silesia to run an election; he could not call the militia from Illinois to send them to Siberia nor to become policemen in Germany; but pass this law and fix it so that the State militia abandons its constitutional standing and becomes a part of the Regular Army, and this President or his successor may order them wherever he sees fit, as a part of the Regular Army. That is one reason I am opposed to this proposition.

The second reason is perfectly apparent—a house divided against itself. One national guardsman from New York, for instance, has the honor of being a part of the Regular Army and one from Illinois has not. You need not tell me or any other man who has had experience with the Regular Army or the General Staff that the man who is known as a national guardsman stands more than half a chance. You and I know that, and what is the use of discussing it. We know boys who came back from France recommended two or three times for promotion by reason of bravery in action; they did not get their commissions, because the General Staff had a different view, and men who had shed their blood and who had stood in the trenches all through the western front, who came back expecting a little promotion, failed to get it, while men in the Regular Army recommended by the General Staff were given the commissions of those boys who had fought and earned the commissions and they were turned over to men who never smelled gunpowder on this side of the Atlantic or on the other. Let us stand fair. If you want to make your Regular Army larger, do it. I believe in a fair Regular Army, but this is a move in the direction of doing away with the old constitutional militia, that militia that was framed by the fathers of the Constitution, the men who gave the first thought that they should swear defense to their own State and their own home but who finally in the constitutional convention consented that they might be taken by the President of the United States or by the Congress of the United States and called into action to repel an invasion or to suppress an insurrection. This takes away that protection from the National Guard. This is a step along the line of Prussianizing the people of this country. It is a step toward the militarism that we fought against over there in France, and to-day the Regular Army is starting in step by step to do the very thing in this country that we fought against in Germany. [Applause.]

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, not only this provision of this bill is obnoxious to the masses of the American people but the entire bill that the Senate enacted by striking out the House bill is totally out of harmony with the spirit of this Republic and the best interests of our people. [Applause.] Not only ought this House to stamp under its feet this contemptible compromise that our conferees have brought in here but the entire bill should be defeated. The only thing that this Congress ought to do, in my opinion, is to kill this entire silly bill and, whenever we shall have peace declared, go back to the national-defense act, for which you made the appropriation for 175,000 men, and let it go into full force and effect.

The measure that our conferees have brought back here as a substitute compromise strikes me as being an insult to the

National Guard of the various States of this Union. I hold in my hand a letter from the adjutant general of the State of Mississippi, and I ask unanimous consent to have it put in the Record. This proposition that confronts us now means in the next year or two that all of the States will be forced to come under this Federalization system. It means that the constitutional system will be abolished and abandoned, and then our National Guard will be under the General Staff, and that august body will continue to Prussianize the United States until we will finally have an Army system a duplicate and replica of that horrible system of the Kaiser. [Applause.] There is no doubt about it but what the gentleman who brought this conference report here understands it. The Senate understands it thoroughly. The big interests of the United States understand it thoroughly. They think they are going to fool us, the Representatives of the people. That is what they intend to do; and when the gentleman from California endeavored to bring that striped ox over the House the other afternoon without letting this report be printed, it is part of the methods of the gang that is behind this scheme. Whether you be Republicans or Democrats, if you want to vote for the best interests of the great mass of the American people, you want to vote to kill the motion of the gentleman from California.

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I can not yield. You want to kill not only the original but this compromise that brings its smell—its stink—along with it. [Laughter.] You do not have to go down and study to understand it. It is as plain as the noontide sun. My friends on the Republican side, this Government has run 133 years with a constitutional militia system. Why is it in this age of Christian development of our Government it is necessary to abolish that system and put up a centralized, organized staff guard for all of the States of the Union? Whenever you vote to put this thing in effect you are, in effect, voting to abolish the entire system of the National Guard of the United States as it stands to-day, and the gentlemen who are behind this compromise realize that and know it. We know what they are endeavoring to do, but they think we are ignorant, and think we will let them put off on us this compromise, saying that we will let the State keep its National Guard if it wants to and let the others go under the Federal Army system. Here is the great State of New York, surrounded by Wall Street and the great billionaire class of this country, coming up as being an exponent of this nice compromise that the gentleman from California has brought out here. Vote it down and kill it, and, in the name of justice, before we let this House adjourn or let it recess let us stand here until this Chamber rots down before we let the people be run over and deceived in this manner. [Applause.]

The letter referred to is as follows:

STATE OF MISSISSIPPI,  
THE ADJUTANT GENERAL'S OFFICE,  
Jackson, Miss., May 15, 1920.

Hon. PERCY QUIN, M. C.,  
Washington, D. C.

DEAR MR. QUIN: I certainly hope that you can see your way clear to urge and insist on the House conferees committee on Army reorganization bill standing by House bill 12775, recently passed by the House, authorizing the reorganization of the National Guard. If the National Guard is required to reorganize under the Wadsworth bill, which is drawn under the Army clause, it will positively disrupt, tear up, and smash to pieces the entire National Guard machinery of the United States.

The Legislature of Mississippi has at last passed what is believed to be adequate National Guard legislation, and has provided the National Guard with the largest appropriation in the history of the guard. I am advised by several prominent lawyers that they are of the opinion that if the National Guard is required to reorganize under the Wadsworth bill, or Army clause, that the appropriation from State funds can not be used and that it will be necessary to present to the legislature a new set of National Guard laws. From the information at hand, I would infer that Mr. Wadsworth; Gen. O'Ryan, of New York; and the New York National Guard would prefer to dictate the military policy of the United States, and to satisfy their desire are willing to sacrifice the balance of the guard of the United States. The National Guard of Mississippi is not in sympathy with the Wadsworth plan, and I am confident that the young men of Mississippi are not willing to reenter the guard under the Wadsworth plan. It is believed that if you and the balance of the Mississippi delegation in Congress will inform the House conferees to stand by the House bill that they will win out in this fight. The guard of Mississippi would rather see no legislation for reorganization than the plan of Mr. Wadsworth.

This matter is of vital importance to your State, and it is believed that you will exert every influence to have the conferees accept a favorable plan for National Guard reorganization.

Wishing you continued success, I beg to remain,  
Yours, sincerely,

ERIE C. SCALES,  
Brigadier General N. G. M., the Adjutant General.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, how much time has been consumed?

The SPEAKER pro tempore. Twenty-five minutes remain to the gentleman from California.

Mr. KAHN. And how much to the gentleman from Alabama? The SPEAKER pro tempore. Forty-five minutes.

Mr. KAHN. I hope the gentleman will use some more of his time.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY. Mr. Speaker, the motion of the gentleman from California involves the ultimate destruction of the National Guard as it has heretofore existed. To that I am opposed. Allow me to call the attention of the House to the fact that the claim will be made, if not audibly, at least in the minds of the gentlemen who favor the motion of the gentleman from California, that the National Guard is not as efficient as the Regular Army, and that for uniformity's sake the whole National Guard should be incorporated into the Regular Army system, because that is the result this proposition seeks to accomplish.

Without making any comparison between the National Guard units and those of the Regular Army, it may be stated that the Twenty-sixth, Thirty-second, Thirty-fifth, Thirty-sixth, Forty-second, and other National Guard divisions rendered brave and distinguished service in the World War. But omitting discussion of that matter we must bear in mind that we are now legislating for peace times and not for war times. We are considering an establishment for domestic use, and it seems to me that in view of the fact that the maintenance of order and of law in the several States is a function of the States and the duty of the several States, each State ought to have its own National Guard controlled and directed by the State and subject to call to the aid of the civil authorities in the execution of the laws and in suppressing riots and disorders in the respective States. If the entire National Guard is incorporated into the Regular Army system we destroy the right of the States for all practical purposes to maintain any kind of national guard or militia system. Each State should have its own National Guard to aid its civil authorities. It ought not to be dependent upon the Federal Government for troops for purely State uses. To subordinate the States to the caprice or whim of the Secretary of War or the President for the enforcement of State laws violates the fundamental theories of the Federal system of union. Within its own boundaries, in the enforcement of its own laws, in the preservation of order, in the maintenance of its own institutions, the State is supreme, and it should have at its command the agencies and instruments necessary for the proper exercise of its function free from the supervision of any superior authority. All of you know or ought to know that the proposition of the gentleman from California to leave it optional to each State to come in or to stay out of the Federal system will amount to an absolute requirement that the State guards either come into the Federal system or that they dry up or die of anæmia, because the Federal Government and the Federal militia system will not encourage the maintenance of separate State guard systems and conditions will be imposed that will make it almost imperative that they come in or else perish.

Mr. KAHN. Will the gentleman yield?

Mr. CONNALLY. I will yield to the gentleman.

Mr. KAHN. The gentleman knows that Congress alone can provide the appropriations so that Congress can keep the guards alive under the militia clause, too.

Mr. CONNALLY. Oh, I realize the gentleman from California is correct technically in that statement, but we all know also that the Military Affairs Committee of this House and the gentleman from California [Mr. KAHN] always hear with more distinct sound and more attentive ears the call of the War Department and the General Staff than they can hear the distant cry of the various States. [Applause.]

Mr. KAHN. The proposition of the Committee on Military Affairs does not bear out the gentleman's statement.

Mr. CONNALLY. I am talking about what will transpire if this proposition of the gentleman from California is adopted and goes into effect. I want to say to the gentleman that we are legislating for peace times now, and it is not to the best interests of this Nation that we have one military system in which all the National Guards of all the States shall constitute a part of the Regular Army. We are not legislating for war—

Mr. HUSTED. Will the gentleman yield?

Mr. CONNALLY. In a moment. Whenever war comes we shall not be willing to rely alone upon the Regular Army or the National Guard, but whenever war comes this Nation will have to again invoke the draft, will again call to the colors the entire man power of this Nation, but in peace time let us observe the terms of the Constitution providing for the militia system, and let us have separate National Guards in the various State organized and drilled on the Regular Army system, but subject to the control of the States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENT. I hope the gentleman will use some more time.

Mr. KAHN. I will yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, it is obvious that a question involving so many constitutional issues and that partakes so vitally of the general policy of military training and national defense can not be discussed very intelligently in five minutes. One can only touch the high spots, and simply by suggestion at that.

I am amazed to hear so many of our good friends who are so profoundly in love with the doctrine of State rights refuse to accept a proposition that gives every State in the Union an opportunity to decide for itself in which one of these ways it will organize its militia. I do not quite see the consistency of it, and I have not from the beginning. Every State has the right to decide for itself whether it will organize its militia under the militia clause of the Constitution or under the Army clause of the Constitution, and it is left entirely with the State to decide. And when it has decided, if it elects to continue under the present militia clause of the Constitution, the law now in force, which provides for the organization and administration of the militia under such a clause, will still obtain, and it will have its appropriations from the Government under the direction of Congress just the same, and all the other features that have pertained to the National Guard as it exists to-day. They are in the law, and Congress has its direction over the appropriations which carry that law into effect. And the option will be left where our good State rights friends state it ought to be left—with the States. And that is the crux of this proposition.

Now, then, the whole purpose of this thing is to take advantage of a maxim which is as old as our Government, and which was first put into good, terse, appealing language by the Father of his Country, "In time of peace prepare for war." We have been told here—

Mr. SHERWOOD. I challenge that statement. George Washington never made that statement.

Mr. GREENE of Vermont. With all respect, I decline to yield to the gentleman.

Mr. SHERWOOD. You can not prove it.

Mr. GREENE of Vermont. I have not time to go into a discussion with the gentleman about a side issue.

In time of war we need trained troops, and in time of peace we maintain the National Guard for the very purpose of training it for war. The character of warfare has changed, as we learned most bitterly during this last World War, and the brigade and the regiment and the smaller tactical units are no longer the bases for operation in the field.

The basis is the division, and there is not a State in the Union, outside of the States of New York and Pennsylvania, that can make a division of its own troops. What will be the result? In my own New England district there were six States that were organized into one division, and the troops fought that way, the division being the tactical unit. In time of peace you can not assemble those six States into a tactical division for training purposes, and have a man from Connecticut drill the troops from Maine, New Hampshire, Vermont, Rhode Island, and Massachusetts. That is the point about it. And those six States are going to lose every opportunity to train by divisions, and will go back to the old, archaic regimental tactical system that they maintained so long.

Now, then, we did this very thing in time of war, when we had to test out whether our troops were trained or not, and that was to make one general, universal army out of our Regular Army, our National Guard, and our citizen soldiery, because it is a maxim of war that you can have but one army when you go into the field against another. In time of peace, in the name of common sense, let us train as one army in order to meet that very problem that will face us when we get into war. [Applause.]

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I am unalterably opposed to a large standing army in peace time, and therefore I am opposed to this bill, but it is a matter which has already been put over on us. I am unalterably opposed to universal compulsory military training, and I am in favor of preserving the life and the integrity of our National Guard, and therefore I am against the amendment of the gentleman from California [Mr. KAHN], and I am going to vote with the distinguished gentleman from Kansas [Mr. ANTHONY] on this proposition.

To show you how easily an attempt is made sometimes to force votes on serious propositions, without serious considera-

tion, I call your attention to what happened yesterday afternoon when the distinguished gentleman from California [Mr. KAHN] said, in substance, "Oh, what is the use of putting off until to-morrow a thing we can vote here in a few minutes, something that everybody ought to understand so easily?" And yet, when I asked him on the floor this morning why it was that his committee saw fit to put two different kinds of oaths into the measure, one oath for one man and another oath for another, he could not satisfactorily explain the matter at all. For the officers who are to be sworn in under the National Guard system, as proposed in his amendment, he has one kind of oath, an oath which properly requires that they shall support and defend the Constitution of the United States against all enemies, foreign and domestic.

That is the kind of oath that the President of the United States takes. That is the kind of oath the Vice President takes. That is the kind of oath that members of the Supreme Court take. That is the kind of oath that the Speaker of this House took. That is the kind of oath that every one of my colleagues here have taken. That is the oath each Senator of the United States takes. That is the kind of oath that every officer in the Army has taken. That is the kind of oath that every enlisted man in the Army has taken. It is the kind of oath that every employee of this Government has taken. It is the kind of oath that even the little pages who wait upon the Members here in the House have to take before they can exercise the privilege of an employee of this House. But when you get to the enlisted men in this proposed Kahn amendment you have to change it. It does not require an enlisted man in such amendment to swear that he will defend the Constitution of the United States against all enemies "foreign and domestic." Why do you not do it?

Mr. MASON. Will the gentleman yield for one question?

Mr. BLANTON. I yield.

Mr. MASON. Do you not agree with the military gentleman who just preceded you that if there was a strike in a pickle factory it would be necessary to have a division of 27,000 men to handle it as a proper unit?

Mr. BLANTON. That is possibly apropos, but first I want the enlisted man in the National Guard to take the same kind of oath that his captain takes, and I want him to take the same kind of oath that the soldier in the Army takes, and I want him to take the same kind of an oath that every other officer of this Government takes, when he does enter the service of his Government. I want him to swear that he will defend the Constitution of the United States against "all enemies, foreign and domestic." As domestic enemies may be just as menacing as foreign enemies there may be times when they may be even more dangerous. And the time has come when, as the gentleman said, we are preparing for war in time of peace, it is time to prepare to meet all dangers alike. Therefore I say that the distinguished gentleman from California ought to reconsider this matter and understand his own measure. [Applause.]

Mr. KAHN. Mr. Speaker, of course there are some men who are so blind that they can never see, and the gentleman from Texas is one of them.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, in the military bill as it passed the House protection for the National Guard of the several States was retained. In the bill as it passed the Senate the National Guard of the several States was made a thing of the past, and the National Guard of the United States was created.

Now, in conference, in disagreement, some of the House conferees have come to us and have recommended what they term "a compromise," under which we are to have two kinds of National Guard organizations in the country, one the National Guard of certain States and again the National Guard of the United States. The purpose of that compromise is very plain to be seen. It is to secure the final adoption of the Senate program, the elimination of the National Guard of the several States, and the creation in its stead of a great new Federal army. It will be in name a National Guard, but it will be the National Guard of the United States and will be essentially Federal. It is to be a Garrisonized National Guard. Under the Senate bill such an army would, on paper, be created forthwith. Under the so-called compromise the elimination of the State militia, known popularly as the National Guard, would be somewhat more delayed but would be none the less sure. Whether the Garrisonized National Guard in its Federal form would materialize, except on paper, is open to question, but that the National Guard of the States would disappear is certain.

The compromise given to us unfortunately covers only one side of the compromise. It states what we are to bind ourselves

to accept, and leaves us only hope as to what the Senate will yield. I am glad, however, to accept the statement of the gentleman from California [Mr. KAHN] that all the provisions of the legislation as to pay of officers and men, and so forth, are to be fully as agreeable and liberal for the militiamen as the provisions for the National Guard of the United States. I am somewhat at a loss to understand this language, however, in one section of the compromise:

*Provided further*, That no troops shall be thus maintained except such as belong to the units of the National Guard of the United States comprised within the limits of such State.

That eliminates in any State any troops except they be the National Guard of the United States.

There is another proviso in the same section—

*Provided further*, That nothing contained in this act shall prevent the organization and maintenance by the States and Territories of State or Territorial militia, State police, or State constabulary.

There seems to be a conflict there which I hope the conferees will take into consideration.

Now, in the Constitution Congress was given two sources of power: One "to raise and support armies"; the other "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

This present attempt to do away with State troops organized under the militia clause is simply another step in the controversy that has gone on for many, many years, simply another step in the conflict between those who would advocate a civilian army and those who would put their trust in a professional army. It is another step in the century-old controversy between the civilian soldier and the professional soldier. That controversy has always existed and we have before us to-day the effort of the professional soldier to destroy the field of opportunities for the civilian.

In the Great War anyone that came in contact with officers of the National Guard, whether in this country or overseas, whether you visited them in camp where they were under fire or otherwise, National Guardsmen who had been in the service for a long time, who had served overseas, who had won from the enemy many kilometers of territory, you found almost without exception those National Guardsmen entertained a feeling that they had been discriminated against by the War Department and the Regular Army Establishment.

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

Mr. CRAMTON. I am sorry I can not yield unless the gentleman can give me some time.

Mr. KAHN. I can not give you any time.

Mr. CRAMTON. That feeling was universal among the National Guard officers, and there must have been a foundation for it. There was a foundation. I visited officers of the Thirty-second Division at the front, men who had been under fire, men who had led troops under fire and captured ground from the Prussian Guard, and those men, having done that, saw some young man coming in recently from West Point taking precedence over them; they saw a young man who had never commanded a thousand men in peace, let alone in war, take precedence over them. They were undergoing severest hardships and making heroic sacrifices, rendering services for their country never excelled for efficiency or devotion, but always they carried with them the realization that promotions and recognition at the hands of the War Department and the professional soldiers in control were not for them.

On the other hand, until July, 1918, the Regular Army officer was a rare exception who did not freely express his entire lack of confidence in the State militiamen and in the efficiency, skill, and morale of the State troops and their officers.

Soon thereafter, as in drive after drive, divisions made up of those same State troops took their punishment and won their objectives and carried the line forward, keeping well up with anything that America or any of her allies could produce, such disparagement ceased to find expression on the part of the Regulars.

But it is upon that same theory that this legislation must be defended if at all. Boys of Michigan and Wisconsin who fell while the Red Arrow time after time pierced the German line still lie in their graves in France, but the history they made a few short months ago is to be ignored while we abandon the system under which they gave themselves to their country and under which they were trained.

Under the one clause of the Constitution Congress may "raise and support armies." Under that we provide for the forces that are primarily or exclusively Federal.

Under the other clause the Congress may organize, arm, and discipline the militia, "reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

For many years the several States raised their militia, and they were trained in haphazard fashion, but in the act of June 3, 1916, Congress exercised further the power to "organize, arm, and discipline the militia," so that uniformity of organization, equipment, training, and discipline is easily possible under existing law. The method of selection of officers still holds to the enlisted men of the State militia hope of recognition, and to the commissioned officer of promotion, for faithful and efficient study and service.

If the War Department and the General Staff will accept the act of June 3, 1916, in good faith and strive to build up a strong and efficient National Guard in the several States thereunder, they will find a willing spirit of cooperation among the young men of the country and can produce a trained body of soldiery ready for any national emergency.

But if they refuse the opportunity that is before them and insist on a purely Federal force, officered by their own selections and building up their own power and importance, they run counter to the sentiment of the young men of the country. They may be able to provide such an Army on paper, but it will be a Salvador army—all officers and no soldiers. Only in one way can they fill the ranks, and that is by force.

The Constitution contemplated a State militia, which should in time of peace be primarily a State and not a Federal institution and should primarily serve the State. In time of peace the governor of the State and not the President should be its commander in chief. The National Guard of the United States might fit well into militaristic expeditions of a President in northern Russia or in Siberia or San Domingo or Armenia, but would, with its Federal officers, lose entirely its old character as a State agency, and the States would be driven to the extension of the State-constabulary idea again, an advance toward the professional soldier.

The pending compromise would, if it became law, add greatly to existing confusion, give us a mongrel organization, with one or two States accepting the National Guard of the United States freely, others driven in by fear of ostracism, and others standing by old training and traditions. I trust the compromise will be rejected and the opposition of the House to all such militaristic schemes made manifest.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that everybody who has spoken on this bill shall be allowed to extend and revise his remarks.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the privilege of revising and extending their remarks shall be given to all those who have spoken on the bill.

Mr. CLARK of Missouri. Mr. Speaker, the gentleman ought to change his request—

Mr. KAHN. For five legislative days—

Mr. CLARK of Missouri. And make it include all those who shall speak hereafter on it or who have spoken.

The SPEAKER pro tempore. Does the gentleman from California modify his request to include all those who shall speak and those who have spoken?

Mr. KAHN. Yes.

Mr. CLARK of Missouri. For five legislative days.

Mr. KAHN. On this bill.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, why does not the gentleman include all Members of the House?

Mr. KAHN. I did not know that there was any considerable number who wanted to extend their remarks.

Mr. GARD. There may be Members who desire to extend.

Mr. KAHN. I have no desire to prevent any Member from extending his remarks on this bill for five legislative days.

The SPEAKER pro tempore. The gentleman from California modifies his request so that he asks unanimous consent that any Member of the House may extend his remarks on this bill for five legislative days. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for five minutes.

Mr. NEWTON of Minnesota. Mr. Speaker, I have listened to this debate with much interest. In my opinion, more straw men have been knocked over in an attempt to defeat this measure than in any other debate that I have participated in. Our failure to have a military policy in keeping with our position in the world caused our unpreparedness and the consequent loss of billions of dollars and thousands of lives. With one voice we then said that this unpreparedness must not occur again. Any measure then pertaining to our future military policy is most important and should be debated with fair reason and argument rather than through the use of misstatements and the arousing of prejudice.

This Congress has been charged with the responsibility of framing our future military policy. Our Military Affairs Committee went to work upon the problem early in the session. The result was the so-called Kahn bill, which passed the House some weeks ago. The Senate passed the so-called Wadsworth bill. They differ materially. One of the principal points of difference is now before us. It involves the present organization of the National Guard. It makes possible a new organization to be called the National Guard of the United States. This organization will become a part of our reserve army and will cease to be Organized Militia.

The plan is optional. In other words, it is up to the States as to whether or not they will change the status of the existing organization.

At the present time the National Guard is an organized militia. The power of Congress over the militia is set forth in Article I of section 8 of the Constitution, and reads as follows:

Congress shall have power to \* \* \* provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline described by Congress.

Congress is further given the power in the same section—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

So, then, it is up to Congress to make suitable provisions to—

- (1) Organize,
- (2) Arm,
- (3) Discipline,
- (4) Govern while in Federal service, and
- (5) Enable President to call them forth to execute the laws, suppress insurrection, and repel invasion.

It is reserved to the States to—

- (1) Appoint officers, and
  - (2) Exercise command and authority in training them.
- There are 48 States in the Union, and notwithstanding the efforts that have been made by Federal authority to obviate the difficulty there has been lack of uniformity in the different organizations as to qualifications of officers, training of the men, and so forth.

The national defense act was enacted under these constitutional provisions.

It will be noted that the President, as the Commander in Chief, is prohibited from using the militia except to execute the laws, suppress insurrection, and repel invasion. To use them during the late war it was necessary for the President to avail himself of other provisions in the national defense act which authorized him to draft, not the regimental units and other organizations, but the individual members thereof. He could not draft the organizations themselves, for they were militia organizations, and he was powerless to use them except for the purposes mentioned. The necessary constitutional power was lacking. As an organization, therefore, it was not part of our Army. After the individual members were drafted into regiments of the National Army they then, of course, were a part of the National Army.

This system was most unfortunate. Undoubtedly with this lack of uniformity there were certain National Guard regiments who were insufficiently trained and improperly officered. On the other hand, there were many guard regiments that were well trained and most efficiently commanded. Many of these skilled regiments suffered because of the lack of training upon the part of others for whom they were in no wise responsible.

It has been said here in debate that our National Guard regiments during the late war were "manhandled" in the system run by officers of Regular troops. It is altogether too true. In many instances they were manhandled and most unjustly dealt with. I know whereof I speak. At the outbreak of the war the State of Minnesota had an efficient National Guard organiza-

tion consisting of three regiments of Infantry and one of Artillery. The Artillery regiment formed the famous One hundred and fifty-first Field Artillery of the Rainbow Division. Throughout the war the officers of this regiment were guardsmen. This regiment was kept intact and under their brave and most efficient National Guard colonel they fought in practically every major engagement of our armies overseas.

One of our Infantry regiments was ordered to be made over into an Artillery unit. Its citizen officers, who had for years studied and trained to perfect themselves as infantrymen, were suddenly called upon to function efficiently as artillerymen.

I will now call attention to another regiment, the First Minnesota Infantry. This regiment had a glorious record as the Thirtieth Minnesota Volunteer Infantry in the Spanish-American War and the Philippine Insurrection. It was a most efficient unit, and was so described officially in the comments made upon its service on the Mexican border in 1916. It furnished to the Nation in the late war material for over 500 officers. Its depleted ranks were filled up by recruits from the State of Minnesota. The officers who had trained and so efficiently drilled this regiment remained with it. Yet we find this regiment held over here in this country until the summer of 1918. When it reached France, instead of being used as a combat unit, it was used for replacement purposes. When I was overseas I found its officers and men scattered all over France, Luxemburg, and the occupied territory of Germany.

This policy was wrong. It was unjust to officers and men who had spent so many years in times of peace in perfecting an efficient organization. It should not be permitted to occur again.

I believe that this provision submitted by the gentleman from California [Mr. KAHN] will prevent this from happening again, providing the States see fit to avail themselves of the opportunity offered of having their guard regiments become a part of the National Guard of the United States.

Under the Constitution, in Article I, section 8, "the Congress shall have power to raise and support armies." Our Regular Army and our reserve force are organized and provided for by virtue of this constitutional provision. There are no restrictions to this power excepting that no appropriation for their support can be made to extend over a period of two years. It is proposed, therefore, to organize a National Guard of the United States under the "Army clause" of the Constitution. The present National Guard of the States is organized under the "militia clause," which I referred to some minutes ago. It is made optional with the States as to whether they shall continue as organized militia or shall be converted into the National Guard of the United States. In any event, and this should be carefully noted, Federal aid in the shape of money, regular officer training, and so forth, is to be continued. The only distinction would be that the Federal Government would have the power and exercise the authority over the training in times of peace, and that in time of war the organizations are called into service and become a part of the active Army of the United States.

If a State avails itself of the option given, will it lose its present military force? No. The National Guard in the State will cease to be militia, but will not thereby cease to be liable for duty in the State under the governor if he chooses to call them out. Article I, section 8, of the Constitution provides:

No State shall, without the consent of Congress \* \* \* keep troops in time of peace.

The States can therefore, in time of peace, maintain not only "militia" but "troops," providing Congress gives its consent. In giving this consent Congress can give it only upon certain terms and conditions. That is what will be done if this proposed measure becomes a law. I quote from the measure, as follows:

Maintenance of troops by the States: The consent of Congress is hereby given to each of the States to maintain troops in time of peace: \* \* \* *Provided further*, That no troops shall be thus maintained except such as belong to the units of the National Guard of the United States comprised within the limits of such State: *Provided further*, That the States \* \* \* in time of peace \* \* \* shall be entitled to use as State troops under the direct orders of the governor of the State \* \* \* and for such purpose as State militia might legally be used, so much of the National Guard of the United States within their respective borders as has been enlisted in the troops of the State and commissioned by the governor thereof in accordance with the terms of this act and if it is not at the time in active service under a call by the President: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance by the States \* \* \* of State militia.

In other words, the State will have the same authority under this proposed plan that it now has, except as to the training. I can not see, therefore, that this will in any way hamper the States in the enforcement of the law within their own borders.

So much for the question of State service. Now, as to the liability for service to the Nation as National Guardsmen of the United States. I further quote from the proposed measure, as follows:

When Congress shall have authorized the use of the land forces of the United States for any purpose requiring the use of troops in excess of the Regular Army, the President may, under such regulations as he may prescribe, call into active service for the period of the emergency, unless sooner relieved, the whole or any part of the National Guard of the United States: *Provided*, That when necessary in order to execute the laws of the Union, to suppress insurrections, or to repel invasion, the President may, in his discretion and under the same conditions as permit the calling out of the National Guard of the several States, call into active service the whole or any part of the National Guard of the United States to serve solely within the United States for such period as he may direct.

Under existing law the National Guard can be called out by the President to serve within the United States to execute the laws, suppress insurrection, and to repel invasion. This is unchanged. In addition, under existing law the President can in war emergency draft the individual members of the present National Guard for any military service. Under the proposed measure the President may call out the National Guard of the United States in an emergency, providing, however, that Congress shall authorize him to do so. In other words, there must be a declaration of war or some authorization by Congress before the President may call out the National Guard of the United States to serve outside of the United States; for example, to go into Mexico. When so called out, they are called out as organizations with their units intact. They are a reserve force in time of peace and an active part of the Army in time of war.

In my judgment such a plan will do much toward preventing the discrimination and manhandling of the guard regiments that was so prevalent during the late war. Furthermore, for training purposes officers—in time of peace, with their consent—can be detailed to the General Staff. This should give them a voice in the general policy of the authorities in the Army toward the National Guard. Officers and men are in all respects national citizen soldiers. Our great need is not a large professional army but a national citizen reserve army.

The American Legion in Minneapolis, in declaring for a "national citizens' army" appointed a committee to submit the views of their organization to Congress. About one-half of the membership of that committee were former guard officers. They submitted a statement of the legion which to me is unanswerable.

They (meaning the members of the legion) believe that this citizen army should be trained, so far as possible, by citizen officers, and its units localized in the territory from which they come, but that it must be trained solely as a national army under the authority of the National Government for use only in time of war.

In submitting the statement one of the members, expressing the views of the committee, said:

One observation, which is referred to indirectly, is this: That any military organization, any army, should be an army, one army, the United States Army. It may be composed, and would have to be composed, of professional soldiers and citizen soldiers, but that should be the only distinction.

The CHAIRMAN. I assume from that that you would assume such an army being raised and maintained under the so-called Army clause of the Constitution?

Mr. GALBRAITH. Yes, sir.

These men were unanimous in believing that the National Guard would function far better under the proposed plan.

The terms of enlistment remain unchanged. The officers are all to be reserve officers of the Army of the United States as well as officers of the State troops in which they live. Officers and men will perform the same kind of service as State troops that they do to-day as militiamen.

Mr. Speaker, I believe the plan worth trying. Objections, of course, have been offered. Many of them have been made under a total misapprehension and misunderstanding of the plain provisions of the measure. I reiterate the plan is not compulsory. It is optional. It is up to the legislatures of the various States to say what they want to do. That is representative government. In this way the rights of the States are amply safeguarded. The State failing to avail itself of the privilege continues to receive the same Federal aid as before. It is claimed that these States will be discriminated against. I deny it. But what do these gentlemen offer in its place? Nothing but the old plan wherein practically all of our guard regiments were in some way or other the victims of discrimination. In the event of another war they offer more "manhandling." We need a citizen reserve force that is a national reserve force. In several years we can then judge as to the merits of the two organizations.

Mr. BEE. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BEE. Is not that the situation now?

Mr. NEWTON of Minnesota. No; if the gentleman please, this is the situation: Under the national defense act upon the outbreak of the war these men were drafted into the Army as individuals and not as units.

Mr. BEE. I understand that.

Mr. NEWTON of Minnesota. Under this act they are a part of the reserve force in the United States, and in the event of war they go in as distinct units. [Applause.]

Mr. Speaker, I am intensely interested that this Congress formulate an adequate national military policy with a small professional army and an ample citizens' reserve. I believe in the National Guard and its further growth and development. I believe it can be made the nucleus for a most efficient national citizens' reserve. For this reason I expect to support the motion of the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining and the gentleman from Alabama has 30 minutes remaining.

Mr. KAHN. The gentleman from Alabama should use some of his time.

Mr. DENT. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker and gentlemen, we went into the Great War to upset the Prussian military system, and now we are beginning to enter on that system ourselves, and I am against it. [Applause.]

I do not know whether under the rules I can talk about it, but the Senate committee seems determined to fasten on this country the Prussian military system. I am rather inclined to think that my distinguished friend from California, chairman of the House Committee on Military Affairs, is in the same condition that Saul was at the stoning of Stephen—that is, he stands by and gives his consent. [Laughter.]

Mr. KAHN. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. KAHN. Does not the gentleman know that France has the same system, and France is a Republic? Switzerland has the same system, Australia has the same system, and many other countries.

Mr. CLARK of Missouri. I do not care who has it, I am against it. [Laughter.] When I was interrogating the gentleman from California [Mr. KAHN] this morning, trying to twist a fact out of him, he kept beating around the bush and fencing, and finally the gentleman from Delaware popped up and let the cat out of the bag about this bill. He said if the State militia did not want to be discriminated against, the right way to prevent that was to go into the other National Guard. I can give a man an infallible receipt for keeping a horse from being stolen. Do not have any horse. [Laughter.] That is the way with the gentleman from Delaware. He did not know as much as the gentleman from California or he would not have made that statement, because it was an open confession that the intention is to discriminate against the National Guard organized under the militia clause of the Constitution.

I have no prejudice on the face of the earth against the Regular Army. I think it has been made or is being made about three times too big. I have not any dislike for West Point. I do not agree with Dr. Elliott in what he said about West Point or West Pointers. I have a very definite idea about what West Point can do. It can make good drill sergeants, but it can not make generals. A general, like a poet, is born. When I was a little chap my father was a very enthusiastic phrenologist, and he took the magazine of Fowler & Wells. That was about all the paper I had to read. They laid down the proposition flat that there never had been a great soldier that did not have an aquiline nose, a high-bridge nose. I started out to find out whether that was true. With a full-face picture, of course, you can not tell, but with a profile picture you can tell, and history has no record of a single really great soldier that did not have a high-bridge nose, not one. Napoleon chose his generals and marshals largely by their nose, and it must be admitted that he knew a good deal about soldiers.

They turn out very good engineers at West Point, but to assume that there is no man in America fit to command a regiment or brigade except these West Pointers is an absurd proposition. [Applause.]

I will tell you what will happen. The gentleman from Delaware stated the milk in the coconut. If you organize these two sorts of National Guards, then the General Staff here in Washington is just as certain to discriminate against the officers and men forming the guard formed under the clause of the Constitution about militia as two and two make four, and if Napoleon himself should come back to earth and get to be a captain or a colonel or any officer in the National Guard organ-

ized under the State system, he would be frowned upon the minute he got into the hands of the General Staff.

I have no objection to the General Staff, either, except I think they ought to attend to their business and let Congress attend to its business. [Applause.] They get up every one of these Army bills, substantially. It is the second strongest lobby that has been around here since I have been in Congress. I think the Anti-Saloon League leads the list in strength of the lobby and the Regular Army officers come second. [Applause.] They are always on the job. They have not got much if anything else to do but wine and dine these committees and anybody else that they can get their eye on and get over to their side of it, and they have a powerful influence here and an undue influence.

That they discriminated against and manhandled the National Guard during the World War there can not be any controversy. They took a man that fought in Cuba, that fought in the Philippines, that was down on the border, and the night before the battle of Argonne they took his brigade away and demoted him to a colonel. I know that to be the case, although I may have got the night wrong. They put a Regular in his place, an utter stranger to the command. I know that to be the case; I may have gotten the night wrong. They would take the colonels and lieutenant colonels out of the best National Guard regiments there were and put them on some detached duty in order to make room for colonels and lieutenant colonels of the Regular Army, and I am against that sort of thing.

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

Mr. CLARK of Missouri. Yes.

Mr. KAHN. They also demoted Regular Army officers, West Point graduates, and sent them to the rear.

Mr. CLARK of Missouri. I know they did, some of them; and they ought to have been sent to the rear, no doubt, and there are some of these guard officers who were unfit—others superb soldiers. I am not opposed to having fit officers in command of troops, but I say that a man fit to be a colonel of a National Guard regiment, who has seen service wherever there has been service to see since the close of the Civil War, unless he is unquestionably unfit, ought to be retained and promoted.

I do not know of but one National Guard officer who was made a brigadier after the war began. Here is the way it is going to work, and I know it just as well as if I were to see it working: As soon as this double system is adopted then everyone in the War Department here and in the Regular Army will commence a propaganda in the States to have the States come in under the Army clause of the Constitution. It is a perpetual force. They work at it all of the time. I am in favor of preparing for defense. If I had my way about it every school in the United States who could furnish 100 boys to drill would have a drillmaster to drill the boys, and even if we never had another war while the world lasts it would be a good thing for the boys. These governors of States will begin to play into the hands of this crowd here, because they think they want to be in good military society. If you adopt this double system you might as well change the proposition and have one system and be through with it, and then you will be nearer to Prussia than you are now. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. DENT. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, this compromise would destroy the National Guard of every State. I wish to follow in discussion right along the line pursued by the gentleman from Missouri [Mr. CLARK]. He made the statement that men were relieved from the command of their regiments on the day before the battle and Regular Army officers put in their stead. I will give you the names of Col. Jack Turner and of Col. Lee, of my State, who served for many years as colonels of their respective regiments, men of marked ability and long service, who were removed the morning of the battle and inexperienced Regular Army officers put in their places. The State of Wisconsin National Guard has been one of the strong State organizations of the country for 40 years and contributed some of the best troops to the Thirty-second Division. They had over 13,000 casualties in that division, the greatest in number, next to the Regular Army and the marines, of any American troops during the war. They were as good soldiers as you could find in the country. They drove the enemy back on the Marne through the experience of the men and line officers, and no thanks to the Regular Army colonels placed in command that day. The Regular Army staff held onto the privates and the lieutenants and the captains of the division because they were food for shot, but when it came to the higher officers—the colonels—those positions were suddenly turned over to favored officers

of the Regular Army to wear the laurels and the colonels were removed who had served since the days of the Spanish-American War. So much for the treatment of National Guard officers. I went to the War Department, at the suggestion of several gentlemen, including the gentleman from Missouri [Mr. CLARK], who has just spoken—this was in 1917, when our troops were training in Texas and I asked the Secretary of War, at the head of all military affairs, "Will you keep our men together when they go abroad? Will you keep their organizations intact? Will our National Guard officers be retained?" He said that would be done if possible to do so. He promised me that in the presence of Senator Husting, of Wisconsin, who was with me. I went to him afterwards and said, "Why did you scatter them, and why were splendid officers, with whom I had served many years in the National Guard, removed?" He said in reply, "Because the General Staff is making up the Army, and I could not interfere, for I have to depend on the staff to make up the Army." Talk to me about Regular Army officers! I served for five years in the Regular Army, and I know what it means and what they will do. I admire many of them personally, but they are not in sympathy with the National Guard and never have been. They will do exactly what the General Staff says, and you know it if you have had any experience with them.

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

Mr. FREAR. I can not in three minutes.

Mr. PELL. That is what I wanted to get—an idea.

Mr. FREAR. The purpose of this is simply a compromise of the worst kind. I trust that you will kill the proposition, and kill the bill if necessary to do so. Let it go back to the Senate conferees, and if they are so determined to destroy the National Guard organizations of the different States that they will refuse to accept this reorganization bill, let the responsibility rest with them. I am convinced they represent the views of the General Staff, and there will be little question about it if they refuse to permit the National Guard to remain as it has been for a half century or more.

I do not apprehend the American Congress will be disturbed by the attitude of the General Staff, which the gentleman from Missouri [Mr. CLARK] says has the second best lobby in the country surrounding Congress. If so, we better find out why these gentlemen paid by the Government for military services are engaged in lobbying for or against bills before Congress. I do not believe they should be permitted to continue that lobby, and if it means a question of destroying the National Guard system, as this makeshift compromise will, and putting some of these lobbyists in a restraining strait-jacket, I have no doubt of the result. As I hope that the splendid National Guard of my State, with which I was actively connected for 16 years, may be maintained, I hope to see this compromise defeated. (The compromise was rejected by a vote of 212 to 104.)

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. DENT. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. HARRELD].

Mr. HARRELD. Mr. Speaker, under the Constitution of this country there are two methods of maintaining an Army for the general defense of the country. Those two methods are well defined.

One of them is that there shall be a standing Army for the purpose of preserving peace and for the purpose of defending this country in time of insurrection.

The other provides that there shall be a State militia, which shall be subject to the call of the Government in time of war only.

What this resolution proposes is simply a compromise between the two. I do not understand how there can be such a compromise.

Troops that are called to the Federal service are Federal troops and cease to be State troops.

If they are called into the Federal service under this amendment, as I understand it, and I believe that I am right about it, they would be a part of the Regular Army.

If a casualty should occur to one of them, he would be entitled to a pension. If, for instance, he contracts tuberculosis or any disease, he would be entitled to a pension.

I believe that a man who is called into the service under this regulation, as described, would be nothing more nor less than a member of the National Army, the Regular Army.

A soldier is either a member of the Regular Army or a member of the State guard. This amendment proposes to make him a member of both. Under it it would be foolish to join the State guard. Only those could be recruited who desired to become Regular Army soldiers, thus entirely eliminating the National Guard, which is exactly what is attempted to be done.

There is an age-long antipathy in the War Department and in the Regular Army for the National Guard of the several States.

I know that down in the State where I live we have a very efficient National Guard. At the hands of the Regular Army, after the war ended, that National Guard was mustered out of the service, instead of turning it back to the State. It absolutely demoralized the service of the National Guard in my State, and they have had to build it up again.

I want to tell you that the Regular Army in numerous instances has shown its opposition to the National Guard system.

I believe it is time to go back to the methods prescribed by our forefathers.

The National Guard is popular with the people; it is no trouble to get young men to join it and to come together voluntarily for training.

Why is it almost absolutely impossible to get recruits for the Regular Army in time of peace? Because when they are taken into the Regular Army they are separated from their friends and comrades and scattered to the four winds of the earth—put under officers not of their own choosing and patronized and overlorded.

This may be wise in time of war, but not in time of peace.

Why not take the hint? Why not provide for voluntary training camps for the training of such young men as join the National Guard, "according to the discipline prescribed by Congress," as provided in the Constitution? Make these camps attractive, have them close to home for these boys, where they can train by the side of their friends under officers who are their friends and who know their wants. Over these officers, who would be simply drill sergeants, you might have trained Regular Army officers; but the men in training do not need any staid, old Army officer to train them. A good drillmaster is all they need, and he does not have to be a West Pointer.

If this course was followed you would not have to have compulsory military training, and at the same time you would have a large reserve of trained men turned out from these voluntary military-training camps each year, under the National Guard system, available in times of insurrection and war. Under the Constitution this State Militia can only be called out in time of war or insurrection.

This amendment proposed by the Senate would give to the President the right to call them out in the same manner that he may now call out the Regular Army.

If the League of Nations had been confirmed by the Senate and it was necessary to send troops to Europe at the instance of the council of nine, the President could order out this National Guard and send it to do police duty in Turkey or Russia.

Suppose some States would accept the option proposed herein and other States did not, then we would have gross favoritism shown to those States which did accept. Such money as the Government had to spend on the National Guard would be spent by the War Department on the National Guard of those States which did accept, and the result would be that all the States would ultimately be compelled to accept, and that would be the end of the National Guard, except, perhaps, the name. Anyway, it would be a part and parcel of that great military machine which certain people are so anxious to establish.

I have nothing against our Regular Army. I am proud of it and its achievements. That is why I want to keep it the small, effective, well-organized machine it has always been, rather than a big, overgrown military establishment, such as brought Germany into disrepute among the nations.

The way to do this and at the same time have adequate reserve force for war is to develop the National Guard under the States—that great citizen army of which we are equally proud because of its achievements in the past.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Speaker, in 1916 I was defeated for Congress because I was an officer of the National Guard, at that time in the Federal military service by order of the President of the United States. The statement was made in print and on the stump that Ben C. Hilliard was "a friend of organized labor"—which it was implied and assumed that I was not—and that I was guilty of the atrocious crime of being "an officer in the State militia."

My old organization was the nucleus of the One hundred and fifty-seventh Infantry, one of the best trained regiments ever sent to France, and I know that there is a whole lot of truth in the statements made here to-day to the effect that National Guard officers and National Guard regiments were sidetracked. The old First and Second Battalions of Colorado Infantry, on which the One hundred and fifty-seventh was built, had many

men who had been under fire before the guard was mobilized for service on the Mexican border. Those battalions were continuously in the Federal service from the 19th of June, 1916, till long after the armistice. They came back from the border just prior to the declaration of war and were sent out to Camp Kearny, in California, where they ate their hearts out in inactivity while they watched new draft regiments leave for France. Before some of those regiments were even formed the One hundred and fifty-seventh Infantry was officially pronounced to be one of the best trained regiments in the service. Its colonel, sturdy Pat Hamrock, who in his youth had served several enlistment periods in the Regular Army and who had worked in and for the National Guard ever since, was frequently praised for the high grade of personnel of his men and the high state of their efficiency. He should have been. They were a fine tribute to his soldierly leadership. The lieutenant colonel, Rice W. Means, now a candidate for United States Senator from Colorado, had served as an officer in the First Colorado Infantry, United States Volunteers, in the Philippines, and had been cited for gallantry in action there. The regiment got to France at last. The lieutenant colonel, some of the other officers, and many of the men saw action. A number of them became casualties; but they saw action as replacement troops, distributed a few at a time among many different organizations.

Now, the men who comprised the nucleus of this magnificent regiment frequently had occasion to feel, when they were on the border, that they were rather regarded as outsiders by the officers and men of the Regular Establishment who served with them. I do not mean that we were not well treated. I think we were generously treated. The Regular officers laid themselves out to be decent to us; and, so far as their duty would permit, I think they gave our enlisted men perhaps a shade the better of it in minor matters of discipline. But we knew that they all felt that we "did not belong." A lady at the Regulars' camp, the wife of one of the higher officers, remarked to me once that military life must be quite a novelty to us. I asked her how many of the officers of her husband's regiment below the rank of captain had ever been under fire, and she said none, so far as she knew. She was greatly surprised to learn that I was one of only three of the officers in our entire two battalions who had never had that experience. Well, most of them have had it now and have acquitted themselves with that credit which we have learned by the experience of a hundred and fifty years is always to be expected of our unparalleled little Regular Army, and in what I say I desire merely to voice the desire of the national guardsman, which I know exists, for a status which will make it possible to recognize him as the real soldier which he is.

The men who join the National Guard join it for patriotic motives and for the love of the game. They have nothing to gain but the satisfaction of a public service and the pleasure of the work. That is the spirit that the American people have to thank for the immediate availability of 360,000 trained soldiers, in addition to the Regular Army, when we entered the World War. It is that spirit which takes the clerk and the blacksmith and the lad who drives the grocery wagon night after night to the armory instead of to the pool hall. It is that spirit which keeps him lying in the mud at the range adjusting his rifle sights to the wind and learning to change a "2 at 3 o'clock" into a No. 5 in the center of the black. It is that spirit which fiercely fans the tireless soul of the company map hound who walks your legs off on Sunday and savagely criticizes your sketches of all the roads, fences, fields, houses, and so forth, between the city limits and the old brewery, and which keeps his class of noncoms busy half the night sticking pins into the campaigns of Grant and Lee. "Play soldiers?" Oh, yes; in the same sense that the Regular himself or any other soldier is a play soldier in time of peace—except that the boys in the National Guard are doing it purely for the love of it.

My own experience was not long, but it was long enough to give me an intense admiration for the splendid fellows with whom I shared it and an understanding of their point of view, and I can assure you that it is in favor of the right of the State to federalize its National Guard.

You have heard some letters from adjutant generals of different States in favor of the State's right to appoint the officers and to train the guard. With this point of view I have entire sympathy, and I want to say that the country owes a great and little appreciated debt to these loyal, patriotic, and self-sacrificing men who have worked in season and out of season for the welfare of their militia organizations, constantly seeking to increase and maintain their efficiency and their pride



of personnel. But, Mr. Speaker, I have been a company recruiting officer. I have been one of those fellows who spend day after day trying to get men to join the National Guard. In my experience the chief objection of the prospective recruit lies always in his fear that the guard would be only a State force. When there was a prospect of his becoming part of a Federal force it was not hard to get him to enlist. Now, for Heaven's sake, give the State a chance to accept the option for its militia to be a part of the Federal force. [Applause.]

Mr. DENT. Mr. Speaker, I yield the balance of my time to myself. [Applause.]

The SPEAKER pro tempore. The gentleman is recognized for 11 minutes.

Mr. DENT. Mr. Speaker, I think the proposition submitted by the motion of the gentleman from California [Mr. KAHN], reduced to its last analysis, is a very simple one. The House bill provided that the National Guard should be organized in the different States under the law that existed prior to the declaration of war, with certain amendments perfecting that bill and taking care of certain defects. The Senate in its bill proposes to do something that has never been heard of in the history of this country. The Senate bill contains a proposition that has never been advanced in any Congress in the history of the United States so far as I have ever heard, and that is that the State troops should be organized under the Army clause of the Constitution rather than under the provision of the Constitution providing for organizing, disciplining, and training the militia. That of itself is a sufficient reason why at this particular time the amendment of the gentleman from California should not be adopted. Why should we undertake at this time to change all of the theories and all of the ideas that this Government has acted under for more than 100 years of its existence by a provision that nationalizes the State troops, is a sufficient answer it seems to me, to the motion of the gentleman from California.

Now, let us see. They submit a compromise proposition which I think is worse than the original. If we should adopt the original proposition they will not have the kind of National Guard in this country which we have had. Under the compromise we will have two kinds of National Guard, one under State authority the other under Federal control. If you adopt the compromise measure, I say, it is worse than the original idea, because you would have a hybrid National Guard organization. You have one kind of organization of the National Guard in one State and another kind in another, and one will be the favorite of the War Department while the other will be a stepchild.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. I yield.

Mr. KAHN. Is not that the condition that prevails in this country to-day? The gentleman from Oklahoma [Mr. HARRELD] said his National Guard is not organized under the national-defense act, and so you have a different kind from what you have in some of the others.

Mr. DENT. The gentleman from California is referring to the fact that the State of Oklahoma did not take advantage of the national-defense act, I suppose. If they did not do it, of course that is a different proposition. If the State of Oklahoma does not want the benefit of Federal appropriations, then the State of Oklahoma has the right, and ought to have the right, to say so.

Mr. KAHN. And the bill pending will give every State the right to say how they will have their National Guard organized.

Mr. DENT. I know. The proposition that the gentleman from California offers is to allow the State of New York, for instance, to say that they will organize under the Army clause, and to allow the State of Nebraska, or the State of Oklahoma, to organize under the militia clause; and I repeat that the guard organized in New York would be the favorite sons of the War Department, and the guard organized in Oklahoma will be a stepchild. You can not make anything else out of it. [Applause.]

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

Mr. DENT. Yes.

Mr. HUSTED. How can that favoritism be practically exercised as against the National Guard of States that do not organize under the Army plan—this favoritism that you talk about?

Mr. DENT. Why, my friend, they will have to inspect the guard; the Regular Army officers will have to inspect the officers of the guard, and the Regular Army officers will have to inspect the men of the Guard, and Regular Army officers will be present when they have their drills, and they will send in their report that the guard organized in New York under

the national law is a first-class organization, but that the guard organized in Oklahoma under the militia clause is not a first-class organization.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman have time to yield to me?

Mr. DENT. Yes.

Mr. GREENE of Vermont. You remember, as we all do, when we were framing the national-defense act that at that time we were confronting exactly the same proposition. The States had the option of determining whether they would come in and take advantage of the national-defense act or stay out and be deprived of those benefits. My friend had no objection then to the proposition and found no fault with it.

Mr. DENT. No; certainly not. I did not find any fault with the national-defense act, because that was uniform and universal. That applied to every State. Every State had to accept the provisions of the national-defense act or it would not get the benefit of the appropriation.

Mr. GREENE of Vermont. Certainly.

Mr. DENT. That is a different proposition. Here you propose to have a guard organized as a Federal national force in one State and organized as a State force in another State.

Mr. GREENE of Vermont. Oh, no.

Mr. DENT. No; you can not get around that proposition, Brother GREENE. [Applause.] You propose under your compromise surely to have one National Guard organized under the Army clause of the Constitution and another National Guard organized under the militia clause of the Constitution, and as a result you have a hybrid National Guard organization in the several States.

Mr. GREENE of Vermont. We started out with that same situation, because the States that would not accept the national-defense act were left on the doorstep without an appropriation.

Mr. DENT. They are not only left on the doorstep, but they do not get any Federal aid at all if they do not want it. If the State wants to organize its militia without help from the Federal Government, why should it not do it?

Mr. GREENE of Vermont. This time they do get the money, and they are on the same parity as they were before.

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

Mr. DENT. Yes.

Mr. YATES. I served five years in the National Guard. I am very anxious, indeed, to vote for its interest and not against it, but I have not heard—

Mr. DENT. I yielded to the gentleman for a question and not for a speech.

Mr. YATES. This is a question and not a speech. Not one member of the National Guard, with one exception, has objected to this bill from Illinois. I would like to know if it is not true that this bill that the gentleman is now attacking came from the civil officers and not from the General Staff? Is it not true that this embodies the wish and the view of the National Guard?

Mr. DENT. It is not. My colleague from Kansas [Mr. ANTHONY] read a telegram from Mr. Bennett C. Clark, president of the National Guard Association, sent to me, and congratulating the gentleman from Kansas and myself on the stand that we have taken.

Mr. YATES. But the National Guard is silent.

Mr. DENT. He is head of the National Guard organization, and every adjutant general in this country that I have heard from is against this proposition.

Mr. YATES. That is not true, of my own knowledge.

Mr. DENT. I say that that is true as to those I have heard from.

Mr. CLARK of Missouri. Thirty-five of them have indorsed your proposition.

Mr. DENT. Yes. The whole proposition, Mr. Speaker, is this: If you want to take away from the governors of the States the right to control their State troops without getting the permission of the President of the United States; if you want to organize your National Guard under an act of Congress and not under the act of the legislatures of the States; if you want to surrender to the centralized power in Washington the right to say who shall constitute your State troops, then vote for the Kahn amendment; but if you do not want to do that vote against it. [Applause.]

Mr. KAHN. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes.

Mr. KAHN. I understand that all time on the other side is exhausted?

The SPEAKER. Yes.

Mr. KAHN. I yield those 10 minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I wish that we might consider this matter calmly and without prejudice and try to come to a sane, sensible conclusion. As one of the conferees on this bill, I feel—and my colleagues share that feeling with me—that we are agents of this body. We have been commissioned to try to bring about an agreement on this great bill, which everybody admits ought to be enacted into law speedily.

Now, there is not any mystery connected with this matter. There is not any underground work being done. It is not true that the General Staff is undertaking to railroad something through Congress. I am a member of the Committee on Military Affairs, and I have listened to scores of officers who appeared before us in behalf of the reorganization bill, and not one word was uttered in connection with this matter. The House committee undertook to reorganize the Army on the basis of the national-defense act; and you will remember that prior to 1916 the National Guard officers were appointed by the governors without any prescribed qualifications or any regulations. In that act we undertook to Federalize the National Guard, and we provided that the officers might be appointed by the governors, but that they must be selected from the class of men who had passed the examination prescribed by the Secretary of War.

Many of the States availed themselves of that law. We provided that they should receive certain pay, that the officers should receive certain pay, and we have been working along under that law. The war came on and the various regiments of the National Guard were drafted into the service. Many of the officers had not been appointed under the national-defense act but under the old law, and consequently had to submit to examination and were found to be inefficient and had to be put out. It was a calamity, and we all felt that way about it, but it could not be helped.

Here is the question before this House. It is not a question whether it is the Regular Army or the National Guard; it is a question whether we are going to get any reorganization bill at this time. As has been stated by the gentleman from Alabama, we wrote the bill on the basis of the national-defense act. The Senate wrote an original bill ignoring the national-defense act and struck out our bill and inserted their own. We have been trying to thrash out this whole matter, and one of the things in the Senate bill is a provision that provided that the National Guard of all the States should be organized under the Army clause of the Constitution. We, as your conferees, said to the Senators that such a provision could not pass the House; that it would be folly to report such a proposition to the House. Finally we submitted this proposition as a compromise, putting it in the alternative. The Senate agreed to accept it and let the House conferees practically write the remainder of the bill.

Now, I want to ask you if there is any grave danger to the National Guard or to the people of this country if the conferees on the part of the House agree to this compromise? What is it? It simply says that if the Legislature of Texas or the Legislature of Illinois or the legislature of any other State shall pass a resolution permitting the National Guard of those States to organize under the Army clause, it can be done, and they will be so organized and receive the same pay and compensation and treatment as the National Guard now receives.

Now, I want to say to you gentlemen in all fairness and in all candor, lay aside your prejudices. I am not arguing this case one way or the other; I live in a State that has always had a National Guard of which we have been proud. Old Illinois furnished the 33d division in the Great War, and long ago, when I was a member of the Illinois General Assembly, I stood for the National Guard then and always have been a friend of the National Guard ever since. I fought for the National Guard in the enactment of the national-defense act, and I can not conceive wherein, as long as the Legislature of Illinois stands between the National Guard and this law, the National Guard is in any danger.

Mr. CONNALLY. Will the gentleman yield?

Mr. MCKENZIE. I will.

Mr. CONNALLY. Suppose the Legislature of Illinois should put the National Guard under the Federal system. Could it ever get out? Would there be any way of retracting or withdrawing? I am asking the gentleman for information.

Mr. MCKENZIE. That is a matter that can be taken care of, although it is not in this amendment.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MCKENZIE. Yes.

Mr. GREENE of Vermont. The guard would die with the expiration of each individual enlistment.

Mr. CONNALLY. The organization would be there.

Mr. GREENE of Vermont. But there would not be anybody in it.

Mr. MCKENZIE. I know this much about the National Guard of Illinois: I know the General Assembly of Illinois follows the lead in the enactment of law that the National Guard of our State want. I know that if the National Guard of Illinois should go to the legislature and say, "We would like to organize under the Army clause of the Constitution," the legislature of that State will permit them to do it; but if the National Guard of Illinois, or such men as Col. Foreman or Col. Davis, and all those men who led regiments on the battle fields of Europe, say that they do not want it, it will not be done.

Now, gentlemen of the House, without arguing the merits or demerits of this proposition, where is the danger to the National Guard? I am one of those who always believed and believe now that these things ought to be left to the people. This is only another instance not of Prussianism, because Prussianism is the exercise of autocratic power of the government in time of peace over the individual citizen, against which I have always been opposed. But it is not Prussianism; it is the very opposite of Prussianism, and puts it squarely up to the people of every State.

Now, gentlemen, do you want to permit this compromise, that is without danger to the National Guard, that is without danger to the people, that leaves it to the people of this great country to say what it wants, and let us go back to the Senate, where we can agree on a reorganization bill and put this country on a firm and sound military basis instead of our Military Establishment dangling in the air, as it is to-day. As I have said, without arguing the merits or demerits, I care nothing about that; we are your agents, we are your servants in this matter, and it is for you to decide calmly and without prejudice whether that is a fair proposition or not. [Applause.]

Mr. KAHN. Mr. Speaker, I move the previous question.

Mr. McKEOWN. Will the gentleman withhold that for a moment?

Mr. KAHN. I will withhold it.

Mr. McKEOWN. Mr. Speaker, I desire to offer an amendment.

Mr. KAHN. Mr. Speaker, I understood the gentleman from Oklahoma to say that all he wanted to do was to make a motion to nonconcur in the Senate amendment and send it back to conference. That is exactly what has been done by the motion I offered earlier in the day. I certainly could not withhold the motion for the previous question if the gentleman is going to offer something entirely new.

Mr. McKEOWN. Mr. Speaker, I would like to have my amendment reported for information.

Mr. KAHN. Mr. Speaker, will I lose the floor if I yield for that purpose?

The SPEAKER. No; the Clerk will report the gentleman's amendment for information.

The Clerk read as follows:

Mr. McKEOWN moves that the managers on the part of the House be further instructed to insist on their disagreement to sections 69 and 70 of the Senate amendment.

Mr. KAHN. That has already been done by the motion that I made this morning, which was agreed to.

Mr. McKEOWN. This is a motion to insist on the disagreement.

Mr. KAHN. That has already been done.

Mr. McKEOWN. I ask the gentleman to withhold his motion for two minutes, until I can explain the purpose of it.

The SPEAKER. The gentleman from California has one minute remaining.

Mr. KAHN. I may want that. I think, in view of the fact that the gentleman has a right to extend his remarks and the further view of the fact that the gentleman's proposal has already been agreed to, I shall have to insist on my motion for the previous question.

Mr. McKEOWN. Mr. Speaker, may I offer it as an amendment? I offer it as an amendment.

The SPEAKER. The Chair must first recognize the gentleman from California, who moved the previous question.

Mr. KAHN. Mr. Speaker, I move the previous question.

Mr. McKEOWN. Mr. Speaker, the gentleman from California will remember that there was a general misapprehension, and the ruling was that it would not have to come in as a separate motion. Then it was discovered that it should be moved as an amendment to this motion.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.  
The SPEAKER. The gentleman will state it.  
Mr. HICKS. The gentleman from California having moved the previous question, is not that the regular order, if nothing else?

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

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from California.

The question was taken.

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

Mr. FREAR. Mr. Speaker, is it proper to have the motion read? Many of us were not present when it was read.

The SPEAKER. It has been read once. [Cries of "Regular order!"]

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from California to instruct the conferees. The Clerk will call the roll.

The Clerk called the roll; and there were—yeas 104, nays 212, not voting 111, as follows:

## YEAS—104.

Andrews, Md.	Gallagher	McArthur	Rowe
Bacharach	Ganly	McGlennon	Sanders, N. Y.
Burdick	Gynn	McKenzie	Sanford
Burrourghs	Goldfogle	McKiniry	Scott
Butler	Graham, Pa.	MacCrate	Siegel
Caldwell	Greene, Mass.	MacGregor	Sinnott
Carew	Greene, Vt.	Madden	Slemp
Chindblom	Griest	Magee	Smith, Mich.
Cleary	Hadley	Mann, Ill.	Smith, N. Y.
Coady	Hardy, Colo.	Mapes	Snell
Copley	Hawley	Miller	Stiness
Crowther	Hicks	Mondell	Summers, Wash.
Dale	Hill	Mott	Tilson
Dallinger	Houghton	Newton, Minn.	Timberlake
Dewalt	Husted	Newton, Mo.	Tinkham
Dooling	Ireland	O'Connell	Treadway
Dunn	Johnson, Wash.	Olney	Vaile
Dyer	Kahn	Osborne	Walsh
Eagan	Kennedy, R. I.	Parker	Walters
Edmonds	Layton	Pell	Wason
Emerson	Lea, Calif.	Peters	Watson
Fisher	Lehbach	Platt	Webster
Fordney	Loneragan	Radcliffe	Welling
Freeman	Luce	Rainey, J. W.	White, Me.
French	Lufkin	Reed, N. Y.	Winslow
Fuller, Ill.	McAndrews	Rogers	Yates

## NAYS—212.

Almon	Echols	Lazaro	Rodenberg
Anderson	Elliott	Lee, Ga.	Romjue
Andrews, Nebr.	Evans, Mont.	Linthicum	Rouse
Anthony	Evans, Nebr.	Little	Rubey
Ashbrook	Evans, Nev.	Luhring	Rucker
Aswell	Fairfield	McClintic	Sanders, Ind.
Ayres	Ferris	McDuffie	Sanders, La.
Babka	Foster	McFadden	Sells
Baer	Frear	McKeown	Sherwood
Bankhead	Gandy	McKinley	Sims
Barbour	Gard	McLane	Sinclair
Barkley	Garner	McLaughlin, Mich.	Sisson
Bee	Garrett	McLaughlin, Nebr.	Smith, Idaho
Begg	Goodwin, Ark.	Major	Smith, Ill.
Bell	Goodykoontz	Mann, S. C.	Stedman
Benham	Graham, Ill.	Mansfield	Steele
Black	Green, Iowa	Martin	Steenerson
Bland, Ind.	Griffin	Mason	Stephens, Miss.
Bland, Mo.	Hamilton	Michener	Stoll
Blanton	Hardy, Tex.	Milligan	Strong, Kans.
Bowers	Harrel	Minahan, N. J.	Summers, Tex.
Box	Haugen	Monahan, Wis.	Sweet
Brand	Hays	Moon	Swope
Briggs	Heflin	Moore, Ohio	Tague
Brooks, Ill.	Hersey	Morgan	Taylor, Ark.
Brooks, Pa.	Hersman	Mudd	Taylor, Colo.
Browne	Hickey	Murphy	Taylor, Tenn.
Buchanan	Hoch	Nelson, Mo.	Temple
Byrnes, Tenn.	Hoey	Nelson, Wis.	Thomas
Campbell, Kans.	Handspeth	O'Connor	Thompson
Candler	Hull, Iowa	Ogden	Tincher
Cass	Hull, Tenn.	Oldfield	Upshaw
Christopherson	Humphreys	Oliver	Venable
Clark, Mo.	Hutchinson	Overstreet	Vestal
Classon	Igoe	Padgett	Vinson
Collier	Jacoway	Park	Voigt
Connally	James	Parrish	Volstead
Cooper	Jefferis	Phelan	Watkins
Cramton	Johnson, Ky.	Pou	Weaver
Crisp	Johnson, Miss.	Furnell	Welty
Currie, Mich.	Jones, Tex.	Quin	Whaley
Davey	Jaul	Rainey, Ala.	Wheeler
Davis, Minn.	Keller	Rainey, H. T.	White, Kans.
Davis, Tenn.	Kincheloe	Raker	Williams
Denison	King	Ramseyer	Wilson, Ill.
Dent	Kinkaid	Randall, Calif.	Wilson, La.
Dickinson, Mo.	Klecza	Randall, Wis.	Wingo
Dickinson, Iowa	Knutson	Rayburn	Wise
Doremus	Kraus	Reed, W. Va.	Wood, Ind.
Doughton	Lampert	Ricketts	Woodyard
Dowell	Langley	Riddick	Wright
Dunbar	Lanham	Robison, N. C.	Young, N. Dak.
Dupré	Larsen	Robison, Ky.	Young, Tex.

## NOT VOTING—111.

Ackerman	Drewry	Kearns	Ramsey
Benson	Eagle	Kelley, Mich.	Reavis
Blackmon	Ellsworth	Kelly, Pa.	Reber
Bland, Va.	Elston	Kendall	Rhodes
Boles	Esch	Kennedy, Iowa	Riordan
Booher	Fess	Kettner	Rose
Brinson	Fields	Kiess	Rowan
Britten	Flood	Kitchin	Sabath
Brumbaugh	Focht	Kreider	Schall
Burke	Fuller, Mass.	Lankford	Scully
Byrnes, S. C.	Gallivan	Leshar	Sears
Campbell, Pa.	Garland	Longworth	Shreve
Cannon	Godwin, N. C.	McCulloch	Small
Cantrill	Good	McPherson	Smithwick
Caraway	Goodall	Maher	Snyder
Carter	Gould	Mays	Steagall
Casey	Hamill	Mead	Stephens, Ohio
Clark, Fla.	Harrison	Merritt	Stevenson
Cole	Hastings	Montague	Strong, Pa.
Costello	Hayden	Mooney	Sullivan
Crago	Hernandez	Moore, Va.	Tillman
Cullen	Holland	Moore, Ind.	Towner
Curry, Calif.	Howard	Morin	Vare
Darrow	Huddleston	Neely	Ward
Dempsey	Hulings	Nicholls	Wilson, Pa.
Dominick	Johnson, S. Dak.	Nolan	Woods, Va.
Donovan	Johnston, N. Y.	Paige	Zihlman
Drane	Jones, Pa.	Porter	

So the motion to instruct the conferees was rejected.

The Clerk announced the following pairs:

Mr. JOHNSON of South Dakota (for) with Mr. FLOOD (against).

Mr. SULLIVAN (for) with Mr. GALLIVAN (against).

Mr. NEELY (for) with Mr. MEAD (against).

Mr. JOHNSTON of New York (for) with Mr. BURKE (against).

Mr. RIORDAN (for) with Mr. SMITHWICK (against).

Mr. ROWAN (for) with Mr. MONTAGUE (against).

Mr. MAHER (for) with Mr. BYRNES of South Carolina (against).

Mr. CULLEN (for) with Mr. NICHOLLS (against).

Mr. DONOVAN (for) with Mr. CANTRILL (against).

General pairs:

Mr. RHODES with Mr. TILLMAN.

Mr. SNYDER with Mr. CARTER.

Mr. COLE with Mr. HAYDEN.

Mr. HERNANDEZ with Mr. HASTINGS.

Mr. ELLSTON with Mr. DRANE.

Mr. PAIGE with Mr. LANKFORD.

Mr. LONGWORTH with Mr. KITCHIN.

Mr. GOODALL with Mr. SEARS.

Mr. GOOD with Mr. WOODS of Virginia.

Mr. McCULLOCH with Mr. GODWIN of North Carolina.

Mr. ESCH with Mr. MOORE of Virginia.

Mr. FESS with Mr. HOWARD.

Mr. MORIN with Mr. SCULEY.

Mr. ZIHLMAN with Mr. BLAND of Virginia.

Mr. STRONG of Pennsylvania with Mr. STEAGALL.

Mr. MERRITT with Mr. BLACKMON.

Mr. ACKERMAN with Mr. WILSON of Pennsylvania.

Mr. KIESS with Mr. FIELDS.

Mr. VARE with Mr. HAMILL.

Mr. HULINGS with Mr. BOOHER.

Mr. FOCHT with Mr. CAMPBELL of Pennsylvania.

Mr. TOWNER with Mr. STEVENSON.

Mr. CANNON with Mr. SMALL.

Mr. GARLAND with Mr. MAYS.

Mr. MCPHERSON with Mr. DOMINICK.

Mr. DARROW with Mr. CASEY.

Mr. KREIDER with Mr. DREWRY.

Mr. BOISE with Mr. EAGLE.

Mr. DEMPSEY with Mr. CLARK of Florida.

Mr. STEPHENS of Ohio with Mr. KETTNER.

Mr. ROSE with Mr. BRUMBAUGH.

Mr. CRAGO with Mr. SABATH.

Mr. KENDALL with Mr. HOLLAND.

Mr. KELLEY of Michigan with Mr. MOONEY.

Mr. JONES of Pennsylvania with Mr. LESHEK.

Mr. SHREVE with Mr. HARRISON.

Mr. REAVIS with Mr. BENSON.

Mr. PORTER with Mr. BRINSON.

Mr. RAMSEY with Mr. CARAWAY.

Mr. REBER with Mr. HUDDLESTON.

Mr. LANGLEY. Mr. Speaker, the Record will show that I have a general pair with the gentleman from Florida, Mr. CLARK. I answered "no." My information is that if the gentleman from Florida were present he would vote the same way, so I feel warranted in letting my vote of "no" stand in the Record.

Mr. CALDWELL. Mr. Speaker, the gentleman from West Virginia, Mr. NEELY, asked me to state that he was unavoid-

ably absent and that if he were present he would vote "aye" on this proposition.

The result of the vote was announced as above recorded.  
The SPEAKER. The Clerk will announce the conferees.  
The Clerk read as follows:

Mr. KAHN, Mr. ANTHONY, Mr. MCKENZIE, Mr. DENT, and Mr. FIELDS.

MAY CARROLL.

Mr. IRELAND. Mr. Speaker, I present the privileged report which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.  
The Clerk read as follows:

House resolution 509.

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to May Carroll the sum of \$266.67, the same being the amount received by her per month as clerk to the late William J. Browning, a Representative in Congress from the State of New Jersey at the time of his death, March 24, 1920.

Mr. IRELAND. Mr. Speaker, this is the usual resolution providing for additional compensation for one month to the Secretary of a deceased Member. There is to be an amendment offered to this resolution on which the committee took no action but thought it to be a matter that should be referred to the House without action or without recommendation by the committee. For that purpose I yield to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.  
The Clerk read as follows:

After the figures "\$266.67" insert the following: "monthly from and after March 20, 1920, until the election and qualification of a successor to the late William J. Browning."

Mr. GARRETT. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER. The Chair supposed the gentleman from Tennessee was going to raise the point of order. Of course the gentleman from Illinois [Mr. IRELAND] is entitled to the floor.

Mr. GARRETT. The gentleman from Illinois [Mr. IRELAND] lost the floor when he yielded to the gentleman from New York to offer an amendment.

The SPEAKER. The Chair thinks that is correct.

Mr. IRELAND. And I am yielding for that purpose.

Mr. GARRETT. I shall not, however, keep the floor very long. I did not catch the name of the Member that was mentioned in the resolution that was presented, and I am very glad that I did not. I do not know who the secretary is, and I am very glad that I do not, because no personal element can possibly enter into what I am about to say concerning this matter. It seems to me that the proposition submitted by the gentleman from New York—of course, we know it is an unusual one—is a very remarkable one. The amendment would seem to proceed upon the theory that the clerk to the Member is a sort of a deputy Congressman, and that when a vacancy occurs in that office the clerk shall serve as Representative—that is, in a certain degree—pending the filling of that vacancy. Now, Mr. Speaker, it seems to me that that is a theory that we had better go a little bit slow about committing ourselves to. As a matter of fact, when a Member dies his district is without representation for the duties for which the Member is elected—that is to say, in the legislative branch of the Government. All these innumerable duties that are thrust upon us, of department work and all that, are matters wholly outside of our official duty, and are attended to, of course, as a matter of courtesy. It seems to me that if we adopt the policy of taking the clerk of a Member after he has died and continue that clerk as an official, we are treading on very dangerous ground, and without further consideration of that very serious matter I do not think this House should set the precedent that it is asked by the gentleman from New York to set. The secretary to a Member is subject to removal by that Member at any hour.

Mr. SISSON. Will the gentleman yield?

Mr. GARRETT. In a moment. Under the proposition offered by the gentleman from New York that clerk would be subject to nobody, not responsible to the people back in the district, not responsible to anybody here, and having no functions, in fact, to perform. I suppose the clerk could not use the frank of a dead Member to send out mail.

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

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

Mr. SISSON. Just to answer a question. The gentleman has covered the question of the responsibility, but I will ask this additional question: A great many Members have two clerks,

and have divided the salaries. Some have a clerk and some have a stenographer, and some have both. The salaries may not be the same. Who is going to perform the duties of clerk and who the duties of stenographer, or in the case of two clerks who is going to perform those duties?

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

Mr. GARRETT. Yes.

Mr. SANFORD. I do not think the gentleman understood my amendment. My plan was that we would keep these clerks under the jurisdiction of the Clerk of the House, and I stated that I would offer that further amendment.

Mr. GARRETT. That changes the whole theory of the law. The theory under which clerks are now appointed is that the clerk is the employee of the Member, and that the Member has the absolute control of the clerk's employment and its continuance. So far as that is concerned, the law ought never to have been changed so as to put them all on the roll. But it was changed. Nevertheless, the legal relationship which exists between the Member and the secretary or clerk is not changed. But it would be changed if this were enacted. The whole theory of this matter would be changed by the proposition of the gentleman from New York.

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

Mr. GARRETT. Yes.

Mr. BANKHEAD. I would suggest to the gentleman from Tennessee that if the amendment would prevail as a matter of law, a clerk of this sort would have no authority to transact any legislative business for the residents of the district.

Mr. GARRETT. That is so, so far as I can see, and the matter could be extended to the other body. It is a wonder they have never thought of it before.

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

Mr. GARRETT. I will yield to the gentleman.

Mr. HUMPHREYS. Is the gentleman about to yield the floor?

Mr. GARRETT. I was going to make a point of order on the whole proposition. Let me inquire of the gentleman from Illinois: As I understand, this does not come from the Committee on Accounts? It was not reported from the Committee on Accounts?

Mr. IRELAND. It was submitted to the Committee on Accounts.

Mr. GARRETT. And the Committee on Accounts has made no report?

Mr. IRELAND. It was to be offered on the floor of the House.  
Mr. HUMPHREYS. I wanted to ask the gentleman, if he has the right to do so, to yield to me about five minutes. I would like to support the resolution.

Mr. GARRETT. I can not yield to the gentleman from Mississippi [laughter] for that purpose. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. I will make it, or I will still reserve it, if it is desired by anyone to further discuss the subject.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. That it is not germane to the proposition that comes from the Committee on Accounts, and is not authorized by law.

The SPEAKER. At first blush it seems to the Chair that it is just as much authorized by existing law as the resolution to which it is offered.

Mr. GARRETT. That may be. Probably the original resolution might have been subject to a point of order.

The SPEAKER. It comes from the Committee on Accounts. At first blush the Chair would be inclined to feel that it is as much authorized by law as the resolution. The Chair would be glad to hear from the gentleman on that point.

Mr. GARRETT. It occurs to me that it is without authority of law and is subject to a point of order.

The SPEAKER. Any payment out of the contingent fund would be in order.

Mr. GARRETT. This not only pays out of the contingent fund but it continues the clerk in office, upon the rolls of the House.

The SPEAKER. The gentleman is mistaken. This is the amendment: It simply says that there shall be paid to the clerk \$266.67 monthly from and after March 24, 1920, until the election and qualification of the successor to Mr. Browning. It does not impose any duties upon the clerk or create a clerk. It simply appropriates money out of the contingent fund. That may be an argument against the adoption of the resolution, but it does away with the point of order. The Chair overrules the point of order.

Mr. IRELAND. Mr. Speaker, I yield one minute to the gentleman from Wyoming.

The SPEAKER. The gentleman from Wyoming is recognized for one minute.

Mr. MONDELL. Mr. Speaker, I think it is very clear that we would scarcely be justified in enacting legislation of this character. The usual character of resolution is to pay the salary of the clerk for a month. I do not think Congress would be justified in providing a salary for a Congressman's clerk from the time of the death of the Congressman until after his successor is elected and qualified. It seems to me the very statement of the matter is sufficient to condemn it.

Mr. IRELAND. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

The SPEAKER. The gentleman from Mississippi is recognized for five minutes.

Mr. HUMPHREYS. Mr. Speaker, the only possible objection I could have to this resolution is that it does not make it general law. I would not only vote for this resolution but I would vote for a resolution that makes this a general law, applicable in all cases.

The duties of a Congressman, of course, are legislative, and a clerk could not attend to those, and would not. But there are a great many other things that a Congressman has to do, and does do, not, in my opinion, merely as a matter of courtesy to his district but as a matter of duty to the people of the district; and the clerk can attend to those duties efficiently, as a rule.

Now, a Congressman dies. I understand the rule is that the clerk is provided for for a month. So far as the law is concerned, it might just as well be four months. It is provided in order that the clerk may wind up certain business that is then pending—not legislative, but otherwise. But the district from that time on until another Congressman is elected is without any sort of representation here in Washington. If the clerk is continued in office, there are a great many things that he can do for the people of that district. Soldiers are writing continuously now about their allotments, they are writing about their compensation, they are writing about their war-risk insurance; people are writing for passports; boys are writing in regard to Liberty bonds that have been lost in some way or another. There are a great many documents that we think are valuable or we would not appropriate the public money in order to have them sent out. The clerk attends to those things; otherwise when the Member dies the people of that district are absolutely deprived of all of this service.

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

Mr. HUMPHREYS. Yes; I yield.

Mr. GOLDFOGLE. Assume the case of a Member being dead.

Mr. HUMPHREYS. Well, ask the question. The Member is dead.

Mr. GOLDFOGLE. And if the secretary is not attending to any of these manifold things that you speak of, would you compel the secretary to do all those things that you say must be done after the death of the Representative? What discipline could you invoke?

Mr. HUMPHREYS. None.

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

Mr. HUMPHREYS. Yes.

Mr. BARKLEY. When a Member of the House dies, of course the people of his district know that, and cease writing to him about anything.

Mr. HUMPHREYS. Yes.

Mr. BARKLEY. The average man would not know who the secretary is, and therefore he would not write to the secretary.

Mr. HUMPHREYS. Yes; what is the gentleman's question?

Mr. BARKLEY. What service except voluntary service, such as the clerk might render, would be expected of the secretary?

Mr. HUMPHREYS. Well, I assume that everybody has an efficient secretary. If the Members of the House have a secretary as efficient as I have, she would notify everybody that she would attend to the routine of the office, and it would not require any discipline either. I may say to the gentleman from New York—

Mr. IRELAND. Mr. Speaker, I regret that we have not time for more extended discussion, but under the circumstances, with the business ahead of us and pressing for time, I am warranted in moving the previous question on the resolution and all amendments thereto.

The SPEAKER. The gentleman from Illinois moves the previous question on the resolution and amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was rejected.

The resolution was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (H. R. 14100) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 13666. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River, in section 18, township 12 north, range 21 east, in the State of Oklahoma; and

H. R. 13665. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma.

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

S. 1695. An act validating certain homestead entries.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4332) entitled "An act to exchange the present Federal building and site at Gastonia, N. C., for a new site and building."

THEODORE W. KOLBE AND MAY PEACOCK.

Mr. IRELAND. Mr. Speaker, I call up the privileged resolution which I send to the desk.

The Clerk read as follows:

House resolution 542.

*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Theodore W. Kolbe the sum of \$186.66 and to May Peacock the sum of \$120, the same being the amount received by them per month as clerks to the late Charles A. Nichols, a Representative in Congress from Michigan, at the time of his death, April 25, 1920.

Mr. IRELAND. Mr. Speaker, this is the regular resolution, and the compensation named is at the rate that the clerks have been paid.

The resolution was agreed to.

• JANE NICHOLS.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution 546.

*Resolved*, That the Sergeant at Arms is hereby authorized and directed to pay Jane Nichols, mother of the late Representative Charles A. Nichols, of Michigan, the sum of \$452.05, being the amount of salary due him as a Member of the House at the time of his death.

Mr. IRELAND. Mr. Speaker, I am sure there will be no objection to this resolution, but I would like to make this short explanation. This resolution is necessary because under the law the amount due the late Congressman between the 4th of the month and the date of his death is only payable to his estate or his widow. The late Mr. Nichols was a bachelor. This resolution is necessary in order to pay this amount to his mother.

Mr. GARD. Reserving the right to object, I assume the gentleman intends this for the aged mother in addition to the prospective appropriation that will be made later.

Mr. IRELAND. Yes. This is the balance of his salary from the 4th of April to the 25th.

Mr. GARD. Did I understand that the law is that the salary is paid to the widow or to the estate?

Mr. IRELAND. Yes; to the widow or to the estate.

Mr. GARD. In this instance Mr. Nichols had no widow or dependent children?

Mr. IRELAND. No; he was unmarried and there will be no administration of his estate.

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

There was no objection.

The resolution was agreed to.

RIVER AND HARBOR BILL.

Mr. KENNEDY of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11892, the river and harbor bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the river and harbor appropriation bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. DUPRÉ. Reserving the right to object, Mr. Speaker, I desire to congratulate the gentleman from Iowa on his return to the House.

Mr. GARNER. Reserving the right to object, I presume the gentleman from Iowa has consulted with the ranking minority member of the committee with reference to sending this bill to conference.

Mr. KENNEDY of Iowa. The gentleman from North Carolina [Mr. SMALL], the ranking member, is not here, but he asked to have the bill sent to conference, saying that he could not be here.

Mr. GARNER. That is one thing I want to suggest to gentlemen on that side, that when they ask unanimous consent to send a bill to conference I think it is nothing but their duty to the minority to state that they have consulted the ranking member of the minority who is going to be on the conference and that it is agreeable to him.

Mr. BLANTON. Mr. Speaker, I make the point of order that no quorum is present.

Mr. IRELAND. I hope the gentleman will withhold that for a minute.

Mr. BLANTON. I will withhold it.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KENNEDY of Iowa, Mr. DEMPSEY, and Mr. GALLAGHER.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 351. Joint resolution extending the provisions of an act amending section 32 of the Federal farm loan act approved July 17, 1916, to June 30, 1921.

The message also announced that the Senate had passed with amendment joint resolution (H. J. Res. 354) authorizing the Secretary of War to loan to Paul E. Slocumb Post, No. 85, Grand Army of the Republic, Bloomington, Ind., necessary tents and cots for use at the State encampment to be held at said city May 25, 26, and 27, 1920, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of South Carolina as the conferees on the part of the Senate.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 1695. An act validating certain homestead entries; to the Committee on the Public Lands.

#### LOAN OF TENTS AND COTS TO THE PAUL E. SLOCUMB POST, G. A. R.

Mr. BLAND of Indiana. Mr. Speaker, I call up House joint resolution 354 from the Speaker's table, authorizing the Secretary of War to loan tents, cots, and so forth, to the Paul E. Slocumb Post, of Bloomington, Ind.

The SPEAKER. The gentleman calls up from the Speaker's table the bill of which the Clerk will read the title.

The Clerk read as follows:

House joint resolution (H. J. Res. 354) authorizing the Secretary of War to loan to the Paul E. Slocumb Post, No. 85, Grand Army of the Republic, Bloomington, Ind., necessary tents, cots, and blankets for use at the State encampment to be held in said city May 25, 26, and 27, 1920.

Mr. BLAND of Indiana. Mr. Speaker, I move to concur in the Senate amendment.

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

Mr. BLAND of Indiana. Yes.

Mr. GARD. What amendment is it?

Mr. BLAND of Indiana. To strike out the word "blankets."

Mr. GARD. And permit the use of tents and cots?

Mr. BLAND of Indiana. Yes; and eliminate blankets.

The SPEAKER. The question is on concurring in the Senate amendment.

The motion was agreed to.

On motion of Mr. BLAND of Indiana, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

#### REVISION OF THE LAWS.

Mr. IRELAND. Mr. Speaker, I call up the following privileged resolution, which I send to the desk and ask to have read. The Clerk read as follows:

#### House resolution 548.

Resolved, That the Committee on Revision of the Laws of the House of Representatives is hereby authorized to employ, in addition to a reviser now authorized, other competent persons to assist in codifying, revising, and compiling the laws of the United States under the direction and supervision of the said committee and the chairman thereof, and the Clerk of the House of Representatives is authorized and directed to pay from the contingent fund of the House of Representatives to the additional persons so employed the amounts designated for each by the chairman of the said committee, upon vouchers by the said chairman, but not to exceed the total amount to the said additional employees of \$9,000.

With the following committee amendment:

Line 11, after the word "chairman," insert the words "and approved by the Committee on Accounts."

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

Mr. IRELAND. Yes.

Mr. BLANTON. These employees who are sought to be provided for by this resolution are of what kind—lawyers?

Mr. IRELAND. If the gentleman will permit me to make a statement on that, I think I can clear the matter up. This resolution is offered to assist the Committee on Revision of the Laws, that has had this work under consideration since the beginning of this term. The appropriations made for the clerks and the reviser mentioned in the resolution have proven inadequate for the expedient dispatch of this business. The chairman of the committee has interviewed as many of the lawyer Members of the House as it was possible for him to see, and I understand that without exception they are all very much pleased with the work that he has thus far accomplished. The additional help, aid, and legal assistance which he contemplates hiring are all lawyers, who have had considerable experience in the legal editions of—

Mr. BLANTON. Is this codification being done by the committee or by paid experts?

Mr. IRELAND. I imagine that the technical, routine work is largely done by the revisers.

Mr. BLANTON. And they are paid what kind of salaries?

Mr. IRELAND. Their salaries are of different amounts—\$100 a month or such a matter, most of them.

Mr. BLANTON. Does the gentleman know that?

Mr. IRELAND. I have the word of the chairman of the committee. I will yield to him in a moment. He can explain all of that.

Mr. BLANTON. Does the gentleman think that he should inflict this resolution on the House at this time of day, after the House agreed to so many of his resolutions this evening?

Mr. IRELAND. Unfortunately, I can not choose the time. I have been waiting for over 30 days to get these resolutions considered. I have yielded to everyone, and I think I have been very patient. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, I have been very much interested in the matter of codifying the laws of the United States so that they can be printed in one volume, so that the people can find out what the law is. When the gentleman from Kansas [Mr. LITTLE] was made the chairman of the Committee on Revision of the Laws I told him that we would give him a good committee, and that they must go to work and see if it were not possible to codify the laws—not to revise them—and put the existing laws in a codified shape as they stand, without attempting to change them, and then endeavor to pass that codification and make it the law as a codified statute of the United States. [Applause.] There is nothing that we could do in a small way that would be of greater advantage to everyone than that sort of thing. The gentleman from Kansas [Mr. LITTLE] and his committee, including some very excellent men on both sides of the House, have been doing exceedingly good work in this matter. Of course, they do not do the work of codifying the statutes themselves, personally, in the main, although the gentleman from Kansas [Mr. LITTLE] and I think the gentleman from Virginia [Mr. MOORE] have given some personal attention even to that. They have done a lot of this work; I do not know just how much, but a third or more. There is no political patronage about the work. The gentleman from Kansas has endeavored to get as competent service as he can. He has employed the services of men who are familiar with the matter of law codification to do the work, one man doing one piece of work and another man doing another piece of work, all of which the committee very carefully scrutinizes;

but it is impossible with the force they have to complete that work by the time of meeting in December. No one can tell exactly how much it will cost. I have talked with the chairman on a good many occasions and have discovered that he is not inclined to be extravagant. I think, if this is permitted, in all probability we will be able to have presented to the House when we meet in December a complete codification of the law down to the date which was selected, which was a year or two back, and we hope and expect that we will be able to pass that through both Houses of Congress in some way so that it will become a revised statute of the United States.

The gentleman from Louisiana [Mr. WATKINS] has done exceedingly good work on this committee in the past and is continuing to do it now. The expense of this is nominal. Let us, if we can possibly do it, try to fix it so that anyone can find out what the law is.

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

Mr. MANN of Illinois. Certainly.

Mr. BLANTON. The gentleman surely will agree that if the work is to be worth anything it must be done by experts.

Mr. MANN of Illinois. Certainly; and it is being done by experts.

Mr. BLANTON. While our distinguished colleagues oversee the work, of course they can not do the actual work.

Mr. MANN of Illinois. No.

Mr. BLANTON. I am heart and soul with the gentleman from Kansas [Mr. LITTLE] in the matter. I have been looking into the work that he has done, and very much approve of it. The question is now, Are we in a position, is the Government in position, when it is in debt to the extent of nearly \$28,000,000, to employ the kind of experts who should be in charge of this work, and should we go to the necessary expense in order to get proper work at this time?

Mr. MANN of Illinois. I think so; the expense is not very great.

Mr. BLANTON. One \$4,000 man is to be employed in this resolution, as I understand it.

Mr. MANN of Illinois. Oh, no; not at all.

Mr. BLANTON. I was so informed.

Mr. MANN of Illinois. The gentleman is mistaken. That is not in the resolution.

Mr. BLANTON. The resolution authorizes not to exceed \$9,000.

Mr. MANN of Illinois. The resolution authorizes not to exceed \$9,000. That is not to employ a \$4,000 man at all, as I understand it. I think what the chairman of the committee wants to do is to employ some man who is learned in this business to do part of this work in his extra time.

There are a number of people who are competent to do that. The chairman asked me the other day if I could recommend to him some man competent to do that work, and I told him I could not, and I have not and I do not intend to try to do so.

Mr. BLANTON. The gentleman speaks of some extra time. The gentleman means some time put in out of hours?

Mr. MANN of Illinois. I mean possibly a college professor who knows the game and who will do this extra work at night on one class of work.

Mr. BLANTON. I think somebody ought to be employed to put in all his time on it.

Mr. MANN of Illinois. Oh, well, there ought to be employed experts who will do the work well.

Mr. OLIVER. I think the gentleman will find that he can secure some excellent suggestions from the West Publishing Co., if the chairman of the committee will call on them—

Mr. MANN of Illinois. I will say that I understand the chairman of the committee has had expert advice of the West Publishing Co. and also the Cooperative Publishing Co., if that still exists, and various other publishing concerns, and I think now they have reached the conclusion that if it can it would be desirable for Congress to revise its statutes in one volume. [Applause.]

Mr. IRELAND. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. LITTLE]. [Applause.]

Mr. LITTLE. Mr. Speaker, I notice the suggestion just now, and it is a very good one, that we consult the West Publishing Co., for example. I desire to say that at the start of this work I consulted that company, and they are very warmly supporting me, and right now are doing some work for me. That is also true of the Edward Thompson Publishing Co., which publishes the other annotated statutes, and of Mr. Uriah Barnes, who edited the Barnes Federal Code, the little black books. All of these have helped us, and are helping me right now. Inquiry has been made as to how this work was being done. We have had the assistance in this work of a doctor of laws, who is and has been for 20 years professor of a great law school, and

has been one of the editors of the Cyclopaedia and the Encyclopedia of Evidence and many textbooks. We have had and now have the assistance of a gentleman who was a member of the last commission to revise the laws some 15 years ago. We have helping us a gentleman who edited the last publication of the District laws and several learned lawyers. The way I got them to work was to take their extra time. They teach or practice a part of the time and the rest of the time they write law books, and I have gotten them to assist in this work and they have given me their extra time of evenings and whenever they can. During the last 10 months I have put in most of my own time on the work. We have now finished about one-third of this work, as we estimate. Some inquiry has been made as to the character of the work. I have letters from two justices of the Supreme Court and one of them says that the research and industry displayed is wonderful. The other says as far as he can see, and he has examined it as much as he had time, the work is well and thoroughly done. I had a letter from one of the biggest law firms in the United States to-day stating that they had looked into it—I sent them a copy—and they said it was well done. As I say, the work up to the present time is one-third done as we figure, and has cost \$5,000. The last time it was attempted, some 15 years ago, the preparation cost about \$200,000. When they got this far they had spent \$60,000. We have spent \$5,000. When the Revised Statutes were enacted in 1874, the Hon. Luke P. Poland, chairman of the Revision of Laws Committee, reported that it cost \$100,000, which would be at the rate of about \$35,000 for one-third, and we have done it for \$5,000. One reason, as I said, is that the chairman has given his time to it and made no charge; and another reason was that it was done under the work of a committee of the House and by a chairman who gave his personal attention to it. A distinguished Senator said that the reason we got it done was because somebody gave it his personal attention, some Member who took a personal interest, which is much better than any commission we have ever had, because no bill ever drawn by a commission has ever been reported favorably by any committee of this House. Now, in figuring that we have done one-third at \$5,000, we can figure it for about \$10,000, and by careful figuring I reach the conclusion that if I had \$9,000 to spend, we could finish it by December. We have been working about 10 months. I think in the next six months we can do twice as much work as we did in the last 10, and thus complete this book if we get this money to employ a few more assistants and spur up—

Mr. SIMS. Will the gentleman yield just for information?

Mr. LITTLE. Certainly.

Mr. SIMS. The gentleman did not state, and therefore I did not know, what went with all the work done by the same committee under the chairmanship of the gentleman from Louisiana [Mr. WATKINS]. Is that included in the \$5,000?

Mr. LITTLE. No. Congress has been allowing \$4,000 a year for the revisal. I took that for 10 months and part of the clerk hire and employed three to four men whom I put to work, giving one of them \$125 a month, or rather \$1,500 a year, and another \$1,200, and another whatever I could pay him. Some of them worked for whatever I found I could give them. We have men helping right now who are so anxious to get it done they are working for nothing. Of course, I can not expect them to continue that way. The reviser before me, the gentleman from Louisiana [Mr. WATKINS], brought in his bill before I came here, which passed the House, but did not go through the Senate. It was a bill to revise only a certain part of the laws; not to codify them all. In all the history of this country there has been but one code of our laws made, and that was 46 years ago. The laws now are in 36 volumes.

When I became chairman of this committee and investigated the former work of the committee I found that it was allowed \$4,000 a year for a reviser. The question arose as to what he should do. Forty-six years ago a bill was passed enacting the Revised Statutes as the Code of American Laws. Since then the committee has from time to time revised certain comparatively small parts of the laws and done some admirable work, but as fast as they finished anything something came along to amend and they were no nearer finished than before they started. In 1897 a commission was appointed which, drawing \$20,000 a year for some nine years, completed a revision which was turned down by the Committee on Revision. After a careful inquiry I decided that we would take the \$4,000 a year and go ahead and make a new code of all the laws like they did in 1874. What is the use of making two bites of a cherry? It only cost \$100,000 in 1874 and here I was all equipped with \$4,000 a year and \$2,000 for a clerk. The committee said that they would stay with me and we went at it. For 10 months the \$4,000 a year has been devoted to this task as well as most of my committee clerk's salary, which was expended to employ

a reviser. So with about \$5,000 we have completed one-third of this work so well that justices of the Supreme Court commend it highly. We must do twice as much in the next six months as we did in the past 10 in order to have the bill ready for a vote the first week in December. Our revisers are more experienced and can work more rapidly now. I have located other good men, and with this money I can employ sufficient experienced talent to finish in time. The committee has been very helpful. The gentleman from Virginia [Mr. MOORE], a learned lawyer, has been able to give us some of his time with very helpful results. Up till now the chairman has divided the work with his associates and has carefully gone over every section of the work they have done.

If you will refer to Mr. SLEMP's presentation of the ordinance and fortification bill, you will find the author of this bill saved \$288,500 that day and \$10,000 on Mr. KAHN's last appropriation bill. That \$298,500 will pay for this code in full, and it will not cost the Government one cent except that.

One-third of this proposed code is now before Congress and the bench and the bar of the country for examination and correction. Some mistakes will be discovered and corrected, of course. Everybody will have a chance to investigate the work and conclude as to its value. Up to this time the chairman has had to do about one-half the work. Dr. Burdick, of Kansas University, and Mr. John Lott, of Ohio, have done most of the rest of the first third. Others are helping now. I can not put in so much time this summer. With this fund I can get the aid that will get this bill ready for a vote by December, I think. If I can be accorded 3 per cent of the money already saved, that will, I believe, complete the arduous task.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, will the gentleman yield me two or three minutes?

Mr. IRELAND. Yes.

Mr. SIMS. Mr. Speaker, I had several months' experience in this particular kind of work on the District of Columbia Committee. Judge Jenkins, of Wisconsin, was a member of the committee and chairman of the Judiciary Subcommittee and I was the ranking member of the subcommittee, and it was assigned to us by the committee to get up a bill revising and codifying the laws of the District of Columbia, and we put in months of very hard work on the bill, much of it done at night. The judge and I had no expert assistance. If a gentleman has never done that kind of work he has no idea what a tremendous burden it is and how much time it takes in pure detail drudgery. If the gentleman from Kansas [Mr. LITTLE], with this small amount of money and the kind of assistance he can get for it, can finish this work by the 1st of December, if it is as difficult and as tedious as was the District of Columbia work of like character, I think he will deserve a monument to his memory. I am only afraid that he can not get as good and as competent assistants as he ought to have with this appropriation. The codification is needed very badly, and having had experience I know whereof I speak with reference to this kind of work.

Mr. SISSON. Will the gentleman from Illinois yield to me?

Mr. IRELAND. I yield two minutes to the gentleman.

Mr. SISSON. Mr. Speaker, of course, in two minutes I can not say what I would like to say about this matter, but I had occasion to go into Mr. Little's office and examine the work that is being done. I was appointed on this committee when I first came to Congress, and there was some work in progress at that time. We revised two portions of the law—civil and criminal procedure. Now, I do not think anything is quite as much needed in this country as to have a code in such form that it can be used by the people throughout the country, and if the gentleman from Kansas can do this work for anything like the amount that is asked for here, he is to be congratulated and the country is to be congratulated. And if he can get a code so that the lawyers will not have to go through 37 great big volumes of the acts of all kinds, hunting up what the law is, he will have rendered the country a very great service and will be entitled to very great credit. And if he can accomplish this work between now and the beginning of the next session, I want to see that code denominated as the "Little Code." [Applause.]

Mr. IRELAND. Mr. Speaker, I move the previous question on the adoption of the resolution and the amendment.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

#### SUBSTITUTE TELEPHONE OPERATOR.

Mr. IRELAND. Mr. Speaker, I ask for the consideration of the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 547.

*Resolved*, That there shall be paid out of the contingent fund of the House, during the remainder of the present fiscal year, compensation not exceeding the rate of \$2.50 per diem for the services of a substitute telephone operator.

Mr. IRELAND. Mr. Speaker, I ask that a letter from the Clerk of the House of Representatives, of an explanatory nature, be read.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. GARD. How many more of these resolutions will the gentleman have to-night?

Mr. IRELAND. Four or five, possibly.

The SPEAKER. The Clerk will read the letter.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,  
CLERK'S OFFICE,  
Washington, D. C., May 4, 1920.

HON. CLIFFORD IRELAND,  
Chairman Committee on Accounts,  
House of Representatives, Washington, D. C.

MY DEAR MR. IRELAND: By reason of an unusual amount of sickness during the present fiscal year of our regular force of telephone operators, the appropriation of \$500 for the employment of a substitute operator is exhausted, and we have two months remaining of the fiscal year. For this period it is estimated that an amount not exceeding \$150 will be necessary.

I inclose a draft of a resolution for the employment of such substitute at the usual rate of compensation, \$2.50 per diem, until July 1, when the regular appropriation will become available, and would thank you to cause it to be considered by the Committee on Accounts.

Very truly, yours,

WM. TYLER PAGE.

Mr. BLANTON. Will the gentleman yield, Mr. Speaker?

Mr. IRELAND. Certainly.

Mr. BLANTON. The gentleman said he had four or five more of these resolutions?

Mr. IRELAND. Yes.

Mr. BLANTON. The gentleman has not any peace resolutions, so called, among them, has he?

Mr. IRELAND. No.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

JOHN A. M'KENZIE.

Mr. IRELAND. Mr. Speaker, I ask for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 514.

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, to John A. McKenzie, janitor and messenger in the rooms of the official stenographers to committees, additional compensation at the rate of \$260 per annum, payable monthly.

Mr. IRELAND. Mr. Speaker, this resolution is to equalize the salary of the messenger to the committee reporters with that of the messenger to the reporters of debates in the House. When the salaries of the reporters of debates and the stenographers to the committees were raised, the salary of the messenger to the reporters of debates was raised, but this messenger was overlooked. He has been an employee of the committee stenographers for over 20 years.

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

Mr. IRELAND. Certainly.

Mr. CALDWELL. How many more resolutions have you before you come to the majority and minority clerks?

Mr. IRELAND. I do not think we have time to reach that to-night.

Mr. CALDWELL. If you have no time to reach that, I will make the point of no quorum.

Mr. IRELAND. I wish the gentleman would withhold that.

Mr. CALDWELL. I wish the gentleman would call it up as the next one.

Mr. IRELAND. I can not do that.

Mr. CALDWELL. I make the point of no quorum.

Mr. IRELAND. I move a call of the House, Mr. Speaker.

The SPEAKER. Obviously no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Bland, Mo.	Byrnes, S. C.	Cole
Anderson	Bland, Va.	Campbell, Pa.	Cooper
Anthony	Booher	Cantrill	Copley
Aswell	Brinson	Caraway	Costello
Bankhead	Brumbaugh	Carter	Crago
Barkley	Buchanan	Casey	Crowther
Benson	Burke	Clark, Fla.	Cullen
Blackmon	Butler	Classon	Curry, Calif.



Darrow	Harrison	McFadden	Sanford
Dempsey	Hastings	McKenzie	Schall
Dent	Haugen	McPherson	Scully
Dewalt	Hayden	Madden	Sears
Dickinson, Mo.	Hays	Maher	Shreve
Dickinson, Iowa	Hernandez	Mansfield	Slemp
Dominick	Hill	Martin	Small
Donovan	Hoey	Mason	Smithwick
Doremus	Holland	Mays	Snyder
Drane	Howard	Mead	Steagall
Drewry	Hulings	Merritt	Stedman
Dunn	James	Montague	Steele
Dyer	Johnson, Wash.	Mooney	Stephens, Ohio
Eagle	Johnston, N. Y.	Moore, Va.	Stevenson
Echols	Jones, Pa.	Moore, Ind.	Stiness
Elliott	Jones, Tex.	Morin	Strong, Pa.
Ellsworth	Juhl	Mott	Sullivan
Elston	Kahn	Neely	Swope
Esch	Kearns	Nicholls	Taylor, Colo.
Evans, Nebr.	Kelley, Mich.	Olney	Tillman
Fairfield	Kelly, Pa.	Padgett	Towner
Ferris	Kendall	Peters	Treadway
Fess	Kennedy, Iowa	Porter	Upshaw
Fields	Kettner	Pou	Vare
Fisher	Kiess	Rainey, Ala.	Ward
Flood	Kitchin	Ramsey	Wheeler
Focht	Klecza	Ramseyer	Williams
Freeman	Knutson	Reavis	Wilson, Ill.
Fuller, Mass.	Lankford	Reber	Wilson, Pa.
Gallivan	Lee, Ga.	Rhodes	Wood, Ind.
Garland	Leshner	Riddick	Woods, Va.
Gedwin, N. C.	Longworth	Riordan	Yates
Good	Lufkin	Rose	Young, N. Dak.
Goodykoontz	McArthur	Rowan	Zihlman
Gould	McClintie	Rucker	
Hamilton	McCulloch	Sabath	
	McDuffie	Sanders, Ind.	

The SPEAKER. Two hundred and forty-nine Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### EXTENSION OF REMARKS.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### ASSISTANT IN THE DOCUMENT ROOM.

Mr. IRELAND. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 508.

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, additional compensation at the rate of \$180 per annum to one assistant now being paid \$1,100 per annum in the House document room.

Mr. IRELAND. Mr. Speaker, this is to equalize the salaries of the employees in the House document room. No one seems to know exactly why, but there are 11 of them drawing \$1,200 compensation, while one draws \$920. This is to equalize the salaries of the men, all of whom are doing the same work.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. IRELAND. Mr. Speaker, I ask for the present consideration of another resolution which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### House resolution 492.

*Resolved*, That there shall be paid out of the contingent fund of the House until otherwise provided by law compensation at the rate of \$1,200 per annum for the service of a shipping clerk in the folding room of the House, such shipping clerk to be in lieu of a folder at the rate of \$900 per annum.

Mr. IRELAND. Mr. Speaker, this involves the expenditure of \$300, the difference between \$900 and \$1,200—\$900 being his present compensation. The necessity of a shipping clerk in the folding room is apparent to all who have had experience there, and that service has been performed for some years. The recipient of the additional salary has been in the employ of the House of Representatives since 1889, and performing the duties of a shipping clerk.

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

Mr. IRELAND. Yes.

Mr. GARD. Will the man who gets this increase have the title of shipping clerk? Is he now employed in the document room?

Mr. IRELAND. Yes. He has been employed continuously since 1889.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### EXTENSION OF REMARKS.

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to extend the remarks I made on the amendment here a while ago.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLER, for the day, on account of the funeral of a relative.

To Mr. SUMMERS of Washington (at the request of Mr. WEBSTER), for the day, on account of official business.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Thursday, May 20, 1920, 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 supplemental estimates of appropriation required by the Post Office Department for the Official Postal Guide, and for other purposes (H. Doc. No. 772); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the Government Printing Office for leaves of absence of employees and for expenses of the office of superintendent of documents, fiscal year 1921 (H. Doc. No. 773); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting from the Attorney General a list of judgments rendered against the Government by district courts, together with an estimate of appropriation required for the payment of said judgments (H. Doc. No. 774); to the Committee on Appropriations and ordered to be printed.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lake Tahoe, Calif. and Nev.; to the Committee on Rivers and Harbors.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, to which was referred the resolution of the House (H. Res. 563) providing for the consideration of House Report No. 998 from the Select Committee on Expenditures in the War Department, and for other purposes, reported the same without amendment, accompanied by a report (No. 1002), which said resolution and report were referred to the House Calendar.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution of the Senate (S. J. Res. 170) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public, reported the same with amendments, accompanied by a report (No. 1003), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DYER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9559) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump, reported the same with an amendment, accompanied by a report (No. 1001), 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. 14048) granting a pension to Thomas J. Mullin, 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. SIEGEL: A bill (H. R. 14135) to amend an act entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," passed February 20, 1917; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 14136) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by act approved January 23, 1913, and for the establishment of a probation system in the United States courts, except in the District of Columbia; to the Committee on the Judiciary.

By Mr. HICKS: A bill (H. R. 14137) to create a bureau of aeronautics in the Department of Commerce and providing for the organization and administration thereof; to the Committee on Appropriations.

By Mr. VOLSTEAD: A bill (H. R. 14138) to amend section 3221 of the Federal statutes; to the Committee on Ways and Means.

By Mr. MURPHY: A bill (H. R. 14139) to increase the limit of cost of a public building at Steubenville, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 563) providing for the consideration of House report 998, from the Select Committee on Expenditures in the War Department, and for other purposes; to the House Calendar.

Also, resolution (H. Res. 564) for the immediate consideration of House resolution 563 and House report No. 998 on the same subject, previously introduced; to the Committee on Rules.

By Mr. MASON: Joint resolution (H. J. Res. 357) authorizing the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE: A bill (H. R. 14140) granting a pension to Mildred Atchison; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 14141) granting a pension to Guy H. Moore; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 14142) granting a pension to Edward E. Berry; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 14143) granting an increase of pension to William Bieber; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 14144) to remove the charge of desertion against John Starkey; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 14145) for the relief of Peter Bur; to the Committee on Claims.

By Mr. RICKETTS: A bill (H. R. 14146) granting a pension to Emma D. Potts; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 14147) granting a pension to Henry Clifton; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 14148) to correct the military record of A. J. Henry; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 14149) granting a pension to Nina R. Benjamin; 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:

3724. By the SPEAKER: Petition of Allied Patriotic Societies of America, Philadelphia, Pa., favoring the enforcement of the existing immigration laws and the passage of additional restrictive legislation; to the Committee on Immigration and Naturalization.

3725. By Mr. BROOKS of Pennsylvania: Petition for increased compensation of superintendents of national cemeteries; to the Committee on Military Affairs.

3726. By Mr. CAREW: Petition of Missouri State Dental Association and the Kansas City (Mo.) Board of Trade, regarding the tax on certain articles; to the Committee on Ways and Means.

3727. By Mr. DALLINGER: Petition of Aero Club of Massachusetts, favoring a separate air service for the Army; to the Committee on Military Affairs.

3728. By Mr. GALLIVAN: Sundry letters and telegrams from citizens of the State of Massachusetts, opposing the proposed tax on advertising; to the Committee on Ways and Means.

3729. Also, sundry letters and telegrams from citizens of the State of Massachusetts, favoring the passage of the Mason bill; to the Committee on Foreign Affairs.

3730. Also, sundry letters and telegrams from citizens of the State of Massachusetts, favoring an increase in salaries for postal employees; to the Committee on the Post Office and Post Roads.

3731. Also, petition of sundry citizens of the State of Massachusetts, favoring the bonus for ex-service men and women; to the Committee on Ways and Means.

3732. Also, petition of C. D. Irwin, of Brookline, Mass., favoring the passage of House bill 12446 and opposing the recognition of the Irish Republic; to the Committee on Foreign Affairs.

3733. By Mr. GOLDFOGLE: Petition of the Workmen's Circle, East New York Branch 295, and the Mattress and Box Spring Makers' Union, Local 47, of New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3734. Also, petition of superintendent of public works of the State of New York, protesting against continued Government activities on the barge canal; to the Committee on Interstate and Foreign Commerce.

3735. Also, petition of Real Estate Board of New York, protesting against the proposed tax on real-estate transactions in connection with the bonus bill; to the Committee on Ways and Means.

3736. By Mr. KELLEY of Michigan: Resolution of the Exchange Club of Detroit, Mich., favoring a modification of the seaman's act in so far as it relates to the Great Lakes; to the Committee on Interstate and Foreign Commerce.

3737. By Mr. KENNEDY of Rhode Island: Petition of members of Woonsocket Day Nursery and Children's Home of Woonsocket, R. I., favoring passage of House bill 10925; to the Committee on Interstate and Foreign Commerce.

3738. By Mr. LEA of California: Petition of Chico Ad Club, Chico, Calif., recommending a just increase in the salary of postal employees; to the Committee on the Post Office and Post Roads.

3739. By Mr. LINTHICUM: Petition of Arthur E. Hungerford, Baltimore, Md., in relation to House bill 13334; to the Committee on the Merchant Marine and Fisheries.

3740. Also, petition of George J. Streckfus, jr., Baltimore, Md., in relation to Senate bill 4089; to the Committee on Interstate and Foreign Commerce.

3741. Also, petition of M. D. Swartz, Allied Printing Trades Council, M. S. Curry, John G. McCoy, Rabbi William Rosenau, Baltimore Highlands Importers' Association, and K. Cooper, all of Baltimore, Md., in relation to postal increase; to the Committee on the Post Office and Post Roads.

3742. By Mr. LONERGAN: Petition of North Bloomfield, Conn., Milk Producers' Association, favoring the passage of the Tilson bill for the Federal regulation of shipping milk; to the Committee on Interstate and Foreign Commerce.

3743. By Mr. O'CONNELL: Petition of C. Kenyon Co., of New York, opposing the passage of House bill 12976; to the Committee on Ways and Means.

3744. Also, petition of the Workman's Circle, East New York Branch 295, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3745. Also, petition of J. L. McCormack and John J. Carter in connection with tax on stock transactions; to the Committee on Ways and Means.

3746. Also, petition of twentieth assembly district, Regular Republican Club (Inc.), and Flatbush Chamber of Commerce (Inc.), both of New York, favoring increased salaries for postal employees; to the Committee on the Post Office and Post Roads.

3747. By Mr. RAKER: Petition of J. McCander, secretary in behalf of members of Division 425, Brotherhood of Locomotive Engineers, protesting against Army reorganization bill as now in conference; to the Committee on Military Affairs.

3748. By Mr. TAGUE: Petition of the Barrett Co., of Boston, Mass., opposing the passage of Senate bill 3223; to the Committee on Patents.

3749. Also, petition of the American Thread Co., of Fall River, Mass., and Samuel I. Cohen, of Boston, Mass., favoring higher pay for postal employees; to the Committee on the Post Office and Post Roads.

## SENATE.

THURSDAY, May 20, 1920.

(Legislative day of Wednesday, May 19, 1920.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STERLING). The Secretary will call the roll.

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

Ball	Gay	McCormick	Sheppard
Brandege	Henderson	McCumber	Smoot
Calder	Jones, Wash.	McNary	Sterling
Chamberlain	Kellogg	Nelson	Thomas
Comer	Kendrick	New	Trammell
Curtis	King	Norris	Underwood
Dillingham	Knox	Page	Warren
Fall	Lenroot	Reed	Watson
Fernald	Lodge	Robinson	Williams

Mr. KING. The senior Senator from Virginia [Mr. SWANSON] and the junior Senator from Virginia [Mr. GLASS] are necessarily detained from the Senate.

The Senator from Kentucky [Mr. BECKHAM], the Senator from Georgia [Mr. HARRIS], the Senator from California [Mr. PHELAN], and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. HALE] and the Senator from New Hampshire [Mr. KEYES] are absent on official business.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. HARRISON, Mr. MCKELLAR, Mr. NUGENT, Mr. STANLEY, and Mr. WADSWORTH answered to their names when called.

Mr. GRONNA and Mr. DIAL entered the Chamber and answered to their names.

Mr. GRONNA. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], due to illness. I ask that this announcement may stand for the day.

Mr. DIAL. I announce the absence of my colleague [Mr. SMITH of South Carolina] on official business. I ask that this notice may stand for the day.

Mr. SPENCER, Mr. WALSH of Montana, and Mr. CAPPER entered the Chamber and answered to their names.

Mr. CAPPER. I announce the absence of the Senator from Massachusetts [Mr. WALSH] and the Senator from Connecticut [Mr. McLEAN] on official business.

Mr. FRANCE, Mr. CULBERSON, Mr. KENYON, Mr. HARRIS, Mr. OVERMAN, Mr. RANSDELL, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

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

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for

other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. KENNEDY of Iowa, Mr. DEMPSEY, and Mr. GALLAGHER managers at the conference on the part of the House.

The message also announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. ANTHONY, Mr. MCKENZIE, Mr. DENT, and Mr. FIELDS managers at the further conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 5163) authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 10072) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 7629) to amend the penal laws of the United States.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12044) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the joint resolution (H. J. Res. 354) authorizing the Secretary of War to loan to Paul E. Slocumb Post, No. 85, Grand Army of the Republic, Bloomington, Ind., necessary tents, cots, and blankets for use at the State encampment to be held at said city May 25, 26, and 27, 1920.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 354) authorizing the Secretary of War to loan to Paul E. Slocumb Post, No. 85, Grand Army of the Republic, Bloomington, Ind., necessary tents and cots for use at the State encampment to be held at said city May 25, 26, and 27, 1920, and it was thereupon signed by the Presiding Officer.

### PETITIONS AND MEMORIALS.

Mr. CAPPER presented a petition of sundry inmates of the National Military Home, Kans., praying for the enactment of legislation granting pensions to survivors of Indian wars, which was ordered to lie on the table.

Mr. TOWNSEND presented memorials of the Albanian societies of Detroit, Mich., remonstrating against the enactment of legislation awarding to Greece the two southern Albanian Provinces of Koritza and Argyrocastro, which Provinces have been misnamed "Northern Epirus," and praying that the representatives of Albania be granted a hearing, which were ordered to lie on the table.

### LANDS IN ALASKA.

Mr. McNARY, from the Committee on Public Lands, to which was referred the bill (S. 2791) to provide for the leasing of lands in Alaska for stock breeding and other purposes, reported it with amendments and submitted a report (No. 612) thereon.

### CAMPAIGN EXPENDITURES.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 357, to which I call the attention of the Senator from Idaho [Mr. BORAH].

Mr. BORAH. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, on page 1, line 13, before the words "remedial legislation," to insert "any necessary"; and on line 14 to strike out the words "relative to this growing evil."

The amendments were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

Mr. KING. I ask that the resolution as amended may be read.